

APPENDIX

Relevant Constitutional Provisions

14. **Equality before law.** - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. **Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth or any of them.**

(2) No citizen shall, on grounds of religion, race, caste, sex, place of birth or any of them be subject to any disability, liability, restriction or condition with regard to--

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to use of the general public.

19. **Protection of certain rights regarding freedom of speech, etc....**

(1) All citizens shall have the right

(e) to reside and settle in any part of the territory of India:

21. **Protection of life and personal liberty.** - No person shall be deprived of his life or personal liberty except according to procedure established by law.

31-A **Saving of laws providing for acquisition of estates, etc.-** (1) Notwithstanding anything contained in Article 13, no law providing for -

(a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or

(b) the taking over of the management of any property by the state for a limited period either in the public interest or in order to secure the proper management of the property.

shall be deemed to be void on ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14 or Article 19:

Provided that where such law is law made by the Legislature of a state, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent:

Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure provides for payment of compensation at a rate which shall not be less than the market value thereof.

(2) In this article -

(a) the expression "estate" shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include --

- (i) any *jagir, inam or muafi* or other similar grant and in the States of Tamil Nadu and Kerala, any *janam* right,
 - (ii) any land held under ryotwari settlement;
 - (iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans
- (b) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, under proprietor, tenure-holder, raiyat, under raiyat or other intermediary and any rights or privileges in respect of land revenue.

32. Remedies for enforcement of rights conferred by this Part. -

- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of the rights conferred by this Part.
- (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause(2).
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

38. State to secure a social order for the promotion of welfare of the people- (i) The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

(2) The state shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

39. Certain principles of policy to be followed by the State. The State shall, in particular, direct its policy towards securing –

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work of both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections - The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health. — The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48-A Protection of monuments and places and objects of national importance. — It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from exploitation, disfigurement, destruction, removal, disposal or export, as the case may be.

51. Formation of International peace and security - The state shall endeavour to -

(c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another.

51-A Fundamental Duties

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, river and wild life, and to have compassion for living creatures;

SEVENTH SCHEDULE OF THE CONSTITUTION

[Article 246]

List 1 - Union List

14. Entering into treaties, and agreements with foreign countries and implementing treaties, agreements and conventions with foreign countries.

52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

56. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

List II - State List

6. Public health and sanitation; hospitals and dispensaries.
17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of Entry 56 List 1.
18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.
21. Fisheries.

List III - Concurrent List

17. Prevention of cruelty to animals.
- [17-A Forests
- 17-B Protection of wild animals and birds.]
20. Economic and social planning
23. Social security and social insurance; employment and un-employment.
40. Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance.
42. Acquisition and requisitioning of property.

RELEVANT STATUTORY PROVISIONS

[THE INDIAN] EASEMENT ACT, 1882

2. Savings. --- Nothing herein contained shall be deemed to affect any law not hereby expressly repealed; or to derogate from ----
 - (a) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation.
 - (b) any right acquired, or arising out of a relation created, before this Act comes into force.
4. "*Easement*" defined.--- An easement is a right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent

something being done, in or upon, or in respect of, certain other land not his own.

15. *Acquisition by prescription.*--- Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, without interruption, and for twenty years, and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto, as an easement, and as of right, without interruption, and for twenty years the right to such access and use of light or air support or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

17. *Rights which cannot be acquired by prescription.* — Easements acquired under section 15 are said to be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired :-

- (a) a right which would tend to the total destruction of the subject of the right, or the property on which, if the acquisition were made, liability would be imposed;
- (b) a right to the free passage of light or air to an open space of ground ;
- (c) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;
- (d) a right to underground water not passing in a defined channel.

18. *Customary easements.*--- An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

28. *Extent of easements.*--- With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect :-

Easement of necessity

An easement of necessity is co-extensive with the necessity as it existed when the easement was imposed.

Other easements

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose --

Right of way

- (a) a right of way of any one kind does not include a right of way of any other kind :

Right to light or air acquired by grant

- (b) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by a testamentary or non-testamentary instrument, is the quantity of light or air that entered the opening at the time the testator died or the non-testamentary instrument was made.

Prescriptive right to light or air

- (c) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period irrespectively of the purposes for which it has been used :

Prescriptive right to pollute air or water

- (d) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose; and

Other prescriptive rights

- (e) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

[THE] LIMITATION ACT, 1963

25. *Acquisition of easements by prescriptions:-*

(1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years, and where any way or water course or the use of any water or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption and for twenty years, the right to such access and use of light or air, way, watercourse, use of water or other easement shall be absolute and indefeasible.

(2) Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(3) Where the property over which a right is claimed under sub-sec.(1) belongs to the Government that sub-section shall be read as if for the words "twenty years" the words "thirty years" were substituted.

26. *Exclusion in favour of reversioner of servient tenement.--* Where any land or water upon, over or from, which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or in terms of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be

excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled on such determination to the said land or water.

(THE) LAND ACQUISITION ACT, 1894

3. *Definitions*--- In this Act, unless there is something repugnant in the subject or context,---

(a) the expression "land" includes benefits to arise out of land and, things attached to the earth or permanently fastened to anything attached to the earth
:

(b) the expression "person interested " includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(THE) TRANSFER OF PROPERTY ACT, 1882

6. *What may be transferred.*-- Property of any kind may be transferred, except as otherwise provided by this act or by any other law for the time being in force.

(c) An easement cannot be transferred apart from the dominant heritage.

(THE) SPECIFIC RELIEF ACT, 1963

36. *Preventive relief how granted.*---

(1) Temporary injunctions are such as are to continue until a specific time, or until the further order of the court, and they may be granted at any stage of a suit, and are regulated by the Code of Civil Procedure, 1908.

(2) A perpetual injunction can only be granted by the decree made at the hearing and upon the merits of the suit; the defendant is thereby perpetually enjoined from the assertion of a right, or from the commission of an act, which would be contrary to the rights of the plaintiff.

38. *Perpetual injunction when granted.*---

(1) Subject to the other provisions contained in or referred to by this Chapter, a perpetual injunction may be granted to the plaintiff to prevent the breach of an obligation existing in his favour, whether expressly or by implication.

(2) When any such obligation arises from contract, the court shall be guided by the rules and provisions contained in Chapter II.

(3) When the defendant invades or threatens to invade the plaintiff's right to, or enjoyment of, property, the court may grant a perpetual injunction in the following cases, namely :-

- a) Where the defendant is trustee of the property for the plaintiff;
- b) where there exists no standard for ascertaining the actual damage caused, or likely to be caused, by the invasion;
- c) where the invasion is such that compensation in money would not afford adequate relief;
- d) where the injunction is necessary to prevent a multiplicity of judicial proceedings.

39. *Mandatory injunctions.*--- When, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the court is capable of enforcing, the court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts.

40. *Damages in lieu of, or in addition to, injunction.*---

(1) The plaintiff in a suit for perpetual injunction under section 38, or mandatory injunction under section 39, may claim damages either in addition to, or in substitution for, such injunction and the court may, if it thinks fit, award such damages.

(2) No relief for damages shall be granted under this section unless the plaintiff has claimed such relief in his plaint :

Provided that, where no such damages have been claimed in the plaint, the court shall, at any stage of the proceeding, allow the plaintiff to amend the plaint on such terms as may be just for including such claim.

(3) The dismissal of a suit to prevent the breach of an obligation existing in favour of the plaintiff shall bar his right to sue for damages for such breach.

MADHYA PRADESH IRRIGATION ACT, 1931

26. *Rights of the Government in Water.* -- All rights in the water of any river, natural stream or natural drainage channel, natural lake or other natural collection of water shall vest in the Government, except to the extent to which rights may have been acquired in water affected by a notification published under Section 27 prior to the publication of such notification.

27. *Bar of accrual of rights in water to the detriment of a projected canal.*--- When the State Government proposes to construct a canal it shall publish a notification declaring its intention and indicating the site of the head-works and thereupon no right shall be acquired against the Government under Section 15 or Section 16 of the Indian Easements Act, 1882, in the water of any river, natural stream or drainage channel, lake or other natural collection of water, any of whose waters will supply the canal when constructed.

28. *Bar of accrual of rights in water to the detriment of an existing canal.*-- No rights shall be acquired against the Government under Section 15 or Section

16 of the Indian Easements Act, 1882, in the water of any river, natural stream or natural drainage channel, lake or other natural collection of water, any of whose waters supply a canal existing or under construction at the commencement of this Act.

29. *Rights to supply of water from a canal.*--- No rights shall be acquired against the Government, whether under Section 15 or Section 16 of the Indian Easements Act 1882, or otherwise to the supply of water from a canal, save in accordance with the provisions of this Act or under a grant from the Government.

THE BENGAL ALLUVION AND DILUVION REGULATION, 1825

5. *Encroachment on beds of navigable rivers, and other obstructions.*--- Nothing in this Regulation shall be construed to justify any encroachments by individuals on the beds or channels of navigable rivers, or to prevent Zila Magistrates, or any other officers of (Government), who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall in any respects obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

(THE INDIAN) PENAL CODE, 1860

268. *Public nuisance.*--- A person is guilty of public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

271. *Disobedience to quarantine rule*-- Whoever knowingly disobeys any rule made and promulgated by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

277. *Fouling water of public spring or reservoir*--- Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, which extend to Rs. 500/- or with both.

290. *Punishment for public nuisance in cases not otherwise provided for.*--- Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

430 *Mischief by injury to works of irrigation or by wrongfully diverting water.*-- Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

431 *Mischief by injury to public road, bridge, river or channel.*-- Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

432. *Mischief by causing inundation or obstruction to public drainage attended with damage*--- Whoever commits mischief by doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(THE CODE OF) CRIMINAL PROCEDURE, 1973

133. *Conditional order for removal of nuisance.* —

(1) Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers --

- (a) that any unlawful obstruction or nuisance should be removed from any public or from any way, river or channel which is or may be lawfully used by the public; or
- (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such good or merchandise should be removed or the keeping thereof regulated; or
- (c) that the construction of any building, or, the disposal of any substance, as is likely to occasion conflagration or explosion, should be prevented or stopped; or
- (d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary; or

- (e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or
- (f) that any dangerous animal should be destroyed, confined or otherwise disposed of,

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order --

- (i) to remove such obstruction or nuisance; or
- (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or
- (iii) to prevent or stop the construction of such building or to alter the disposal of such substance ; or
- (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or
- (v) to fence such tank, well or excavation ; or
- (vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order ;

or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the order, and show cause , in the manner hereinafter provided, why the order should not be made absolute.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

141. *Procedure on order being made absolute and consequences of disobedience.*

(1) When an order has been made absolute under section 136 or section 138, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

(2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building goods or other property removed by his order, or by the distress and sale of any other movable property of such person within or without such Magistrate's local jurisdiction and if such other property is without such jurisdiction, the order shall authorise its attachment and sale when endorsed by the Magistrate within whose local jurisdiction the property to be attached is found.

(3) No suit shall lie in respect of anything done in good faith under this section.

Panchayat Acts

(This Panchayat Act has been chosen at random to illustrate the types of duties, rights, powers and property usually vested in the elected village councils. These rights and duties are those of a group. The Panchayat Acts of most states in India make similar provisions.)

THE U.P. PANCHAYAT RAJ ACT, 1947

An Act to establish and develop Local Self-Government in the rural areas of the U.P.

PREAMBLE.-- Whereas it is expedient to establish and develop Local Self-Government in the rural areas of the U.P. and to make better provision for village administration and development;

It is hereby enacted as follows :-

Section 17. Powers of Gaon Panchayats as to public streets, waterways and other matters. -- A Gaon Panchayat shall have control of all public streets, waterways, other than canals as defined in sub-section (1) of Section 3 of the Northern India Canal and Drainage Act, 1873, situated within its jurisdiction not being a private street or waterways and not being under the control of the state government or the Zila parishad or any other authority specified by the State Government and may do all things necessary for the maintenance and repair thereof, and may---

- (a) construct new bridges and culverts;
- (b) divert, discontinue or close any public street, culvert or bridge;
- (c) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields;
- (d) deepen or otherwise improve waterways;
- (e) with the sanction of the prescribed authority and where a canal exists under the Northern India Canal and Drainage Act, 1873, with the sanction also of such officer of the Irrigation Department as the State Government may prescribe, undertake small irrigation projects in addition to those specified by order under clause (u) of section 15;
- (f) cut any hedge or branch of any tree projecting on a public street;
- (g) notify the setting apart of any public water course for drinking or culinary purposes and prohibit bathing, washing of clothes and animals and doing other acts likely to pollute the course so set apart;

Provided that nothing shall be done under clause (g) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, without

the prior permission of the authority prescribed by the State Government in this behalf.

18. *Improvement of sanitation*.--- For the improvement of sanitation, a Gaon Panchayat may, by notice, direct the owner or occupier of any land or building, taking into consideration his financial position and giving him reasonable time for compliance thereof --

- (a) to close, remove, alter, repair, cleanse, disinfect or put in order any latrine, urinal or water - closet which opens on to a street or drain or to shut off such latrine, urinal or water - closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood;
- (b) to cleanse, repair, cover, fill up, drain off, deepen, or to remove water from a private well, tank, reservoir, pool, pit, depression, or excavation therein which may appear to the Gaon Panchayat to be injurious to health or offensive to the neighbourhood;
- (c) to close off any vegetation, undergrowth, prickly pear or scrub-jungle;
- (d) to remove any dirt, dung, night-soil, manure or any noxious or offensive matter therefrom and to cleanse the land or building:

Provided that a person on whom a notice under clause (b) is served may, within 30 days of the receipt of notice, appeal to the District Medical Officer of Health against the said notice who may vary, set aside or confirm it.

34. *Property vested in the Gaon Sabha*--

- (1) Subject to any special reservation made by the State Government, all public property situated within the jurisdiction of a Gaon Sabha shall vest in and belong to the Gaon Sabha, be under its direction, management and control.
- (2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Gaon Panchayat and the Gaon Sabha shall receive to the credit of the Gaon Fund all dues levied or imposed in respect thereof.

(THE INDIAN) FOREST ACT, 1927

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 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 Land Acquisition Act, 1894.
- (3) For the purpose of so acquiring such land --
- (a) the Forest Settlement Officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;
 - (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
 - (c) the provisions of the preceding sections of that Act 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.
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 State 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 powers such rules may--
- (a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State;
 - (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized 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 making 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.

