



The Rajasthan Forest Act, 1953

Act 13 of 1953

Keyword(s):

Rajasthan Forest, Cattle, Forest Offence, River, Timber, Trees, Forest Area

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Government of Rajasthan



THE
RAJASTHAN FOREST ACT

1953

राजस्थान वन अधिनियम

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repugnant in the subject or context: —

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LAW DEPARTMENT

NOTIFICATION

Jaipur, April 10, 1953.

No. P. 12 (12) L/53:— The following Act of the Rajasthan State Legislature has received the assent of the President on the 31st day of March, 1953 and is hereby published for general information:—

THE RAJASTHAN FOREST ACT, 1953.

(Act No. XIII of 1953)

[Received the assent of the President on 31st day of March, 1953]

An

Act

to consolidate the law relating to forests the transit of forest produce and the duty leviable on timber and other forest produce.

Be it enacted by the Rajasthan State Legislature as follows:

CHAPTER I

Preliminary

1. *Short Title, Extent and Commencement:*—(1) This Act may be called the Rajasthan Forest Act, 1953.

(2) It extends to the whole of Rajasthan and shall come into force on such date as the Government may, by notification in the Rajasthan Gazette, appoint in that behalf.

2. *Definitions:*— In this Act unless there is anything repugnant in the subject or context:—

(1) "Cattle" includes elephants, camels, buffaloes, horses mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(2) "Forest Officer" means any person whom the Government or any Officer empowered by the Government in this behalf may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest Officer;

(3) "Forest Offence" means an offence punishable under this Act or under any rule made thereunder;

(4) "Forest Produce" includes:—

* Amended vide,
the Rajasthan Forest
(Amendment) Act,
1956 (Act No. 22 of
1956).

(a) the following whether found in, or brought from a forest or not, that is to say:—
Timber, charcoal, caoutchouc catechu, wood oil, rosin, natural varnish, bark, lac, mahua flowers, mahua seeds and myrabolans, and

(b) the following when found in, or brought from a forest, that is to say:—

(i) trees and leaves, flowers and fruits and all other parts or produce not hereinbefore mentioned of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants;

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax and other parts of produce of animals, and

(iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils and all products of mines or quarries).

(5) "Government" means the Government of Rajasthan;

- (6) "Owner" includes the Court of Wards in respect of property under the Superintendence or charge of such Court;
- (7) "River" includes any stream, canal, creek or other channels natural or artificial;
- (8) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and
- (9) "Trees" includes palms, bamboos, stumps, brushwood and canes.

CHAPTER II

Of Reserved Forests.

3. *Power to reserve forest:*—The Government may constitute any forest land or waste land, which is the property of Government, or over which the Government has proprietary rights or to the whole or any part of the forest produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. *Notification by Government:*—(1) Whenever it has been decided to constitute any land a reserved forest, the Government shall issue a Notification in the Rajasthan Gazette—

- (a) declaring that it has been decided to constitute such land a reserved forest;
- (b) specifying as nearly as possible, the situation and limits of such land; and
- (c) appointing an officer (hereinafter called 'the Forest Settlement Officer') to enquire into and determine the existence, nature and extent of any rights

alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest produce and to deal with the same as provided in this chapter.

Explanation:—For the purpose of clause (b) it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of subsection (1) shall ordinarily be a person not holding any forest office except that of Forest Settlement Officer.

(3) Nothing in this Section shall prevent the Government from appointing any number of Officers not exceeding three, not more than one of whom shall be a person holding any forest office except as aforesaid, to perform the duties of a Forest Settlement Officer under this Act.

5. *Bar of accrual of forest rights:*—After the issue of a notification under Section 4, no right shall be acquired in or over the land comprised in such notification, except, by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the Government in this behalf.

6. *Proclamation by Forest Settlement Officer:*—When a notification has been issued under Section 4 the Forest Settlement Officer shall publish in Hindi in writing as well as by beat of drum in every town and village in the neighbourhood of the land comprised therein, a proclamation,

(a) specifying as nearly as possible, the situation and limits of the proposed forests;

(b) explaining the consequences which as hereinafter provided will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in Section 4 or Section 5 within such period either to present to the Forest Settlement Officer a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. *Inquiry by Forest Settlement Officer*:—The Forest Settlement Officer shall take down in writing all statements made under Section 6, and shall at some convenient place inquire into all claims duly preferred under that Section, and the existence of any rights mentioned in Section 4 or Section 5 and not claimed under Section 6 so far as the same may be ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same.

8. *Powers of Forest Settlement Officer*:—For the purpose of such inquiry, the Forest Settlement Officer may exercise the following powers, that is to say:—

(a) power to enter by himself or any officer authorised by him for the purpose, upon any land and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits.

9. *Extinction of rights*:—Rights in respect of which no claim has been preferred under Section 6 and of the existence of which no knowledge has been acquired by inquiry under Section 7, shall be extinguished, unless, before the notification under Section 20 is published, the person

claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under Section 6.

10. *Treatment of claims relating to practice of shifting cultivation:*—(1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement Officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated and submit the statement to the Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion the Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement Officer may arrange for its exercise:—

- (a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimant, or
- (b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.

(i) All arrangements made under sub-section (3) shall be subject to the previous sanction of the Government.

(ii) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Government.

11. *Power to acquire land over which right is claimed:*—(1) In the case of a claim to a right in or over

any land other than the following rights:—

- (a) a right of way;
- (b) a right of water-course, or to use of water,
- (c) a right of pasture, or
- (d) a right to forest produce.

The Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part the Forest Settlement Officer shall either—

- (i) exclude such land from the limits of the proposed forest, or
- (ii) come to an agreement with the owner thereof for the surrender of his rights, or
- (iii) proceed to acquire such land in the manner provided by law for the time being in force relating to compulsory acquisition of land.

(3) For the purpose of so acquiring such land:—

- (a) the Forest Settlement Officer shall be deemed to be a Collector proceeding under such law,
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under that law,
- (c) the provisions of that law shall be deemed to have been complied with, and
- (d) the Collector with the consent of the claimant, or the Court with the consent of both parties, may award compensation in land, or partly in land and partly in money.

12. *Claims to rights of way, water-course, pasture, and to forest produce:—*In the case of a claim to rights of

the kind specified in clauses (a), (b), (c) and (d) of Section 11, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

13. *Record to be made by Forest Settlement Officer:*—The Forest Settlement Officer, when passing any order under Section 12, shall record, so far as may be practicable—

- (a) the name, father's name, residence and occupation of the person claiming the right, and
- (b) the designation, position and area of all fields or groups of fields (if any) and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

14. *Record where he admits claims:*—In regard to a claim to a right of pasture or to forest produce admitted under Section 12, the Forest Settlement Officer shall record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest produce obtained by the exercise of the rights claimed may be sold or bartered.

15. *Exercise of rights admitted:*—(1) After making such record the Forest Settlement Officer shall having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement Officer may—

- (a) Set out some other forest tract of sufficient extent, and in a locality reasonably convenient for the

purposes of such claimant and record an order conferring upon them a right of pasture or to forest produce, as the case may be, to the extent so admitted; or

(b) so alter the limits of the proposed forest as to exclude forest land of sufficient extent and in a locality reasonably convenient, for the purpose of the claimants; or

(c) record an order, continuing to such claimants a right of pasture or to forest produce, as the case may be to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules as may be made in this behalf by the Government.

16. *Commutation of rights*:—In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted he shall subject to such rules as the Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

17. *Appeal from order passed under Section 11, Section 12, Section 15 or Section 16*:—Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the Government in this behalf may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under Section 11, Section 12, Section 15, or Section 16 present an appeal from such order to such Officer of the Revenue Department of rank not lower than that of a Collector, as the Government may, by notification in the Rajasthan Gazette appoint to hear appeals from such orders:

Provided that the Government may establish a Court hereinafter called the Forest Court composed of three persons to be appointed by the Government and, when the Forest Court has been so established, all such appeals shall be presented to it

18. *Appeal under Section 17:*—(1) Every appeal under Section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an Officer appointed under Section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal and shall give notice thereof to the parties and shall hear such appeal accordingly.

(4) the order passed on the appeal by such Officer or Court or by the majority of the members of such Court as the case may be shall, subject only to revision by the Government, be final.

19. *Pleaders:*—The Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement Officer or the Appellate Officer or Court, in the course of any inquiry or appeal under this Act.

20. *Notification declaring forest reserved:*—(1) When the following events have occurred, namely:—

(a) the period fixed under Section 6 for preferring claims has elapsed, and all claims, if any, made

Under that Section or Section 9 have been disposed of by the Forest Settlement Officer,

- (b) if any such claims have been made, the period limited by Section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the Appellate Officer or Court, and
- (c) all lands (if any) to be included in the proposed Forest, which the Forest Settlement Officer has, under Section 11, elected to acquire under the law for the time being in force, relating to compulsory acquisition of land, have become vested in the Government under such law,

the Government shall publish a notification in the Rajasthan Gazette specifying definitely, according to boundary marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

21. *Publication of translation of such notification in neighbourhood:*—The Forest Officer shall, before the date fixed by such notification, cause a translation thereof in Hindi to be published in every town and village in the neighbourhood of the forest.

22. *Power to revise arrangements made under Section 15 or Section 18:*—(1) The Government may, within five years from the publication of any notification under Section 20, revise any arrangement made under Section 15 or Section 18, and may for this purpose rescind or modify any order made under Section 15 or Section 18, and direct that any one of the proceedings specified in Section 15 be taken in lieu of any other of such proceedings, or that the

right admitted under Section 12 be commuted under Section 16.

Provided that no such arrangement shall be rescinded or modified unless previous notice has been given to the person or persons likely to be affected by such revision and they have been heard.

<sup>*Inserted vide
Rajasthan Forest
(Amendment) Act 1961
(A-4 No. 34 of 1961).</sup>“(2) The State Government may, by notification in the official Gazette, delegate all or any of its powers under this Section to the Board of Revenue or to any other authority named in such notification.”

23. *No right acquired over reserved forest, except as here provided:—*No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under Section 20 was issued.

24. *Rights not to be alienated without sanction:—*(1) Notwithstanding anything contained in Section 23 no right continued under clause (c) of sub Section (2) of Section 15 shall be alienated by way of grant, sale lease, mortgage or otherwise without the sanction of the Government:

Provided that when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under Section 14.

25. *Power to stop ways and water courses in reserved forests:—*The Forest Officer may with the previous sanction of the Government or any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest; provided that a substitute for the way

or water-course so stopped which the Government deems to be reasonably convenient, already exists or has been provided or constructed by the Forest Officer in lieu thereof.

26. *Acts prohibited in such forests:*—(1) Any person who—

- (a) makes any fresh clearing prohibited by Section 5, or
- (b) sets fire to a reserved forest, or in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning in such manner as to endanger such a forest;

or who in a reserved forest—

- (c) kindles, keeps or carries any fire except at such seasons as the Forest Officer may notify in this behalf;
- (d) trespasses, or pastures cattle or permits cattle to trespass;
- (e) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (f) fells girdles lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;
- (g) quarries stone, burns lime or charcoal or collects subjects to any manufacturing, process or removes any forest produce;
- (h) clears or breaks up any land for cultivation or any other purpose; or
- (i) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishes, poisons water or sets traps or snares;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both in addition to such compensation.

for damage done to the forest as the Convicting Court may direct to be paid

(2) Nothing in this Section shall be deemed to prohibit;

(a) any act done by permission in writing of the Forest Officer, or under any rule made by the Government; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of Section 15, or created by grant or contract in writing made by or on behalf of the Government under Section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest the Government may notwithstanding that any penalty has been inflicted under this section direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit but no such order shall be passed without affording the person's concerned an opportunity to represent their case.

*26.A. Power to make rules

(1) The Government may make rules to regulate the following matters in respect of reserved forests, namely:—

- (a) the making of fresh clearings for cultivation or for any other purpose;
- (b) the continuance of the practice of shifting cultivation;
- (c) the grazing of cattle or the carrying of forest produce by persons whose claim to the right of pasture or right to forest produce or right of way or water course is admitted under Section 12.
- (d) the kindling, keeping or carrying of fire;

*Vide, the Rajasthan Forest (Amendment) Act, 1956 (Act No. 22 of 1956).

- (e) the felling, uprooting, tapping, girdling, sawing conversion and removal of trees and timber and, the collection, manufacture and removal of forest produce, from such forests;
- (f) the examination of forest produce passing out of such forests;
- (g) the protection from fire of timber, charcoal or other produce lying in such forests and of trees;
- (h) the cutting of grass and pasturing of cattle in such forests;
- (i) hunting, shooting, fishing, poisoning water and setting trap or snares in such forests;
- (j) generally for carrying out the purposes of the Act.

(2) The Government may prescribe as penalties for the contravention of any rules made under this Section, imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or both.

27. *Power to declare forest no longer reserved:—*

1) The Government may, by notification in the Rajasthan Gazette, direct that, from a date fixed by such notification any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III

Of Village Forests

28. *Formation of Village Forests:—*(1) The Government may assign to any village community the rights of Government to or over any land which has been constituted

a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The Government may make rules for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to the village forests.

CHAPTER IV

Of Protected Forests

29. *Protected Forests*:—(1) The Government may, by notification in the Rajasthan Gazette, declare the provisions of this chapter applicable to any forest land or waste land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled,

(2) The forest land and waste land comprised in any such notification shall be called a "Protected Forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest land or waste land comprised therein have been inquired into and recorded at a survey or settlement or in such other manner as the Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest land or waste land, the Government thinks that such inquiry and record

are necessary but that they will occupy such length of time as in the mean time to endanger the rights of Government. Government may pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

* (4) The State Government may, by notification in the *Amended vide, the Rajasthan Forest (Amendment) Act, 1969 (Act No. 19 of 1969) Official Gazette, direct that from a date fixed by such notification, any forest or any portion thereof declared as a protected forest by a notification issued under sub-section (1) shall cease to be a protected forest.

(5) From the date so fixed under sub-section (4), such forest or portion thereof shall cease to be a protected forest, but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

30. *Power to issue notification reserving trees etc:—*
The Government may, by notification in the Rajasthan Gazette:—

- (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification.
- (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years as the Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or
- (c) prohibit from a date fixed as aforesaid, the quarrying of stone or the burning of lime or charcoal or the collection or subjection to any manufacturing process, or removal of any forest produce in any such forest and the breaking up or clearing for

cultivation for building, for hording cattle or for any other purpose, of any land in any such forest.

31. *Publication of translation of such notification in neighbourhood:*—The Forest Officer shall cause a translation in Hindi of every notification issued under Section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. *Power to make rules for protected forests:*—The Government may make rules to regulate the following matters, namely—

- (a) the cutting, sawing, conversion and removal of trees and timber and the collection, manufacture and removal of forest produce, from protected forests;
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest produce for their own use, and the production and return of such licences by such persons;
- (c) the granting of licences to persons felling or removing trees or timber or other forest produce from such forests for the purposes of trade, and the production and return of such licences by such persons;
- (d) the payment, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees or to collect and remove such timber or other forest produce;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the place where such payment shall be made;
- (f) the examination of forest produce passing out of such forests;

- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under Section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests;
- (k) the protection and management of any portion of a forest closed under Section 30, and
- (l) the exercise of rights referred to in Section 29.

33. *Penalties for acts in contravention of notification under Section 30 or rules under Section 32:—*(1) Any person who commits any of the following offences, namely:—

- (a) fells, girdles, lops, taps or burns any tree reserved under Section 30, or strips off the bark or leaves from or otherwise damages, any such tree,
- (b) contrary to any prohibition under Section 30 quarries any stone, or burns any lime or charcoal or collects, subjects to any manufacturing process or removes any forest produce,
- (c) contrary to the prohibition under Section 30 breaks up or clears for cultivation or any other purpose any land in any protected forest,
- (d) sets fire to such forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under Section 30, whether standing, fallen or felled or to any closed portion of such forest,
- (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion,
- (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
- (g) permits cattle to damage any such tree;

(h) infringes any rule made under Section 32; shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest produce shall be suspended for such period as it thinks fit, but no such order shall be passed without affording the persons concerned an opportunity to represent their case.

34. *Nothing in this chapter to prohibit acts done in certain cases:*—Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest Officer, or in accordance with rules made under Section 32, or, except as regards any portion of a forest closed under Section 30, or as regards any rights the exercise of which has been suspended under Section 33, in the exercise of any right recorded under Section 29.

CHAPTER V

Of the control over Forest and Lands not being the property of Government

*35. *Protection of forest for special purposes:*—

*Amended, vide, the Rajasthan Forest (Amendment) Act, 1958 (Act No. 23 of 1958).

(1) The Government may, by notification in the Rajasthan Gazette, regulate or prohibit in any forest or waste land:—

- (a) the breaking up or clearing of land for cultivation;
- (b) the pasturing of cattle or
- (c) the firing or clearing of the vegetation;
- (d) the unregulated felling of trees;

When such regulation or prohibition appears necessary for any of the following purposes:—

- (i) for protection against storms, winds, rolling stones and floods;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land slips or of the formation of ravines and torrents or the protection of land against erosion or the deposit thereon of sand, stones or gravel;
- (iii) for the maintenance of water-supply in springs, rivers and tanks;
- (iv) for the protection of road, bridges, railways and other lines of communication;
- (v) for the preservation of the public health;
- (vi) for the prevention of denudation of forests;
- (2) The Government may, for any such purpose [construct at its own expense, in or upon any forest or waste land, such work as it thinks fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause within a reasonable period (not exceeding one month) to be specified in such notice, why such notification should not be made or work constructed as the case may be; and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the Government.

36. *Power to assume management of Forest:—*(1) In case of neglect of or wilful disobedience to, any regulation or prohibition under Section 35 or if the purposes of any work to be constructed under that section so require, the Government may, after notice in writing to the owner of

such forest or land and after considering his objections, if any, place the same under the control of a Forest Officer and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

37. *Expropriation of forests in certain cases:*—(1) In any case under this Chapter in which the Government considers that in lieu of placing the forest or land under the control of a Forest Officer, the same should be acquired for public purposes the Government may proceed to acquire it in the manner provided by the law for the time being in force relating to compulsory acquisition of land.

(2) The owner of any forest or land comprised in any notification under Section 35, may at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the Government shall acquire such forest or land accordingly.

38. *Protection of forests at request of owners:*—

(1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to formation or conservation of forests thereon represent in writing to the Collector their desire:—

(a) that such land be managed on their behalf by the Forest Officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act be applied to such lands.

(2) In either cases, the Government may, by notification in the Rajasthan Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI

Of the Duty on Timber and other forest produce

39. *Power to impose duty on timber and other forest produce:*—(1) The Government may levy a duty in such manner at such places and at such rates as it may declare by notification in the Rajasthan Gazette on all timber, or certain classes of timber or other forest produce which is produced in Rajasthan and in respect of which the Government has any right.

(2) In every case in which such duty is directed to be levied *ad valorem*, the Government may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest produce which at the time when this Act comes into force in any territory, are levied therein under the authority of the Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

40. *Duty not to affect purchase money or royalty:*—Nothing in this chapter shall be deemed to affect the amount, if any, chargeable as purchase money or royalty on any timber or other forest produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

Of the Control of Timber and other forest produce in transit

41. *Power to make rules to regulate transit of forest produce:*—(1) The control of all rivers and their banks as regards the floating of timber as well as the control of all timber and other forest produce in transit by land or water

is vested in the Government, and it may make rules to regulate the transit of all timber and other forest produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may:—

- (a) prescribe the routes by which alone timber or other specified forest produce may be imported, exported or moved into, from or within Rajasthan.
- (b) prohibit the import or export or moving of such timber or other produce within defined local limits, without a pass from an officer duly authorised to issue the same or otherwise than in accordance with the conditions of such pass;
- (c) provide for the issue production and return of such passes and for the payment of fees therefor;
- (d) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark;
- (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;
- (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

- (g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;
- (h) prohibit absolutely or subject to conditions within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;
- (i) regulate the use of property marks for timber and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

42. *Penalty for breach of rules made under Section 41:—*(1) The Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both;

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. *Government and Forest Officers not liable for damage to Forest produce at depots:—* The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot established under a rule made under Section 41,

or while detained elsewhere for the purposes of this Act and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

*44. All persons bound to aid in case of accident at Depot:—*In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

Of the Collection of Drift and Stranded Timber

45. Certain kinds of timber to be deemed property of Government until title thereto proved and may be collected accordingly:—(1) All timber found adrift, beached, stranded or sunk ;

all wood or timber bearing marks which have not been registered in accordance with rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

in such areas as the Government directs all unmarked wood and timber;

shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this chapter.

(2) Such wood and timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under Section 51 and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

(3) The Government may by notification in the Rajasthan Gazette, exempt any class of wood or timber from the provisions of this section.

46. *Notice to claimants of drift timber:*—Public notice shall from time to time be given by the Forest Officer of timber collected under Section 45. Such notice shall contain a description of the timber and shall require any person claiming the same to present to such Officer, within a period not less than two months from the date of such notice, a written statement of such claim.

47. *Procedure on claim preferred to such timber:*—(1) When any such statement is presented, as aforesaid, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may within three months from the date of such rejection institute a suit to recover possession of the timber claimed by him but no person shall recover any compensation or costs against the Government or against any Forest Officer, on account of such rejection, or the detention or removal of any timber or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. *Disposal of unclaimed timber:*—If no such statement is presented as aforesaid or if the claimant omits to

prefer his claim in the manner and within the period fixed by the notice issued under Section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by Section 47, the ownership of such timber shall vest in the Government or when such timber has been delivered to another person under Section 47, in such other person free from all encumbrances not created by him.

49. *Government and its Officers not liable for damage to such timber:*—The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under Section 45, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

50. *Payments to be made by claimant before timber is delivered to him:*—No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under Section 51.

51. *Power to make rules and prescribe penalties:*—

1) The Government may make rules to regulate the following matters, namely:—

- (a) the salvaging collection and disposal of all timber mentioned in Section 45,
- (b) the use and registration of boats used in salvaging and collecting timber,
- (c) the amounts to be paid for salvaging, collecting, moving storing or disposing of such timber, and
- (d) the use and registration of hammers and other instruments to be used for making such timber

(2) The Government may prescribe, as penalties for the contravention of any rules made under this section imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER IX

Penalties and Procedure

*52. Seizure of property liable to confiscation:—

*Amended vide the Rajasthan Forest (Amendment) Act, 1968 (Act No. 19 of 1968). (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce such produce, together with all tools, boats, carts, trucks, or any other vehicle, or cattle used in committing any such offence may be seized by any Forest Officer or Police Officer not below the rank of a Head Constable.

(2) Every Officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made or to his official superior, whoever may be nearer:

Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

*53. Power to release property seized under Section 52:—

*Amended vide, the Rajasthan Forest (Amendment) Act, 1968 (Act No. 19, of 1968). Any Forest Officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts, trucks or cattle under Section 52, may release the same on the execution by the owner thereof of a bond for the

production of the property so released, when and where required to produce the same.

**54. Subsequent procedure:—*(1) When a report is made by any Officer under sub-section (2) of Section 52 to his official superior, such official superior shall, with all convenient despatch, make a report of the seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(2) The Magistrate shall, upon receipt of a report under sub-section (2) of Section 52 or under sub-section (1) of this section, take such measures including arrest as may be necessary for the attendance and trial of the offender and the disposal according to law of the property seized.

55. Forest Produce, tools, etc., when liable to confiscation:—(1) All timber or forest produce which is not the property of Government and in respect of which a forest offence has been committed, and all tools, boats, carts, trucks and cattle used in committing any forest offence shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

*56. Disposal on conclusion of trial for forest offence of produce in respect of which it was committed:—*When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest Officer, and, in any other case, may be disposed of in such manner as the Court may direct.

*57. Procedure when offender not known or cannot be found:—*When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has

*Amended vide, the Rajasthan Forest (Amendment) Act, 1958 (Act No. 39 of 1958).

been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest Officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

58. Procedure as to perishable property seized under Section 52:—(1) Notwithstanding anything hereinbefore contained.

- (a) the Magistrate may direct the sale of any property seized under Section 52, which is subject to speedy and natural decay; and
- (b) if, in the opinion of the Officer seizing such property, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale proceeds into the nearest Government Treasury and make a report of such seizure sale and remittance to the Magistrate and thereupon the Magistrate shall take such measure as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.

*59. Appeal from order under Section 55, Section 56 or Section 57:—*Any person claiming to be interested in property seized under Section 52 may within one month from the date of any order passed under Section 55, Section 56 or Section 57 present an appeal therefrom which may be disposed of in the manner provided by Section 419, Code of Criminal Procedure.

60. *Property when to vest in Government:*—When an order for the confiscation of any property has been passed under Section 55 or Section 57 as the case may be and the period limited by Section 59 for an appeal from such order has elapsed and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property or such portion thereof as the case may be shall vest in the Government free from all encumbrances.

61. *Saving of power to release property seized:*—Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under Section 52.

62. *Punishment for wrongful seizure:*—Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

63. *Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks:*—Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code, 1860.—

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person, or

(b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest Officer, or

(c) alters, moves, destroys or defaces any boundary marks of any forest or waste land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to two years, or with fine or with both.

64. Power to arrest without warrant:—(1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest offence punishable with imprisonment for one month or upwards.

(2) Every Officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the Officer in-charge of the nearest police station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of Section 30.

65. Power to release on a bond a person arrested:— Any Forest Officer of a rank not inferior to that of an Officer in-charge of a range, who, or whose subordinate, has arrested any person under the provisions of Section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the Officer-in-charge of the nearest police station.

66. Power to prevent commission of offence:— Every Forest Officer and Police Officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest offence.

67. *Power to try offences summarily*:—The District Magistrate or any Magistrate of the First Class especially empowered in this behalf by the Government may try summarily under the Code of Criminal Procedure, 1898, any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

*68. *Power to compound offences*:—(1) The Government may by notification in the Rajasthan Gazette, empower a Forest Officer.—

*Amended vide, the Rajasthan Forest (Amendment) Act, 1953 (Act No. 39 of 1953).

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in Section 62, or Section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) When any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money or such value or both as the case may be, to such Officer the suspected person, if in custody, shall be discharged, the property, if any seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to atleast one hundred rupees.

69. *Presumption that forest produce belongs to Government*:—When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the

property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER X

Cattle Trespass

70. *Cattle Trespass Act to apply*:—Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to public plantation within the meaning of Section 11 of the Cattle Trespass Act, 1871, of the Central Legislature as adapted to Rajasthan and may be seized and impounded as such by any Forest Officer or Police Officer.

71. *Power to alter fines fixed under that Act*:—The Government may, by notification in the Rajasthan Gazette, direct that, in lieu of the fines fixed under the Cattle Trespass Act, 1871, of the Central Legislature as adapted to Rajasthan, there shall be levied for each head of cattle impounded under Section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say—

For each elephant... (Ten Rupees)
For each camel...	(Two Rupees)
For each buffalo, horse, mare, gelding, colt, pony, filly, mule, buli, bullock, cow or heifer...	(One Rupee)
For each calf, ass, pig, ram, ewe, sheep lamb, goat or kid	(Eight annas).

CHAPTER XI

Of Forest Officers

72. *Government may invest Forest Officer with certain powers*:—The Government may invest any Forest

Officer with all or any of the following powers, that is to say—

- (a) Power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects; and
- (c) power to hold an enquiry into forest offence.

73. *Forest Officers deemed public servants*:—All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860.

74. *Indemnity for acts done in good faith*:—No suit shall lie against any public servant for anything done by him in good faith under this Act.

75. *Forest Officers not to trade*:—No Forest Officer shall, as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working any forest whether in or outside Rajasthan.

CHAPTER XII

Subsidiary Rules

76. *Additional powers to make rules*:—The Government may make rules—

- (a) to prescribe and limit the powers and duties of any Forest Officer under this Act;
- (b) to regulate the rewards to be paid to Officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private person; and

(d) generally to carry out the provisions of this Act.

77. *Penalties for breach of rules:*—Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

78. *Rules when to have force of law:*—All rules made by the Government under this Act shall be published in the Rajasthan Gazette and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

Miscellaneous

79. *Persons bound to assist Forest Officers and Police Officers:*—(1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest produce from or to cut and remove timber or to pasture cattle in such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the commission of, or intention to commit any forest offence, and shall forthwith take steps, whether so required by any Forest Officer or Police Officer or not—

(a) to extinguish any forest fire in such forest of which he has knowledge or information,

- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest; and

shall assist any Forest Officer or Police Officer demanding his aid —

- (c) in preventing the commission in such forest of any forest offence, and

- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who being bound so to do, without lawful excuse fails—

- (a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1),

- (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest;

- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or

- (d) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender;

shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

80. *Management of Forests the joint property of Government and other persons:*—(1) If the Government and any person be jointly interested in any forest or waste

land or in the whole or any part of the produce thereof the Government may either—

- (a) undertake the management of such forest, waste land or produce accounting to such person for his interest in the same; or
- (b) issue such regulations for the management of the forest, waste land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the Government undertakes under clause (a) of sub-section (1) the management of any forest, waste land or produce, it may, by notification in the Rajasthan Gazette declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste land or produce and thereupon such provisions shall apply accordingly.

81. *Failure to perform service for which a share in produce of Government forest is enjoyed:*—If any person be entitled to a share in the produce of any forest which is the property of the Government or over which the Government has proprietary rights or to any part of the forest produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled hereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Government.

82. *Recovery of money due to Government:*—All money, other than fines, payable to the Government under this Act, or any rules made thereunder, or on account of

timber or other forest produce, or of expenses incurred in the execution of this Act in respect of timber or other forest produce or under any contract relating to timber or forest produce, including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation or under the terms of a notice relating to the sale of timber or forest produce by auction or by invitation of tenders, issued by or under the authority of Forest Officer and all compensation awarded to Government under this Act, may, if not paid when due, be recovered under the law for the time being in force, as if it were an arrear of land revenue.

§3. Lien on forest produce for such money:—(1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within six months from the date of the sale by the person entitled thereto, shall be forfeited to the Government.

*§4. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Law in force:—*Whenever it appears to the Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the law for the time being in force relating to compulsory acquisition of land.

*§5. Recovery of penalties due under bond:—*When any person in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself

ly any bond or instrument to perform any duty or act or covenants by any bond or instrument that he or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in Section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

86. *Power to Exempt*.—The Government may by notification in the Rajasthan Gazette exempt any forest from all or any of the provisions of this Act.

87. *Act not to affect or impair certain rights of Rulers*.—Nothing in this Act shall in any way affect such shooting, fishing or other rights of the Rulers of the Covenanting States or the members of their families as have been recognised in shikargahs, forests or other local areas by virtue of covenants entered into with the Rulers or documents collateral thereto.

88. *Repeal and Savings*.—The laws and enactments mentioned in the Schedule appended to this Act and any other corresponding laws or rules in force in the Covenanting States are hereby repealed.

Provided that—

- (1) the notifications, orders, rules and regulations issued under such laws or enactments before the commencement of this Act shall remain in force as if issued under the relevant provisions of this Act so long as fresh notifications, orders, rules and regulations are not made under this Act;
- (2) any tax or duty imposed under any such laws or enactments shall be deemed to have been imposed under this Act;
- (3) offences committed under such laws or enactments before the commencement of this Act shall be dealt with under such laws or enactments as if this Act had not come into force, and

- (4) all forests and shikargahs in any part of Rajasthan which have been reserved before the commencement of this Act shall be deemed to be reserved forests for the purposes of this Act.

89. *Interpretation*:—The provisions of the General Clauses Act, 1897, of the Central Legislature shall *mutatis mutandis* apply, so far as may be, to this Act in the same manner as they apply to a Central Act.

THE SCHEDULE


(See Section 88)

Enactments Repealed

<i>Year.</i>	<i>Short Title</i>
1947	The Kotah State Forest Act, 1947 (Act VII).
1939	The Indian Forest Act, 1927, as adapted to the Bundi State under Order No. 49 dated 31-3-39.
1939	The Jaipur Forest Act, 1939 as amended from time to time.
1943	The Tonk State Forest Act, 1943.
1935	The Alwar Forest Regulation II of 1935.
1942	The Bharatpur Forest Act, of 1942.
1939 (Samvat)	The Forest Code, Riyasat Dholpur.
1942	The Mewar Forest Act, No. II of 1942 The Forest Rules Partabgarh State.
1946	The Banswara State Forest Act, No. 1 of 1946.
1941	Qanoon Jungle Riyasat Dungarpur (Act J of 1941).

<i>Year</i>	<i>Short Title</i>
1927	Bikaner State Forest Act, No. IV of 1927.
1946	Dungarpur Qawaid Ganwai Jungle, 1946.
1934	The Marwar Forest Act, 1934.
1915	Forest Rules, Kushalgarh.

Prabhu Dayal Loiwal,
Secretary to the Government.

 सत्यमेव जयते	राजस्थान राज—पत्र विशेषांक	RAJASTHAN GAZETTE <i>Extraordinary</i>
	साधिकार प्रकाशित	<i>Published by Authority</i>
	चैत्र 20, बुधवार, शाके 1935—अप्रैल 10, 2013 <i>Chaitra 20, Wednesday, Saka 1935—April 10, 2013</i>	

भाग 4 (क)

राजस्थान विधान मंडल के अधिनियम।

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)**

NOTIFICATION

Jaipur, April 10, 2013

No. F. 2 (49) Vidhi/2/2012.—The following Act of the Rajasthan State Legislature which received the assent of the Governor on the 9th day of April, 2013 is hereby published for general information:—

**THE RAJASTHAN FOREST (AMENDMENT) ACT, 2012
(Act No. 15 of 2013)**

[Received the assent of the Governor on the 9th day of April, 2013]

An

Act

further to amend the Rajasthan Forest Act, 1953.

Be it enacted by the Rajasthan State Legislature in the Sixty-fourth Year of the Republic of India, as follows:—

1. Short title and commencement.— (1) This Act may be called the Rajasthan Forest (Amendment) Act, 2012.

(2) It shall come into force on and from the date of its first publication in the Rajasthan Gazette.

2. Amendment of section 26, Rajasthan Act No. 13 of 1953.— In sub-section (1) of section 26 of the Rajasthan Forest

Act, 1953 (Act No. 13 of 1953), hereinafter in this Act referred to as the principal Act,-

- (i) for the punctuation mark “;”, appearing at the end of the existing clause (i), the expression “; or” shall be substituted;
- (ii) after the existing clause (i), so amended, the following new clause shall be added, namely:-
“(j) indulges in any act detrimental to the very existence of the forest.”; and
- (iii) for the existing expression “five hundred rupees”, the expression “twenty five thousand rupees” shall be substituted.

3. Amendment of section 33, Rajasthan Act No. 13 of 1953.- In section 33 of the principal Act, for the existing expression “five hundred rupees”, the expression “twenty five thousand rupees” shall be substituted.

4. Amendment of section 42, Rajasthan Act No. 13 of 1953.- For the existing section 42 of the principal Act, the following shall be substituted, namely:-

“42. Penalty for breach of rules made under section 41.- (1) Any person who contravenes the provisions of the rules made under section 41 of this Act shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to twenty five thousand rupees or with both.

(2) In case where the offence under sub-section (1) is committed after sunset and before sunrise or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence, the penalties shall be double of those mentioned in sub-section (1).”.

5. Amendment of section 51, Rajasthan Act No. 13 of 1953.- In sub-section (2) of section 51 of the principal Act, for the existing expression “five hundred rupees”, the expression “twenty five thousand rupees” shall be substituted.

6. Amendment of section 52, Rajasthan Act No. 13 of 1953.- For the existing section 52 of the principal Act, the following shall be substituted, namely:-

“52. Seizure of property liable to confiscation and procedure therefor.- (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing any such offence, may be seized by any Forest Officer or a Police Officer not below the rank of a head constable.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, either produce the property seized before an officer not below the rank of an Assistant Conservator of Forests authorised by the State Government in this behalf by notification (hereinafter in this Chapter referred to as the authorised officer) or where it is, having regard to quantity or bulk or other genuine difficulty, not practicable to produce property seized before the authorised officer, make a report about the seizure to the authorised officer, or where it is intended to launch criminal proceedings against the offender immediately, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of State Government and the offender is

unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) Subject to sub-section (5), where the authorised officer upon production before him of property seized or upon receipt of report about seizure, as the case may be, is satisfied that a forest offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded, confiscate forest-produce so seized together with all machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing such offence. A copy of order of confiscation shall be forwarded without any undue delay to the Chief Conservator of Forests of the region in which the forest produce has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer-

- (a) sends an intimation in prescribed form about initiation of proceedings for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;
- (b) issues a notice in writing to the person from whom the property is seized, and to any other person who may appear to the authorised officer to have some interest in such property;
- (c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and
- (d) gives to the officer effecting the seizure and the person or persons to whom notice has been

issued under clause (b), a hearing on date to be fixed for such purpose.

(5) No order of confiscation under sub-section (3) of any machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article (other than timber or forest produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article were used without his knowledge or connivance or as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of objects aforesaid for commission of forest offence.”.

7. Insertion of new sections 52A, 52B and 52C, Rajasthan Act No. 13 of 1953.- After section 52, amended as aforesaid, and before the existing section 53, of the principal Act, the following new sections shall be inserted, namely:-

“52A. Appeal against order of confiscation.- (1)

Any person aggrieved by an order of confiscation may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee and payable in such form as may be prescribed and by certified copy of order of confiscation, to the Chief Conservator of Forests (hereinafter in this Chapter referred to as the Appellate Authority) of the forest region in which the forest produce has been seized.

Explanation.- The time requisite for obtaining certified copy of order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.

(2) The Appellate Authority shall, on presentation of memorandum of appeal, issue a notice for hearing of

appeal to the officer effecting seizure and to the appellant, and may send for record of the case.

(3) The Appellate Authority may pass such orders of “interim” nature for custody, preservation or disposal (if necessary) of the subject matter of confiscation, as may appear to be just or proper in the circumstances of the case.

(4) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.

(5) On the date fixed for hearing of the appeal or on such date to which the hearing may be adjourned, the Appellate Authority shall peruse the record and hear the parties to the appeal if present in person or through any agent duly authorised in writing or through a legal practitioner and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation:

Provided that before passing any final order the Appellate Authority may, if it is considered necessary for proper decision of appeal, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(6) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(7) Copy of final order, or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of Appellate Authority.

52B. *Revision before Court of Sessions against order of Appellate Authority.*- (1) Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days

of the order sought to be impugned, submit a petition for revision to the Court of Sessions within the Sessions division whereof the headquarters of the Appellate Authority are situate.

Explanation.- In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of order of Appellate Authority shall be excluded.

(2) The Court of Sessions may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the authorised officer for compliance or for passing such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52C. Bar to jurisdiction of Court, etc. under certain circumstances.- (1) On receipt of intimation under sub-section (4) of section 52 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property, which is subject matter of confiscation, has been made, no court, tribunal or authority (other than the authorised officer, the Appellate Authority and the Court of Sessions referred to in sections 52, 52A and 52B),

shall have jurisdiction to make orders with regard to possession, delivery, disposal, or distribution of the property in regard to which proceedings for confiscation are initiated under section 52, notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force.

Explanation.- Where under any law for the time being in force, two or more Courts have jurisdiction to try forest offence, then receipt of intimation under sub-section (4) of section 52 by one of the Courts of Magistrates having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Courts.

(2) Nothing in sub-section (1) shall affect the power saved under section 61.”.

8. Amendment of section 53, Rajasthan Act No. 13 of 1953.- For the existing section 53 of the principal Act, the following shall be substituted, namely:-

“**53. Power to release property seized under section 52.-** Any forest officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing any forest offence, shall, subject to the provisions of section 52 may release the same on the execution by the owner thereof of a bond for the production of the property so released, when and where required to produce the same.”.

9. Amendment of section 54, Rajasthan Act No. 13 of 1953.- In section 54 of the principal Act,-

- (i) for the existing punctuation mark “.”, appearing at the end of sub-section (2), the punctuation mark “:” shall be substituted; and
- (ii) after sub-section (2), so amended, the following proviso shall be added, namely:-

“Provided that before passing any order for disposal of property, the Magistrate shall satisfy

himself that no intimation under sub-section (4) of section 52 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made.”.

10. Amendment of section 55, Rajasthan Act No. 13 of 1953.- For the existing sub-section (1) of section 55 of the principal Act, the following shall be substituted, namely:-

“(1) All timber or forest produce which is not the property of State Government and in respect of which a forest offence has been committed, and all machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing any forest offence, shall, subject to the provisions of sections 52, 52A, 52B and 52C be liable to confiscation upon conviction of the offender for such forest offence.”.

11. Amendment of section 60, Rajasthan Act No. 13 of 1953.- The existing provisions of section 60 of the principal Act shall be renumbered as sub-section (2) thereof and before sub-section (2) as so renumbered, the following sub-section shall be inserted, namely:-

“(1) Property ordered to be confiscated by an authorised officer under section 52 shall, subject to the orders passed in appeal under section 52A or in revision under section 52B, vest in the State Government free from all encumbrances upon the conclusion of the proceedings under section 52B:

Provided that such vesting shall take effect-

- (i) where no appeal is preferred under section 52A, on the expiry of the period specified for preferring appeal under section 52A; and
- (ii) where final order is passed by the Appellate Authority under section 52A but no revision is preferred under section 52B, on the expiry of

the period specified for preferring revision under section 52B.”.

12. Amendment of section 62, Rajasthan Act No. 13 of 1953.- In section 62 of the principal Act, for the existing expression “five hundred rupees”, the expression “ten thousand rupees” shall be substituted.

13. Amendment of section 67, Rajasthan Act No. 13 of 1953.- For the existing section 67 of the principal Act, the following shall be substituted, namely :-

“**67. Power to try summarily.-**Any Chief Judicial Magistrate or any Metropolitan Magistrate or any Magistrate of the First Class specially empowered in this behalf by the High Court, may try summarily under the Code of Criminal Procedure, 1973 (Central Act. No. 2 of 1974), any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding twenty five thousand rupees or both.”.

14. Amendment of section 68, Rajasthan Act No. 13 of 1953.- For the existing sub-section (3) of section 68 of the principal Act, the following shall be substituted, namely:-

“(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Range Forest Officer.”.

15. Amendment of section 71, Rajasthan Act No. 13 of 1953.-For the existing section 71 of the principal Act, the following shall be substituted, namely:-

“**71. Power to alter fines fixed under the Central Act No. 1 of 1871.-** The State Government may, by notification in the Official Gazette, direct that, in lieu of the fines fixed under the Cattle Trespass Act, 1871 (Central Act No. 1 of 1871) as adapted to the State of Rajasthan there shall be levied for each head of cattle impounded under section 70 of this Act, such fines as it thinks fit, but not exceeding the following, that is to say-

For each elephant - Twenty five rupees

For each camel - Twenty five rupees
For each buffalo, horse, mare,
gelding, colt, pony, filly, mule,
bull, bullock, cow or heifer - Ten rupees
For each calf, ass, pig, ram,
ewe, sheep, lamb, goat or kid - One rupee.”.

16. Amendment of section 72, Rajasthan Act No. 13 of 1953.- In section 72 of the principal Act,-

- (i) in clause (b), the existing word “and” appearing at the end shall be deleted ;
- (ii) in clause (c), for the existing punctuation mark “.” appearing at the end, the expression “; and” shall be substituted ; and
- (iii) after the clause (c), so amended, the following new clause shall be added, namely:-
“(d) power to issue a search warrant under the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).”.

प्रकाश गुप्ता,

Principal Secretary to the Government.

विधि (विधायी प्रारूपण) विभाग

(ग्रुप-2)

अधिसूचना

जयपुर, अप्रैल 10, 2013

संख्या प. 2 (49) विधि/2/2012.—राजस्थान राजभाषा अधिनियम, 1956 (1956 का अधिनियम सं. 47) की धारा 4 के परन्तुक के अनुसरण में “दी राजस्थान फोरेस्ट (अमेण्डमेन्ट) एक्ट 2012 (एक्ट नं. 15 ऑफ 2013)”

का हिन्दी अनुवाद सर्वसाधारण की सूचनार्थ एतद्द्वारा प्रकाशित किया जाता है:-

(प्राधिकृत हिन्दी अनुवाद)
राजस्थान वन (संशोधन) अधिनियम, 2012
(2013 का अधिनियम संख्यांक 15)

[राज्यपाल महोदया की अनुमति दिनांक 9 अप्रैल, 2013 को प्राप्त हुई]

राजस्थान वन अधिनियम, 1953 को और संशोधित करने के लिए अधिनियम।

भारत गणराज्य के तिरसठवें वर्ष में राजस्थान राज्य विधान-मण्डल निम्नलिखित अधिनियम बनाता है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ.- (1) इस अधिनियम का नाम राजस्थान वन (संशोधन) अधिनियम, 2012 है।

(2) यह राजस्थान राजपत्र में इसके प्रथम प्रकाशन की तारीख को और से प्रवृत्त होगा।

2. 1953 के राजस्थान अधिनियम सं. 13 की धारा 26 का संशोधन.- राजस्थान वन अधिनियम, 1953 (1953 का अधिनियम सं. 13) जिसे इसमें आगे मूल अधिनियम कहा गया है, की धारा 26 की उप-धारा (1) में,-

- (i) विद्यमान खण्ड (झ) के अन्त में आये हुए विराम चिह्न ";" के स्थान पर अभिव्यक्ति "ःया" प्रतिस्थापित की जायेगी;
- (ii) इस प्रकार संशोधित विद्यमान खण्ड (झ) के पश्चात्, निम्नलिखित नया खण्ड जोड़ा जायेगा, अर्थात्:-
"(ज) वन के अस्तित्व के प्रति अहितकर किसी भी कार्य में लिप्त होगा"; और
- (iii) विद्यमान अभिव्यक्ति "पांच सौ रुपये" के स्थान पर अभिव्यक्ति "पच्चीस हजार रुपये" प्रतिस्थापित की जायेगी।

3. 1953 के राजस्थान अधिनियम सं.13 की धारा 33 का संशोधन.- मूल अधिनियम की धारा 33 में, विद्यमान अभिव्यक्ति "पांच

सौ रुपये" के स्थान पर अभिव्यक्ति "पच्चीस हजार रुपये" प्रतिस्थापित की जायेगी।

4. 1953 के राजस्थान अधिनियम सं.13 की धारा 42 का संशोधन.- मूल अधिनियम की विद्यमान धारा 42 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"42. धारा 41 के अधीन बनाये गये नियमों के भंग के लिए शास्ति.- (1) कोई भी व्यक्ति जो इस अधिनियम की धारा 41 के अधीन बनाये गये नियमों के उपबंधों का उल्लंघन करता है, ऐसी अवधि के कारावास से जो छह मास तक का हो सकेगा या ऐसे जुर्माने से जो पच्चीस हजार रुपये तक का हो सकेगा, या दोनों से दण्डनीय होगा।

(2) ऐसे मामले में, जहां उप-धारा (1) के अधीन अपराध सूर्यास्त के पश्चात् और सूर्योदय के पूर्व या विधिपूर्ण प्राधिकारी का प्रतिरोध करने के लिए तैयारी करने के पश्चात् किया गया है या जहां अपराधी उसी प्रकार के अपराध के लिए पहले भी सिद्धदोष हो चुका है, वहां शास्तियां उप-धारा (1) में उल्लिखित शास्तियों से दुगनी होंगी।

5. 1953 के राजस्थान अधिनियम सं.13 की धारा 51 का संशोधन.- मूल अधिनियम की धारा 51 की उप-धारा (2) में विद्यमान अभिव्यक्ति "पांच सौ रुपये" के स्थान पर अभिव्यक्ति "पच्चीस हजार रुपये" प्रतिस्थापित की जायेगी।

6. 1953 के राजस्थान अधिनियम सं.13 की धारा 52 का संशोधन.- मूल अधिनियम की विद्यमान धारा 52 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"52. अधिहरणीय सम्पत्ति का अभिग्रहण और उसकी प्रक्रिया.- (1) जब यह विश्वास करने का कारण हो कि किसी वन उपज के बारे में कोई वन विषयक अपराध किया गया है, तब ऐसी उपज, समस्त मशीनरी, आयुधों, औजारों, नावों, पशुओं, यानों, रस्सियों, चैनों या किसी अन्य वस्तु सहित जिनका प्रयोग ऐसे अपराध के करने में हुआ है, किसी भी वन अधिकारी या

किसी पुलिस अधिकारी द्वारा, जो हैड कांस्टेबल से नीचे की पंक्ति का न हो, अभिगृहीत की जा सकेगी।

(2) इस धारा के अधीन किसी सम्पत्ति का अभिग्रहण करने वाला प्रत्येक अधिकारी ऐसी सम्पत्ति पर यह उपदर्शित करने वाला चिह्न लगायेगा कि उस सम्पत्ति का इस प्रकार अभिग्रहण हो गया है, और यथाशक्य शीघ्र, या तो उस अभिगृहीत सम्पत्ति को राज्य सरकार द्वारा इस निमित्त अधिसूचना द्वारा प्राधिकृत सहायक वन संरक्षक की पंक्ति से अनिम्न के किसी अधिकारी के समक्ष (जिसे इस अध्याय में आगे प्राधिकृत अधिकारी कहा गया है) पेश करेगा या जहां सम्पत्ति की मात्रा या परिमाण या अन्य वास्तविक कठिनाई को ध्यान में रखते हुए उसे प्राधिकृत अधिकारी के समक्ष पेश करना व्यावहारिक न हो, वहां प्राधिकृत अधिकारी को अभिग्रहण के बारे में रिपोर्ट देगा, या जहां अपराधी के विरुद्ध दांडिक कार्यवाहियां तुरन्त आरंभ किया जाना आशयित हो, वहां ऐसे अभिग्रहण की रिपोर्ट उस मजिस्ट्रेट को देगा, जो उस अपराध का, जिसके कारण अभिग्रहण हुआ है, विचारण करने की अधिकारिता रखता हो:

परन्तु जब वह वन-उपज, जिसके बारे में यह विश्वास हो कि ऐसा अपराध हुआ है, राज्य सरकार की संपत्ति है, और अपराधी अज्ञात है, तब यदि, यथाशक्य शीघ्र, अधिकारी परिस्थितियों के बारे में रिपोर्ट अपने पदीय वरिष्ठ को दे देता है, तो यह पर्याप्त होगा।

(3) उप-धारा (5) के अध्याधीन रहते हुए, जहां प्राधिकृत अधिकारी का, अभिगृहीत संपत्ति उसके समक्ष पेश किये जाने पर या, यथास्थिति, अभिग्रहण के संबंध में रिपोर्ट प्राप्त होने पर यह समाधान हो जाता है कि उसके संबंध में वन-अपराध कारित किया गया है तो वह लिखित आदेश द्वारा और अभिलिखित किये जाने वाले कारणों से इस प्रकार अभिगृहीत वन-उपज का, समस्त मशीनरी, आयुधों, औजारों, नावों, पशुओं, यान, रस्सियों, चैनों या किसी अन्य वस्तु सहित, जिनका प्रयोग ऐसे अपराध के करने में हुआ है, अधिहरण कर सकेगा। अधिहरण के आदेश की

एक प्रति उस क्षेत्र के, जिसमें वन-उपज अभिगृहीत की गयी है, मुख्य वन संरक्षक को किसी भी असम्यक् विलंब के बिना अग्रेषित की जायेगी।

(4) उप-धारा (3) के अधीन किसी भी संपत्ति के अधिहरण का कोई भी आदेश तब तक नहीं किया जायेगा जब तक कि प्राधिकृत अधिकारी -

- (क) उस उपराध का, जिसके कारण अभिग्रहण किया गया है, विचारण करने की अधिकारिता रखने वाले मजिस्ट्रेट को संपत्ति के अधिहरण के लिए कार्यवाहियां आरंभ किये जाने के बारे में विहित प्ररूप में सूचना न भेज दे;
- (ख) उस व्यक्ति को, जिससे संपत्ति अभिगृहीत की गयी है, और ऐसे किसी भी अन्य व्यक्ति को, जिसके संबंध में प्राधिकृत अधिकारी को ऐसा प्रतीत हो कि ऐसी संपत्ति में उसका कोई हित है, लिखित नोटिस जारी न कर दे;
- (ग) खण्ड (ख) में निर्दिष्ट व्यक्तियों को, ऐसे युक्तियुक्त समय के भीतर-भीतर, जो नोटिस में विनिर्दिष्ट किया जाये, प्रस्तावित अधिहरण के विरुद्ध अभ्यावेदन प्रस्तुत करने का अवसर प्रदान न कर दे; और
- (घ) अभिग्रहण करने वाले अधिकारी को या उस व्यक्ति या व्यक्तियों की, जिनको उप-खण्ड (ख) के अधीन नोटिस जारी किया गया है, ऐसे प्रयोजन के लिए नियत की जाने वाली तारीख को सुनवाई न कर ले।

(5) उप-धारा (3) के अधीन किसी मशीनरी, आयुधों, औजारों, नावों, पशुओं, यानों, रस्सियों, चैनों या किसी भी अन्य वस्तु (अभिगृहीत काष्ठ या वन उपज से भिन्न) के अधिहरण का कोई आदेश नहीं किया जायेगा, यदि उप-धारा (4) के खण्ड (ख) में निर्दिष्ट कोई व्यक्ति, प्राधिकृत अधिकारी के समाधानप्रद रूप में यह साबित कर देता है कि ऐसी किसी भी मशीनरी, आयुधों, औजारों, नावों, पशुओं, यानों, रस्सियों, चैनों या किसी भी अन्य वस्तु का उपयोग उसकी जानकारी या मौनानुकूलता के बिना या, यथास्थिति, उसके सेवक या अभिकर्ता की जानकारी

या मौनानुकुलता के बिना किया गया था और वन अपराध कारित करने के लिए पूर्वोक्त वस्तुओं के उपयोग के विरुद्ध समस्त युक्तियुक्त और आवश्यक पूर्वावधानियां बरती गयीं थीं।"

7.1953 के राजस्थान अधिनियम सं. 13 में नयी धाराओं 52क, 52ख और 52ग का अंतःस्थापन.- मूल अधिनियम की यथापूर्वोक्त संशोधित धारा 52 के पश्चात्, और विद्यमान धारा 53 के पूर्व निम्नलिखित नयी धाराएं अन्तःस्थापित की जायेंगी, अर्थात्:-

"52क. अधिहरण के आदेश के विरुद्ध अपील.- (1) अधिहरण के किसी आदेश से व्यथित कोई भी व्यक्ति, ऐसे आदेश से तीस दिवस के भीतर-भीतर, या यदि ऐसे आदेश का तथ्य उसको संसूचित नहीं किया गया हो तो ऐसे आदेश की जानकारी की तारीख से तीस दिवस के भीतर-भीतर, उस वन क्षेत्र के, जिसमें वन-उपज अभिगृहीत की गयी है, मुख्य वन संरक्षक (जिसे इस अध्याय में अपील प्राधिकारी के रूप में निर्दिष्ट किया गया है) को, ऐसे प्ररूप में संदेय ऐसी फीस के साथ जो विहित की जाये, और अधिहरण के आदेश की प्रमाणित प्रति सहित लिखित अपील कर सकेगा।

स्पष्टीकरण.- इस उप-धारा में निर्दिष्ट तीस दिवस की कालावधि की संगणना करते समय, अधिहरण के आदेश की प्रमाणित प्रति प्राप्त करने में अपेक्षित समय अपवर्जित किया जायेगा।

(2) अपील प्राधिकारी, अपील का ज्ञापन प्रस्तुत किये जाने पर, अभिग्रहण करने वाले अधिकारी को और अपीलार्थी को सुनवाई के लिए नोटिस जारी करेगा और मामले का अभिलेख मंगवा सकेगा।

(3) अपील प्राधिकारी, अधिहरण की विषयवस्तु की अभिरक्षा, संरक्षण या व्ययन (यदि आवश्यक हो) के लिए "अन्तरिम" प्रकृति के ऐसे आदेश पारित कर सकेगा जो मामले की परिस्थितियों में न्यायसंगत या उचित प्रतीत हों।

(4) अपील प्राधिकारी, मामले की प्रकृति या अन्तर्वर्तित जटिलताओं को ध्यान में रखते हुए, अपील के पक्षकारों को उनके अपने-अपने विधि व्यवसायियों द्वारा प्रतिनिधित्व किये जाने के लिए अनुज्ञात कर सकेगा।

(5) अपील प्राधिकारी, अपील की सुनवाई के लिए नियत तारीख पर या ऐसी तारीख पर जिसके लिए सुनवाई स्थगित की जाये, अभिलेख का परिशीलन करेगा और अपील के पक्षकारों को सुनेगा, यदि वे व्यक्तिगत रूप से या लिखित में सम्यक् रूप से प्राधिकृत किसी अभिकर्ता के माध्यम से या किसी विधि व्यवसायी के माध्यम से उपस्थित हों और तत्पश्चात्, अधिहरण के आदेश की पुष्टि, उसे उलटने या उसके उपांतरण का आदेश पारित करने के लिए अग्रसर होगा:

परन्तु यह कि अपील प्राधिकारी कोई अंतिम आदेश पारित करने से पूर्व, अपील के समुचित विनिश्चय के लिए यदि आवश्यक समझे तो स्वयं और जांच कर सकेगा या प्राधिकृत अधिकारी द्वारा जांच करवा सकेगा और पक्षकारों को, ऐसे किसी भी तथ्य जो विचार करने के लिए उदभूत हो, के प्राख्यान करने या खंडन करने के लिए शपथ-पत्र फाइल करने के लिए भी अनुज्ञात कर सकेगा और शपथ-पत्रों द्वारा तथ्यों के सबूत भी अनुज्ञात कर सकेगा।

(6) अपील प्राधिकारी, पारिणामिक प्रकृति के ऐसे आदेश भी पारित कर सकेगा, जो वह आवश्यक समझे।

(7) अंतिम आदेश, या पारिणामिक प्रकृति के आदेश की प्रति प्राधिकृत अधिकारी को अनुपालन करने के लिए या अपील प्राधिकारी के आदेश के अनुरूप कोई भी अन्य समुचित आदेश पारित करने के लिए भेजी जायेगी।

52ख. अपील प्राधिकारी के आदेश के विरुद्ध सेशन न्यायालय के समक्ष पुनरीक्षण.- (1) अपील प्राधिकारी द्वारा पारित अंतिम आदेश द्वारा या पारिणामिक प्रकृति के आदेश द्वारा व्यथित, अपील का कोई भी पक्षकार, आक्षेपित किये जाने वाले आदेश के तीस दिवस के भीतर-भीतर उस सेशन न्यायालय

के समक्ष पुनरीक्षण के लिए याचिका प्रस्तुत कर सकेगा जिसके सेशन खण्ड के भीतर अपील प्राधिकारी का मुख्यालय स्थित है।

स्पष्टीकरण.- इस उप-धारा के अधीन तीस दिवस की कालावधि की संगणना में, अपील प्राधिकारी के आदेश की प्रमाणित प्रति प्राप्त करने में अपेक्षित समय अपवर्जित किया जायेगा।

(2) सेशन न्यायालय, अपील प्राधिकारी द्वारा पारित किये गये किसी भी अंतिम आदेश या पारिणामिक प्रकृति के किसी आदेश की पुष्टि कर सकेगा, उसे उलट सकेगा या उपांतरित कर सकेगा।

(3) पुनरीक्षण में पारित आदेश की प्रतियां, अपील प्राधिकारी को और प्राधिकृत अधिकारी को अनुपालन के लिए या ऐसे और आदेश पारित करने के लिए या ऐसी और कार्रवाई करने के लिए, जैसाकि ऐसे न्यायालय द्वारा निदेशित किया जाये, भेजी जायेगी।

(4) इस उप-धारा के अधीन किसी पुनरीक्षण याचिका को ग्रहण करने, उसकी सुनवाई करने और उस पर विनिश्चय करने के लिए सेशन न्यायालय यथाशक्य, उन्हीं शक्तियों का प्रयोग करेगा और उसी प्रक्रिया का अनुसरण करेगा जैसाकि वह दंड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम सं.2) के अधीन किसी पुनरीक्षण याचिका को ग्रहण करने, उसकी सुनवाई करने और उस पर विनिश्चय करते समय अनुसरण करता है।

(5) दंड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम सं.2) में अंतर्विष्ट किसी प्रतिकूल बात के होने पर भी, इस धारा के अधीन सेशन न्यायालय द्वारा पारित आदेश अंतिम होगा और किसी भी न्यायालय के समक्ष प्रश्नगत नहीं होगा।

52ग. कतिपय परिस्थितियों में न्यायालय इत्यादि की अधिकारिता का वर्जन.- (1) उस अपराध का, जिसके कारण संपत्ति का अभिग्रहण किया गया है, विचारण करने की अधिकारिता रखने वाले मजिस्ट्रेट द्वारा उस संपत्ति के

अधिहरण के लिए, जो अधिहरण की विषयवस्तु है, कार्यवाहियां आरंभ होने के बारे में धारा 52 की उप-धारा (4) के अधीन सूचना प्राप्त होने पर, इस अधिनियम या तत्समय प्रवृत्त किसी भी अन्य विधि में अंतर्विष्ट किसी प्रतिकूल बात के होने पर भी, किसी भी न्यायालय, अधिकरण या प्राधिकारी (धारा 52, 52क और 52ख में निर्दिष्ट प्राधिकृत अधिकारी, अपील प्राधिकारी और सेशन न्यायालय से भिन्न) को, उस संपत्ति के संबंध में, जिसके लिए धारा 52 के अधीन अधिहरण के लिए कार्यवाहियां आरंभ की गयी हैं, कब्जे, परिदान, व्ययन या वितरण से संबंधित आदेश देने की कोई अधिकारिता नहीं होगी।

स्पष्टीकरण.- जहां तत्समय प्रवृत्त किसी विधि के अधीन दो या अधिक न्यायालयों को वन अपराध का विचारण करने की अधिकारिता हो, वहां ऐसी अधिकारिता रखने वाले मजिस्ट्रेटों के न्यायालयों में से किसी एक न्यायालय द्वारा धारा 52 की उप-धारा (4) के अधीन सूचना की प्राप्ति का अर्थ उन समस्त न्यायालयों द्वारा उस उपबंध के अधीन प्राप्त सूचना के रूप में लगाया जायेगा और अधिकारिता के प्रयोग का वर्जन ऐसे समस्त न्यायालयों पर प्रवर्तित होगा।

(2) उप-धारा (1) की कोई भी बात धारा 61 के अधीन व्यावृत्त शक्तियों पर प्रभाव नहीं डालेगी।"

8. 1953 के राजस्थान अधिनियम सं.13 की धारा 53 का संशोधन.- मूल अधिनियम की विद्यमान धारा 53 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"53. धारा 52 के अधीन अभिगृहीत संपत्ति को निर्मुक्त करने की शक्ति.- रेंजर से अनिम्न पंक्ति का कोई भी वन अधिकारी, जिसने या जिसके अधीनस्थ ने कोई भी वन अपराध कारित करने में प्रयुक्त मशीनरी, आयुध, औजार, नावें, पशु, यान, रस्सियां, चैनै या कोई अन्य वस्तु अभिगृहीत की है, धारा 52 के उपबंधों के अध्यधीन रहते हुए, उन्हें उनके स्वामी द्वारा कोई ऐसा बन्धपत्र निष्पादित कर देने पर निर्मुक्त कर सकेगा

कि वह, जब और जहां उससे इस प्रकार निर्मुक्त संपत्ति को पेश करने की अपेक्षा की जायेगी, उन्हें पेश कर देगा।"।

9. 1953 के राजस्थान अधिनियम सं.13 की धारा 54 का संशोधन.- मूल अधिनियम की धारा 54 में,-

(i) उप-धारा (2) के अन्त में आये विद्यमान विराम चिह्न "।" के स्थान पर विराम चिह्न ":" प्रतिस्थापित किया जायेगा; और

(ii) इस प्रकार संशोधित उप-धारा (2) के पश्चात्, निम्नलिखित परन्तुक जोड़ा जायेगा, अर्थात्:-

"परन्तु संपत्ति के व्ययन का कोई भी आदेश पारित करने से पूर्व मजिस्ट्रेट स्वयं का यह समाधान करेगा कि उसके न्यायालय द्वारा या उस अपराध का, जिसके कारण संपत्ति का अभिग्रहण किया गया है, विचारण करने की अधिकारिता रखने वाले किसी भी अन्य न्यायालय द्वारा धारा 52 की उप-धारा (4) के अधीन कोई सूचना प्राप्त नहीं की गयी है।"।

10. 1953 के राजस्थान अधिनियम सं.13 की धारा 55 का संशोधन.- मूल अधिनियम की धारा 55 की विद्यमान उप-धारा (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"(1) ऐसी समस्त इमारती लकड़ी या वन-उपज जो राज्य सरकार की संपत्ति नहीं है और जिसके विषय में वन विषयक अपराध किया गया है और ऐसे वन विषयक अपराध के करने में प्रयुक्त समस्त मशीनरी, आयुध, औजार, नाव, पशु, यान, रस्सियां, चैनै या कोई अन्य वस्तु, धारा 52, 52क, 52ख और 52ग के उपबंधों के अधीन रहते हुए, ऐसे वन अपराध के लिए अपराधी की दोषसिद्धि पर अधिहरणीय होंगी।"।

11. 1953 के राजस्थान अधिनियम सं.13 की धारा 60 का संशोधन.- मूल अधिनियम की धारा 60 के विद्यमान उपबंधों को उप-धारा (2) के रूप में पुनःसंख्यांकित किया जायेगा और इस प्रकार पुनःसंख्यांकित उप-धारा (2) के पूर्व निम्नलिखित उप-धारा अंतःस्थापित की जायेगी, अर्थात्:-

"(1) संपत्ति, जिसका अधिहरण किये जाने का धारा 52 के अधीन आदेश दिया गया हो, धारा 52क के अधीन अपील में या धारा 52ख के अधीन पुनरीक्षण में पारित किये गये आदेशों के अध्यक्षीन रहते हुए, धारा 52ख के अधीन कार्यवाहियों की समाप्ति पर समस्त भारग्रस्तताओं से मुक्त होकर राज्य सरकार में निहित होगी:

परन्तु इस प्रकार निहित किया जाना प्रभावी होगा -

- (i) जहां, धारा 52क के अधीन कोई अपील नहीं की गयी है, वहां धारा 52क के अधीन अपील किये जाने की विनिर्दिष्ट कालावधि की समाप्ति पर; और
- (ii) जहां, धारा 52क के अधीन अपील प्राधिकारी द्वारा अंतिम आदेश पारित किया गया है किन्तु धारा 52ख के अधीन कोई पुनरीक्षण नहीं किया गया है, वहां धारा 52ख के अधीन पुनरीक्षण किये जाने के लिए विनिर्दिष्ट कालावधि की समाप्ति पर।"

12. 1953 के राजस्थान अधिनियम सं.13 की धारा 62 का संशोधन.- मूल अधिनियम की धारा 62 में विद्यमान अभिव्यक्ति "पांच सौ रुपये" के स्थान पर अभिव्यक्ति "दस हजार रुपये" प्रतिस्थापित की जायेगी।

13. 1953 के राजस्थान अधिनियम सं.13 की धारा 67 का संशोधन.- मूल अधिनियम की विद्यमान धारा 67 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"67. संक्षेपतः विचारण करने की शक्ति.- कोई भी मुख्य न्यायिक मजिस्ट्रेट या कोई महानगर मजिस्ट्रेट या कोई प्रथम वर्ग मजिस्ट्रेट जो इस निमित्त उच्च न्यायालय द्वारा विशेषतया सशक्त किया गया हो, किसी ऐसे वन विषयक अपराध का दण्ड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम सं.2) के अधीन संक्षेपतः विचारण कर सकेगा, जो छह मास से अनधिक के कारावास या पच्चीस हजार रुपये से अनधिक के जुर्माने से, या दोनों से दण्डनीय है।"

14. 1953 के राजस्थान अधिनियम सं.13 की धारा 68 का संशोधन.- मूल अधिनियम की धारा 68 की विद्यमान उप-धारा (3) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"(3) इस धारा के अधीन किसी वन अधिकारी को उस दशा में ही शक्ति प्रदत्त की जायेगी जबकि वह रेंज वन अधिकारी से अनिम्न पंक्ति का वन अधिकारी हो।"

15. 1953 के राजस्थान अधिनियम सं.13 की धारा 71 का संशोधन.- मूल अधिनियम की विद्यमान धारा 71 के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"71. 1871 के केन्द्रीय अधिनियम सं.1 के अधीन नियत जुर्मानों को बदलने की शक्ति.- राज्य सरकार, राजपत्र में अधिसूचना द्वारा निदेश दे सकेगी कि राजस्थान राज्य के लिए यथा अनुकूलित पशु अतिचार अधिनियम, 1871 (1871 का केन्द्रीय अधिनियम सं.1) के अधीन नियत जुर्मानों के बदले में इस अधिनियम की धारा 70 के अधीन परिबद्ध हर पशु के लिए ऐसा जुर्माना उद्गृहीत किया जायेगा जैसा कि वह ठीक समझती है, किन्तु वह निम्नलिखित से अधिक नहीं होगा, अर्थात्:-


हर हाथी के लिए	पच्चीस रुपये
हर ऊंट के लिए	पच्चीस रुपये
हर भैंस, घोड़ा, घोड़ी, खस्सी पशु, बछेड़ा, टूटू,	
बछेरी, खच्चर, सांड, बैल, गाय या बछड़ी के लिए	दस रुपये
हर बछड़े, गधे, सूअर, मेंढे, मेंढी, भेड़, मैमने, बकरी या	
उसके मैमनों के लिए।"	एक रुपया ।"

16. 1953 के राजस्थान अधिनियम सं.13 की धारा 72 का संशोधन.- मूल अधिनियम की धारा 72 में,-

- (i) खण्ड (ख) में, अन्त में आये विद्यमान शब्द "और" को हटाया जायेगा;
- (ii) खण्ड (ग) में, अन्त में आये विद्यमान विराम चिह्न "।" के स्थान पर अभिव्यक्ति ";और" प्रतिस्थापित की जायेगी; और
- (iii) इस प्रकार संशोधित खण्ड (ग) के पश्चात् निम्नलिखित नया खण्ड जोड़ा जायेगा, अर्थात्:-

"(घ) दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) के अधीन तलाशी वारंट जारी करने की शक्ति।"

प्रकाश गुप्ता,
प्रमुख शासन सचिव।

 सत्यमेव जयते	राजस्थान राज—पत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
	साधिकार प्रकाशित	<i>Published by Authority</i>
	फाल्गुन 13, मंगलवार, शाके 1935—मार्च 4, 2014 <i>Phalgun 13, Tuesday, Saka 1935—March 4, 2014</i>	

भाग 4 (क)

राजस्थान विधान मंडल के अधिनियम।

विधि (विधायी प्रारूपण) विभाग

(ग्रुप-2)

अधिसूचना

जयपुर, मार्च 4, 2014

संख्या प. 2 (11) विधि/2/2014—राजस्थान राजभाषा अधिनियम, 1956 (1956 का अधिनियम सं. 47) की धारा 4 के परन्तुक के अनुसरण में “दी राजस्थान फोरेस्ट (अमेण्डमेन्ट) एक्ट, 2014 (एक्ट नं. 8 ऑफ 2014)” का हिन्दी अनुवाद सर्वसाधारण की सूचनार्थ प्रकाशित किया जाता है:—

(प्राधिकृत हिन्दी अनुवाद)

राजस्थान वन (संशोधन) अधिनियम, 2014

(2014 का अधिनियम संख्यांक 8)

[राज्यपाल महोदया की अनुमति दिनांक 3 मार्च, 2014 को प्राप्त हुई]

राजस्थान वन अधिनियम, 1953 को और संशोधित करने के लिए अधिनियम।

भारत गणराज्य के पैंसठवें वर्ष में राजस्थान राज्य विधान-मण्डल निम्नलिखित अधिनियम बनाता है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ.- (1) इस अधिनियम का नाम राजस्थान वन (संशोधन) अधिनियम, 2014 है।

(2) यह राजस्थान राजपत्र में इसके प्रथम प्रकाशन की तारीख को और से प्रवृत्त होगा।

2. 1953 के राजस्थान अधिनियम सं. 13 की धारा 26 का संशोधन.- राजस्थान वन अधिनियम, 1953 (1953 का अधिनियम सं. 13) जिसे इसमें आगे मूल अधिनियम कहा गया है, की धारा 26 की

विद्यमान उप-धारा (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"(1) जो कोई व्यक्ति, आरक्षित वन में,-

- (क) अतिचार करेगा या पशु चराएगा या पशुओं को अतिचार करने देगा;
- (ख) किसी वृक्ष को गिराने, उखाड़ने, संपरिवर्तित करने या किसी इमारती लकड़ी को काटने या घसीटने में उपेक्षा द्वारा कोई नुकसान पहुंचायेगा; या
- (ग) किसी वृक्ष या उसके भाग को गिरायेगा, उखाड़ेगा, परितक्षण करेगा, छांटेगा, छेकेगा या उसे जलायेगा या उसकी छाल उतारेगा या पत्तियां तोड़ेगा, या उसे अन्यथा नुकसान पहुंचायेगा;

वह वन को नुकसान पहुंचाने के कारण ऐसे प्रतिकर के अतिरिक्त जिसका संदाय किया जाना सिद्धदोष करने वाला न्यायालय निर्दिष्ट करे, ऐसी अवधि के कारावास से, जो छह मास तक का हो सकेगा, या जुर्माने से, जो पांच सौ रुपये तक हो सकेगा, या दोनों से, दण्डनीय होगा।

(1-क) जो कोई व्यक्ति-

- (क) धारा 5 के अधीन प्रतिषिद्ध नई कटाई-सफाई करेगा; या
- (ख) आरक्षित वन में आग लगायेगा, या इस निमित्त राज्य सरकार द्वारा बनाये गये किन्हीं नियमों का उल्लंघन करते हुए ऐसी रीति से आग जलायेगा या आग को जलते छोड़ देगा जिससे ऐसा वन संकटापन्न हो जाये, या

जो, आरक्षित वन में,-

- (ग) ऐसी ऋतुओं में के सिवाय, जिन्हें वन अधिकारी इस निमित्त अधिसूचित करे, कोई आग जलायेगा, रखेगा या ले जायेगा;
- (घ) पत्थर की खुदाई करेगा, चूना या लकड़ी का कोयला फूँकेगा या किसी वन-उपज का संग्रह करेगा, उससे कोई विनिर्माण प्रक्रिया करेगा या उसे हटायेगा;

- (ड) खेती या किसी अन्य प्रयोजन के लिए किसी भूमि को साफ करेगा या तोड़ेगा;
- (च) राज्य सरकार द्वारा इस निमित्त बनाये गये किन्हीं नियमों के उल्लंघन में शिकार खेलेगा, गोली चलाएगा, मछली पकड़ेगा, जल विषैला करेगा या पाश या जाल बिछायेगा; या
- (छ) वन के अस्तित्व के प्रति अहितकर किसी भी कार्य में लिप्त होगा,

वह वन को नुकसान पहुंचाने के कारण ऐसे प्रतिकर के अतिरिक्त जिसका संदाय किया जाना सिद्धदोष करने वाला न्यायालय निर्दिष्ट करे, ऐसी अवधि के कारावास से, जो छह मास तक का हो सकेगा, या जुर्माने से, जो पच्चीस हजार रुपये तक का हो सकेगा, या दोनों से, दण्डनीय होगा।"।

3. 1953 के राजस्थान अधिनियम सं. 13 की धारा 33 का संशोधन.- मूल अधिनियम की धारा 33 की विद्यमान उप-धारा (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात्:-

"(1) जो कोई व्यक्ति-

- (क) धारा 30 के अधीन आरक्षित किसी वृक्ष को गिरायेगा, परितक्षण करेगा, छांटेगा, छेकेगा, या जलायेगा या ऐसे किसी वृक्ष की छाल उतारेगा या पत्तियां तोड़ेगा या उसे अन्यथा नुकसान पहुंचायेगा; या
- (ख) किसी वृक्ष को इस प्रकार गिरायेगा या किसी इमारती लकड़ी को इस प्रकार खींचेगा कि यथापूर्वोक्त रूप में आरक्षित किसी वृक्ष को नुकसान पहुंचाता है; या
- (ग) पशुओं को ऐसे किसी वृक्ष को नुकसान पहुंचाने देगा, वह ऐसी अवधि के कारावास से, जो छह मास तक की हो सकेगी, या जुर्माने से, जो पांच सौ रुपये तक का हो सकेगा, या दोनों से, दण्डनीय होगा।

(1-क) जो कोई व्यक्ति-

- (क) धारा 30 के अधीन वाले किसी प्रतिषेध के प्रतिकूल पत्थर की खुदाई करेगा या चूने या लकड़ी का कोयला

- फूँकेगा, या किसी वन उपज का संग्रहण करेगा, उससे कोई विनिर्माण प्रक्रिया चलाएगा, या उसे हटायेगा; या
- (ख) किसी संरक्षित वन में, धारा 30 के अधीन वाले किसी प्रतिषेध के प्रतिकूल, किसी भूमि को खेती या किसी अन्य प्रयोजन के लिए तोड़ेगा या साफ करेगा; या
- (ग) ऐसे वन को आग लगाएगा, या धारा 30 के अधीन आरक्षित किसी वृक्ष तक, चाहे वह खड़ा हो, गिर गया हो या गिराया गया हो, या ऐसे वन के बन्द किए गए किसी प्रभाग तक फैल जाने से रोकने के लिए युक्तियुक्तपूर्ण पूर्वावधानी बरते बिना आग जलाएगा; या
- (घ) ऐसे किसी वृक्ष या बन्द प्रभाग के सामीप्य में अपने द्वारा जलाई गई किसी आग को जलता छोड़ देगा; या
- (ङ) धारा 32 के अधीन बनाए गए किन्हीं नियमों का अतिलंघन करेगा,

वह उस अवधि के लिए कारावास से, जो छह मास तक की हो सकेगी, या जुर्माने से, जो पच्चीस हजार रुपये तक का हो सकेगा, या दोनों से, दण्डनीय होगा।"।

प्रकाश गुप्ता,
प्रमुख शासन सचिव।

LAW (LEGISLATIVE DRAFTING) DEPARTMENT

(GROUP-II)

Notification

Jaipur, March 4, 2014

No. F. 2 (11) Vidhi/2/2014.-The following Act of the Rajasthan State Legislature which received the assent of the

Governor on the 3rd day of March, 2014 is hereby published for general information:-

THE RAJASTHAN FOREST (AMENDMENT) ACT, 2014
(Act No. 8 of 2014)

[Received the assent of the Governor on the 3rd day of March, 2014]

An

Act

further to amend the Rajasthan Forest Act, 1953.

Be it enacted by the Rajasthan State Legislature in the Sixty-fifth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Forest (Amendment) Act, 2014.

(2) It shall come into force on and from the date of its first publication in the Rajasthan Gazette.

2. Amendment of section 26, Rajasthan Act No. 13 of 1953.- For the existing sub-section (1) of section 26 of the Rajasthan Forest Act, 1953 (Act No. 13 of 1953), hereinafter referred to as the principal Act, the following shall be substituted, namely:-

“(1) Any person who, in a reserved forest,-

- (a) trespasses, or pastures cattle, or permits cattle to trespass;
- (b) causes any damage by negligence in felling, uprooting, converting any tree or cutting or dragging any timber; or
- (c) fells, uproots, girdles, lops, taps, or burns any tree, or part thereof, or strips off the bark or leaves from, or otherwise damages, the same;

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid.

- (1-A) Any person who-
- (a) makes any fresh clearing prohibited by section 5; or
 - (b) sets fire to a reserved forest, or in contravention of any rules made by the State Government in this behalf, kindles any fire or leaves any fire burning in such manner, as to endanger such a forest, or who, in a reserved forest,-
 - (c) kindles, keeps or carries any fire except at such seasons, as the Forest Officer may notify in this behalf;
 - (d) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce;
 - (e) clears or breaks up any land for cultivation or any other purpose;
 - (f) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or
 - (g) indulges in any act detrimental to the very existence of the forest,

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to twenty five thousand rupees or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid.”

3. Amendment of section 33, Rajasthan Act No. 13 of 1953.- For the existing sub-section (1) of section 33 of the principal Act, the following shall be substituted, namely:-

- “(1) Any person who-
- (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark

or leaves from, or otherwise damages, any such tree; or

(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid; or

(c) permits cattle to damage any such tree,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

(1-A) Any person who-

(a) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal or collects, subjects to any manufacturing process, or removes any forest produce; or

(b) contrary to the prohibition under section 30, breaks up or clears for cultivation or any other purpose, any land in any protected forest; or

(c) sets fire to such forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled or to any closed portion of such forest; or

(d) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion; or

(e) infringes any rule made under section 32,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty five thousand rupees or with both.”

प्रकाश गुप्ता,

Principal Secretary to the Government.