

SAURASHTRA FELLING OF TREES (INFLECTION OF PUNISHMENT) RULES, 1961

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1. Short title :-

These rules may be called the Saurashtra Felling of Trees (Inflection of Punishment) Rules, 1961.

2. Definitions :-

In these rules, unless the context requires otherwise:-

- (1) "the Act" means the Saurashtra Felling of Trees (Inflection of Punishment) Act, 1951;
- (2) "competent authority" means the Collector, or any other officer or Village Panchayat empowered under clause (a) of sub- section (1) of section 3 to give permission:
- (3) "damaging a tree" shall include girdling, lopping or stripping the bark of a tree:
- (4) "Form" means a form appended to these rules:
- (5) "Section" means a section of the Act;
- (6) Words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Act.

3. Purposes for which permission can be given :-

Permission under clause (a) of sub-section (1) of section 3 may be given for the following purposes, namely:-

- (1) to make or to repair agricultural implements:
- (2) to utilize the timber obtained from the tree in the construction of a well:
- (3) to remove obstruction to existing cultivation:
- (4) to remove a tree which has dried up due to natural causes.

¹[(5) to fell trees from forest lands belonging to Government or under the control or management of the forest officer under section 36 or 38 of the Indian Forest Act, 1927 (16 of 1927):

Provided that the felling of trees from such forests shall be in accordance with the prescriptions of a working plan duly sanctioned by Government, or a working scheme sanctioned by the Chief Conservator of Forests, Gujarat State, with such deviations therefrom as may be sanctioned by the Chief Conservator of Forests In exercise of his powers:

(5A) to fell trees from lands not belonging to or vesting In Government:

Provided that the felling of trees from such forest lands shall be In accordance with the prescriptions of the working plan sanctioned by Government and, in the absence of such a working plan, subject to the following regulations, namely:-

(i) the period of the permission shall be for 8 months that is to say, from the 1st of October to the 31st of May of the following year. No felling of trees shall be permitted from the 1st of June to the 30th September, both days Inclusive.

(ii) No permission for felling of trees from the area for which permission under sub-section (1) of section 3 was granted, shall again be granted until a period of not less than 20 years has elapsed from the year of previous felling:

(iii) No permission shall be granted for the felling of:-

(a) trees situated along slopes, steeper than 1 in 5, and for trees within strips of 15 meter width along either side of rivers and roads and within 3 meter width along either side of nallas and streams:

(b) fruit trees and yielding important economic forest produce, including Mahuva, Amba, Rayan, Hirda, Jaman, Charoli, Amla, Karanj, Amli and Kadaya, irrespective of their girth, unless they are dead or dying.

Explanation.-For the purposes of clause (b) of this regulation, "Dying tree" means a tree of which not less than half the crown is dead.

(c) trees of Teak, Khair, ² [x x x] Chandan, Tanachh, Bio Sadad, Haldu, Kalam, Shivan, Siras, Babul, which are not less than 60 c.m. in girth at breast height in districts other than those of Dangs, Bulsar. Broach and Surat and less than 90 c.m. in girth at breast in the districts of Dangs, Bulsar, Broach and Surat.

(d) trees of species other than those specified in clauses (b) and (c) of this regulation which are less than 60 c.m. in girth, at breast height in the districts of Dangs, Bulsar, Broach and Surat and less than 45 c.m. in girth at breast in the Districts other than those of Dangs, Bulsar, Broach and Surat:

(iv) trees other than those specified in regulation (iii), may be permitted to be felled subject to the following conditions namely:-

(a) a complete list of such trees shall be prepared after giving each tree a tar band a number at breast height and a chisel number and hammer mark at the ground level and the same shall be approved of by the Divisional Forest Officer concerned. The marking of the trees for preparation of the list shall be done by the Forest Officers and the cost of the same shall be met by the applicant. The list shall mention the serial number of each tree, its species and girth:

(b) felling shall be done in an orderly manner from one end of the area to the other:

(c) stools of the trees felled shall be trimmed flush with the ground leaving intact the portion bearing the chisel and the hammer mark;

(d) all reasonable care shall be taken while felling the trees so that no damage is to be caused to the trees which are to be retained in accordance with regulation (ii):

(e) the felling debris shall be cleared upto a radius of 1 meter all around the stool:

(v) bamboos may be permitted to be felled, subject to the following

conditions, namely:-

(a) the bamboo bearing area shall be divided into four equiproductive blocks. Permission for felling shall be granted for only one block at a time. Permission for felling bamboos from the same block shall not be granted again until a period of not less than 3 years from the year of previous felling has elapsed:

(b) the period of felling shall be from the 1st of October to the 31st of May of the following year. No felling shall be permitted from the 1st of June to the 30th of September:

(c) bamboos which are more than 3 years in age shall be felled only after retaining not less than 6 live bamboos which are not less than 3 years in age, well spaced in each clump:

(d) bamboo shall be felled at a height not exceeding 45 c.m. from the ground level in the case of Katas bamboos and 15 c.m. in the case of Manvel bamboos:

(vi) tapping of Kadaya trees for extraction of gum shall be restricted to trees which are not less than 90 c.m. in girth at breast height. Each such tree shall not be tapped consequently for more than 3 years. Re-tapping of trees once tapped shall not be permitted until a period of not less than 7 years from the last year of tapping has elapsed.]

(6) for any other purpose which the competent authority, looking to the circumstances of each case, considers for reasons to be recorded in writing to be bona fide and in respect of which it is absolutely necessary or reasonable to give permission.

1. Inserted by Gujarat Govt. Gaz. IV-B. d.21-3-1966, pp. 186-189.

2. Del, by Gujarat Govt. Gaz. IV-B, d. 30-7-1970, p. 1771.

3A. Further condition in the case of certain trees :-

Where a permission is given under clause (a) of sub-section (1) of section 3 for the purpose specified in clause (5) or (5a) of rule 3 and the person to whom such permission is given does not intend to fell the trees himself or through any member of his family, but through the hired labour, such permission shall be deemed to have been given subject to the further condition that the trees shall be felled through the agency of the Forest Department of the Government of Gujarat or any Forest Labourer's Co-operative Societies registered under the Gujarat Co-operative Societies Act,

1961.]

4. Form of application :-

(1) A person desiring to obtain permission under section 3 shall apply in writing to the competent authority.

(2) The application shall contain, the following particulars, namely:-

(a) Whether the applicant is the owner of the tree, and if so, clear proof regarding the ownership of the tree,

(b) If the applicant is not owner of the tree, clear proof indicating the consent of the owner of the tree to fell, cut or damage the tree,

(c) the purpose for which permission is sought,

(d) whether the whole tree or a portion thereof is proposed to be cut or damaged, the description of the portion to be so cut or damaged,

(e) a declaration to the effect that if permission is given, the tree or a portion thereof, when felled, cut or damaged shall be utilised only for the purpose mentioned In the application.

(3) Certified extracts of village Forms No. I, No. VII and No. XII, relating to the land in which the tree is situate. Issued on a date not later than three months before the date of the application, shall be attached to the application.

5. Mode of inquiry :-

On receiving an application under rule 4, the competent authority shall,

(1) give a receipt for the same,

(2) make or cause to be made such inquiry as may be necessary and practicable to verily the information given in the application, and

(3) thereupon pass an order either granting or refusing the permission asked for and communicate the order to the applicant, as soon as may be practicable:

(4) where permission is granted a certificate in Form 'A' shall be issued to the applicant.

6. Register of applications :-

(1) A register of applications received under rule 4 and orders passed thereon under rule 5 shall be maintained in Form B.

(2) The register maintained under sub-rule (1) shall from time to time be Inspected by an officer to whom the competent authority is subordinate.

7. Repeal and Saving :-

(1) On the commencement of these rules, the Saurashtra Felling of Trees (Infliction of Punishment) Rules, 1954 shall stand repealed.

(2) Notwithstanding the said repeal, any action taken or anything done under the provisions of the rules so repealed, shall, in so far as It is not inconsistent with the provisions of these rules, be deemed to have been taken or done under the corresponding provisions of these rules.