

# The Forest Act, 1927

( ACT NO. XVI OF 1927 )

**<sup>1</sup>♣An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.**

WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:-

## CHAPTER I PRELIMINARY

### Short title and extent

1. (1) This Act may be called the Forest Act, 1927.

<sup>2</sup>[(2) It extends to the whole of Bangladesh.]

(3) [Omitted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

### Interpretation clause

2. 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

(a) the following whether found in, or brought from, a forest or not, that is to say:

timber, charcoal, cuatchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, 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 all other parts or produce of animals, and

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

<sup>3</sup>[(4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such court;]

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "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

(7) "tree" includes palms, bamboos, stumps, brushwood and canes.

## CHAPTER II

### OF RESERVED FORESTS

#### **Power to reserve forests**

3. The Government may constitute any forest-land or waste-land <sup>4</sup>[or any land suitable for afforestation] 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.

#### **Notification by Government**

4. (1) Whenever it has been decided to constitute any land reserved forest, the Government shall issue a notification in the official 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 inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or very 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 purposes 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 sub-section (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.

**Bar of  
accrual of  
forest  
rights**

5. 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.

**Proclamation  
by Forest  
Settlement  
officer**

6. When a notification has been issued under section 4, the Forest Settlement-officer shall publish in <sup>5</sup>[Bengali] 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 forest;

(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 <sup>6</sup>[and not more than four 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 particulars of the compensation (if any) claimed in respect thereof.

**Inquiry by  
Forest  
Settlement  
officer**

7. 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 as certainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

**Powers of  
Forest  
Settlement-  
officer**

8. 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 authorized 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 suit.

**Extinction  
of rights**

9. 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.

**Treatment  
of claims  
relating to  
practice of**

10. (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

## shifting cultivation

Government, together with his opinion as to whether the practice would be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the Government may make and 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 claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

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

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

## Power to acquire land over which right is claimed

11. (1) In the case of a claim to a right in or over any land other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, 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 the 7[Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

(3) For the purpose of so acquiring such land