

BOMBAY FOREST RULES, 1942

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BOMBAY FOREST RULES, 1942

In exercise of the powers conferred by Sections 26, 32, 41, 42, 51 and 76 of the Indian Forest Act, 1927 (XVI of 1927), and of all other powers enabling it in this behalf, and in supersession of all previous rules made in this behalf, the Government of Bombay is pleased to make the following rules

CHAPTER 1 Preliminary

1. Short title and extent :-

These rules shall be called the Bombay Forest Rules, 1942, and shall apply to the [the State of Bombay, excluding the transferred territories.]

2. Interpretation :-

In these rules, unless there is anything repugnant in the subject or context

(a) "Act" means the Indian Forest Act, 1927;

¹ (b) "Divisional Forest Officer" includes a Sub-Divisional Officer, in charge of an independent Sub-Division;

1. Substituted by G. N. of 23-3-1962.

CHAPTER 2 Protection of Forest from Fire

3. Kindling, etc., of fire on roads or paths adjoining or passing through reserved forests prohibited :-

Except at such places as may from time to time be notified locally by the Divisional Forest Officer, no person shall kindle any fire or leave any fire burning upon any public or private road or path which adjoins or pass through a reserved forest but does not form part of such forest.

4. Precautions to be taken in making ash-manure near a reserved forest :-

No person shall ignite materials for making ash-manure in any field within two hundred yards from the boundary of a reserved forest, unless

(i) there is between such boundary and the spot on which such materials are ignited a space of at least 25 feet in width which is clear of vegetation capable of carrying fire from such spot to the forest; and

(ii) such other precautions such as employing watchers, are taken as are reasonably necessary to prevent fire from spreading to the forest.

5. Kindling of fire within 200 yards from a reserved forest prohibited :-

Except for the purpose of making ash-manure, no fire shall be kindled elsewhere than in a place used as a human dwelling or in premises appertaining to such dwelling, within a distance of two hundred yards from the boundary of a reserved forest, without the previous written permission of a Forest officer not lower in rank than a Range Forest Officer.

6. Precautions to be taken in kindling fire beyond 200 yards from a reserved forest :-

No person shall kindle any fire, or leave any fire burning at any place which is at a distance greater than two hundred yards from the boundary of a reserved forest but from which the fire may by natural means spread to the forest, unless he takes precautions, by clearing a fire-path not less than twenty feet in width between such place and such boundary, or by employing watchers or otherwise, to prevent the fire from so spreading.

7. Partial operation of rules in the rainy season :-

Nothing in the rules in this Chapter shall operate during the period commencing on the 15th June and ending on the 31st October.

CHAPTER 3 Hunting and Shooting, etc., in Reserved and Protected Forests

8. Acts prohibited in reserved and protected forests :-

The following acts are prohibited in all reserved and protected forests

(a) the poisoning of rivers or other waters, the explosion of dynamite or other explosive therein, and the setting of cruives or basket traps for the purpose of killing or catching fish;

(b) the setting of spring guns, snares or traps;

(c) the catching, wounding or killing of-

(i) game, other than carnivora, bear or pig, over water, saltlicks, or paths leading directly to water or salt-licks;

(ii) any bird or animal for which a close-time has been prescribed under the Wild Birds and Animals Protection Act, 1912 (VIII of 1912) during the close-time so prescribed; and

(iii) such animal as may from time to time be notified in this behalf by the Conservator of Forests;

(d) shooting from a motor car except in the case of small game, and wild dogs and pigs; and

(e) shooting after sunset and before sunrise, except in the case of

(i) small game and wild pigs, and

(ii) tigers and panthers from machans over live or killed ties

Provided that any of the above acts may be done with the written permission of the Conservator of Forest, or, in the case of snares or traps, of the Divisional Forest Officer.

UNDER BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951 ~~SCHEDULE~~ SCHEDULE [See Sections 2(n) and 53 A] (Vermin) [See Sections 2(c) and (1) and Section 53 A] [See Sections 2(b) and (c) and Section 53 A] [See Sections 2(b) and (c) and Section 53 A] (Special Big Game)

9. Application of Rules 11 to 22 :-

¹The State Government may by notification in the Official Gazette, apply the provisions of Rules 11 to 22, with such modifications as it thinks fit, to any reserved or protected forest in any district.

1. Substituted By G.N. of 22-12-1958.

10. Hunting and shooting prohibited in certain areas except under a licence :-

¹ No person shall, except under a licence granted in this behalf by the Conservator of Forests hunt or shoot in any reserved or protected forest to which the provisions of Rules 11 to 22 have been applied under Rule 9

Explanation The term "hunting" used in this Chapter includes tracking for the purpose of discovering the hide of wild animals.

1. Substituted By G.N. of 22-12-1958.

11. Power to refuse or cancel a licence :-

(1) The Conservator of Forests shall have discretion to grant or refuse a licence for hunting and shooting.

(2) The Conservator of Forests may, at any time, cancel any licence for a breach of any provisions of the Act or these rules, whether committed by the licensee or by any of his retainers or followers; or for any interference with the work of the forest officers on the part of the licensee or of any of his retainers or followers, which in the opinion of the Conservator is unwarranted; or in the event of fire breaking out in any forest in respect of which the licence has been granted.

(3) In any case where the Conservator of Forests or the Divisional Forest Officer thinks it advisable, he may direct that a forest guard or other person shall accompany the camp of any licensee hunting and shooting in a forest, with the object of seeing that these rules are not infringed.

12. Licence not transferable :-

A licence granted under Rule 11 shall not be transferable.

13. Licence to be produced on demand for inspection :-

Every licensee hunting or shooting in any forest to which Rules 11 to 17 apply shall, on demand by any Forest, Police or Revenue Officer, produce his licence for inspection.

14. Limitation on putting out ties :-

No licensee shall put out ties at a distance of more than 20 miles from his camp or residence.

15. Intimation to be given when animals are wounded but not killed :-

When any licensee wounds but fails to kill any animal of the following species viz., elephant, tiger, panther, bear or bison, he shall forthwith give intimation of such fact either orally or in writing to the nearest round forest officer and shall also send within 24 hours from the time the animal is wounded a report in writing to the Divisional Forest Officer. He shall also notify the fact to the inhabitants of the nearest village.

16. Licence to be returned on expiry of period :-

On the expiry of the period of the licence, the licensee shall return it to the Conservator of Forests, with an endorsement thereon showing the number and kind, and the horn dimensions in the case of protected animals, or length in the case of carnivora and bear, of all game killed by him.

17. Privileges of resident hill tribes, etc., not barred :-

Nothing in the rules contained in this Chapter shall be taken to cancel any privileges granted to resident hill tribes unless the Collector by express order directs, or to preclude the grant of special permission by the Divisional Forest Officer or the Collector to resident villagers on special occasions.

18. Period and scope of licence :-

(1) Every licence issued under Rule 11 shall permit the holder only to hunt and shoot, and shall be valid for a period of one year from the date of its grant, in any reserved or protected forest in the circle or portion of circle by the Conservator of which the licence has been granted, and to which Rules 11 to 22 have been made applicable under Rule 9, subject to the condition that before it has effect in any forest division in which the licensee does not reside or exercise any jurisdiction, it must be countersigned by the Divisional Forest Officer.

(2) Notwithstanding anything contained in sub-rule (1) the period of a licence to hunt and shoot on the plateau of Matheran and Garbut only shall be limited to one month. The Round Forester, Matheran, may receive the fees mentioned in sub-rule (2) of Rule 19, and issue a temporary permit to an applicant for a licence pending receipt of the licence from the Conservator of Forests, Central Circle.

(3) No licensee shall hunt or shoot more than two males of each species of animals specified in the licence. A list of species of such animals shall be prepared for each forest division by the Conservator of Forests.

(4) Wounded game may be pursued into the forests of the division adjoining that for which the licence is valid or into a forest closed under Rule 20.

19. Fees for licences :-

(1) The fee for a licence shall be Rs. 25 for the Northern Circle and Rs. 50 for the Central Circle.

(2) The fees for a licence to hunt and shoot on the plateau of Matheran and Garbut shall be

(a) Rs. 15 for one month in the case of persons who hold no circle licence, and

(b) Rs. 7-8-0 for one month in the case of persons who hold a circle-licence valid for the Northern ¹ * * * Circle,

Persons holding a circle licence for the Central Circle shall not be charged any extra fee or be required to take a special licence to hunt and shoot on the above plateau.

(3) Gazetted forest officers travelling on duty are exempted from the payment of fees for licences.

1. Deleted by G.N. of 22-12-1958.

20. Closing of forests to hunting and shooting :-

(1) The Conservator of Forests may, on the recommendation of the Divisional Forest Officer and the Collector, declare that any particular forest or part of a forest is wholly closed for a term of years or annually for a specified period.

(2) The Conservator of Forests may also prohibit the taking, wounding or killing of any particular species of animals in any specified tract of forest, with a view to the preservation of such species, but any such order shall be subject to revision by the Commissioner.

(3) A licence granted under these rules shall not be valid

(a) in any forest or part of a forest which has been closed under sub-rule (1) during the period it is closed, and

(b) in the tract of forest specified in an order made under sub- rule (2) in respect of the species of animals specified in such order:

Provided that gazetted officers whose jurisdiction extends to such forests, or persons holding licence on which the Divisional Forest Officer has endorsed special permission to that effect may kill pigs, tigers and other dangerous or destructive animals in such forests. Such special permission shall not be given for a longer period than one month in any case.

21. Employment of shikaris :-

A licensee may employ any number of trackers The Divisional Forest Officer have full discretion to prohibit the employment for tracking, stalking, typing up for camivora, or conducting drives of beats, of any persons other than those to whom permit to act as "shikaris" have been given by him.

22. Shikar cards to be filled in :-

The licensee shall fill in the shikar card in the printed form which a forest guard may present to him, while he is found hunting or shooting in any forest to which Rules 11 to 22 apply.

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CHAPTER 4 Pasturing of Cattle in Reserved and Protected Forests

40. Pasturing of cattle in forests prohibited except in areas specially and except under a permit :-

No person shall pasture cattle in a reserved or protected forest

(a) except within the areas assigned for such purpose by, or under the orders of the Commissioner or the Conservator of Forests.

(b) without obtaining a permit from a Revenue or Forest Officer which shall be granted on payment of the fee prescribed by the State Government and except in accordance with the conditions subject to which such permit has been granted.

CHAPTER 5 Cutting of Tress, Cultivation, etc., in Protected Forests

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46. Rules for protected forests of Thana, Kolaba and Peint :-

The following Rules 47 to 50 inclusive apply to the protected forests in the Thana and Kolaba districts and the Peint taluka of the Nasik district Rule 51 applies to the protected forests in the Thana and Kolaba districts only.

47. Definitions :-

In Rules 48 to 51

(a) the word "tree" includes all ground shoots which grow into trees such as kuda, kudi, Pethari and chera, but does not include bushes; and the word "bush" shall be deemed to include all ground shoots which do not grow into trees such as kervand, ukshi, phangli, dhanti and nirgudi.

(b) the word injaili refers to trees excluding those of the kinds mentioned against the district or taluka concerned in clause (a) of Schedule hereto annexed;

(c) the word "cultivator" includes

(i) all persons who personally cultivate the soil, whether as tenants or in their own right;

(ii) all landlords resident in a village and holding land therein, whether they cultivate the soil personally or through tenants: but does not include non-resident lands.

48. No forest produce may be removed from protected forest except by cultivators :-

No forest produce shall be removed from a plot assigned for cultivation in a protected forest or from any trees in such plot except by the authorised cultivator of such plot ; and no forest produce shall be removed from any protected forest in a village or from any trees in such protected forest except by a cultivator of that village.

49. Cutting etc., of trees prohibited save as provided in these rules :-

Save as provided in Rules 50 and 51 no person shall in any protected forest cut down, pollard, or lop any tree whatever.

50. Cultivators may cut down, lop or pollard of certain injaili trees subject to restrictions :-

In the protected forest of any village a cultivator of that village may cut down, lop or pollard for his own use any injaili trees other than the fruit trees mentioned against the district or taluka concerned in clause (b) of Schedule C hereto annexed in accordance with the following conditions but not otherwise:

(a) in the case of injaili trees 1017 feet high or higher-

(i) the leading shoot must be permanently preserved along with all shoots from the top most third of the main stem;

(ii) shoots that have taken less than two years to grow may not be touched; only shoots that have taken two years or more to grow may be lopped off;

(b) in the case of injaili trees less than 10 feet high-

(i) where several stems spring from the same root or stump the best of such stems with all shoots from it shall be left untouched till the stem is 10 feet high, but all other shoots from the root or stump or from the ground within a year of the untouched stem may be cut down to the ground;

(ii) no stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard 18 of it :

Provided that with the previous permission of a revenue officer not lower in rank than a Mamlatdar in the case of protected forests of the districts of Thana and Kolaba, and of a forest officer not lower in rank than a Range Forest Officer in the case of protected forests of the Peint taluka of the Nasik district, such cultivator may cut down for his

own use

(a) any injaili tree not useful for tahal or fruit; and

(b) any fruit tree and any leading shoot or best stem referred to in clause (a) (i) and clause (v) (i) of the conditions mentioned above when in the opinion of such officer such tree, shoot or stem is no longer useful for fruit or tahal.

51. Trees other than injaili may be cut with permission :-

(1) In the protected forest of any village in the districts of Thana and Kolaba a cultivator of that village may, with the previous permission of a revenue officer not inferior in rank to an Assistant Collector or Deputy Collector, cut down for his own use any tree other than an injaili tree.

(2) The Collector or Plant Officer may, by written order delivered to the Patel, authorise the cultivators of a village to cut down the after-growth of teak, blackwood and tivas trees, subject to the condition that two leading shoots from each stump with all their branches are left permanently untouched, and may be at any time modify such order by withdrawing such authority either from particular cultivators or from all the cultivators or in respect of particular areas.

52. Rules for protected forest of certain villages in Akola taluka :-

The following rules 53 to 65 apply to the protected forest in the following villages of the Akola taluka of the district of Ahmednagar, namely:

53. Lands of certain description may be cleared for cultivation :-

Lands of either of the two following descriptions may be cleared or broken up for cultivation in the said forest subject to the conditions, if any, respectively applicable thereto, viz.,

(a) land the right to cultivate which has been recorded in an enquiry under Section 29, or

(b) land let for cultivation under a lease which is at the time in force and has been granted under these rules.

54. Unoccupied assessed land may be let out to resident villagers :-

The unoccupied land in the said forest suitable for cultivation having been divided off by the Survey Department, under the orders of the State Government into fields which bear distinctive numbers and having been measured and assessed by the said Department at a moderate rent, any of the said fields (hereinafter called "numbers") may be let at the rent so assessed to any person who is, and has been for not less than five years previously, a resident of the village in which the number is situated, subject to the conditions contained in these rules.

55. Lands may be leased by public auction :-

The Divisional Forest Officer may, in his discretion, lease any field on payment of a premium or after holding a public auction.

56. Lease and counterpart agreement to be executed in each case :-

Every lease granted under these rules shall be in the form in Schedule D, hereto annexed, and shall be executed by such officer as it authorised under the rules in this behalf to execute such an instrument. No such lease shall be granted until the intending lessee has executed a counterpart agreement in the form in Schedule E, hereto annexed, bearing an endorsement of the tenor prescribed in the said form signed by the village officers.

57. Period of lease to be prescribed by State Government :-

Leases shall be granted for such term of years as the State Government may prescribe from time to time.

58. Rent to be paid in two installments :-

The rent due in respect of lands leased under these rules shall be payable in two equal instalments on the 10th December and 10th January, respectively.

59. Renewal of leases :-

On the expiry of the term of any lease granted under these rules, the lessee shall be entitled to the renewal of the lease for such term and subject to such conditions and the payment of such rent as the State Government shall think fit to prescribe.

60. Cancellation of leases :-

Every lease granted or renewed under these rules may at any time be cancelled by the Divisional Forest Officer or the Conservator of Forests:

- (a) if the lessee or any co-sharer of the land held by the lessee is convicted of any offence under Section 33 and such conviction is not subsequently reversed or quashed; or
- (b) if the land included in the lease or any portion of it is subjected, without the previous sanction of the Divisional Forest Officer or of the Conservator of Forests, to any mortgage, charge, sub-lease or alienation; or
- (c) if the land included in the lease or any portion of it is subjected to dahi cultivation; or
- (d) if any installment of rent due in respect of the land is not paid, or recovered under Section 82, before the close of the revenue year in which it is payable; or
- (e) if the lessee ceases to be a resident of a village in which the land is situate.

When a lease is cancelled under this rule, it shall be deemed for the purposes of Rule 53 to cease to be in force from such date as shall be fixed in this behalf by the officer cancelling the same.

61. Appeals :-

An appeal shall lie from any order made by the Divisional Forest Officer under the last preceding rule to the Conservator of Forests. The order of the Conservator of Forest shall be final.

62. Lessees may be granted concessions to remove forestproduce from leased lands :-

No lease granted under these rules shall be deemed to confer upon the lessee any right in or over the trees or other forest produce of the land included in such lease; but subject to a reservation of the right of the State Government at any time to withdraw such concession and to the provisions of Rule 63, the lessee of any land may upon or from the said land

- (a) lop trees, not being trees which are reserved under Section 30, for the purpose of obtaining rab for manure ;
- (b) with the written authority of the Divisional Forest Officer cut and remove trees not being trees reserved as aforesaid and not exceeding 15 inches in circumference at the base, which, in the opinion of the said officer, impede cultivation;
- (c) pasture and cut and remove grass for his own cattle, sheep and goats;
- (d) gather and remove edible fruits and roots ;
- (e) gather and remove dead wood for fuel;
- (f) quarry or gather and remove stones for his own use for any agricultural or domestic purpose.

63. Precautions to be taken while lopping trees :-

Lessees exercising the privilege of lopping trees for obtaining rab granted by clause (a) of the last preceding rule, shall leave uncut a main leading shoot (shendd) of each tree which they so lop.

64. Privileges to be exercised in unoccupied field by resident villagers :-

Any person permanently residing in any of the said villages may, in any unoccupied field of the protected forest in the village in which he resides; pasture, or cut and remove grass for his own cattle, sheep and goats without licence or payment of any fee. The State Government may at any time withdraw this concession.

65. Restrictions on pasturing of cattle or removal of grass :-

Except as provided in Rule 62 and in the last preceding rule, no cattle, sheep or goats may be pastured and no grass may be cut in a protected forest without written authority from the Divisional Forest Officer.

CHAPTER 6 Transit of Forest Produce

66. Regulation of transit of forest produce by means of passes :-

. No forest produce shall be moved into, or from, or within any district of the ¹ [pre-Reorganisation State of Bombay excluding the transferred territories] except as hereinafter provided, without a pass, from some officer or person duly authorised by or under these rules to issue such pass, or otherwise than in accordance with the conditions of such pass or by any route or to any destination other than the route or destination specified in such pass:

Provided that no pass shall be required for the removal

(a) except to a bunder, landing place or railway station-

(i) of any forest-produce which is being removed for private consumption by any person in exercise of a privilege granted in this behalf by the State Government, or of a right recognized under the Act, within the limits of a village as defined in the Bombay Land Revenue Code, 1879, in which it is produced.

(ii) of twigs, leaves, brushwood and grass intended solely for conversion into ash-manure.

(b) of firewood not exceeding three inches in diameter of the thickest part, grass or leaves, the property of one person or the joint property of two or more persons, which is conveyed in quantities not exceeding one headload once in 24 hours unless it be brought to a bunder, landing place or railway station or to any areas to which the State Government may from time to time declare by notification in the Bombay Government Gazette that this exemption shall not extend, or

(c) of such forest-produce as may be exempted State Government may from time to time declare by notification in the Bombay Government Gazette.

1. Substituted by G. N. of 22-12-1958.

67. Officers and persons to issue passes :-

(1) The following officers and persons shall have power to issue passes under these rules (namely): Officers

(a) for forest-produce from land which is not included in a reserved or protected forest and is more than ten miles distant from a reserved or protected forest, the revenue patel, or the police patel of the village if the revenue patel is illiterate or village accountant, and

(b) for forest-produce from land other than that described in clause (a), the Conservator of Forests, the Divisional Forest Officer, the sub- Divisional Forest Officer or any other officer including a revenue patel or police patel or village accountant, authorised in this behalf in writing by the Conservator of Forests, Divisional Forest Officer, Sub-Divisional Forest Officer;

(c) for forest-produce owned by any person, such person or his agent, if so authorised in writing by the Conservator of Forests, or by any Divisional Forest Officer, the Sub-Divisional Forest Officer specially empowered in this behalf in writing by the Conservator of Forests; provided that such authorization shall specify the period during which it shall remain in force :

Provided that the Conservator of Forests may, in consultation with the Commissioner of Excise, require that for mohwra flowers to be removed from any specified area, passes shall be issued only by the local Excise officer not below the rank of a Sub-Inspector.

(2) Any authorization may at any time be cancelled by the officer granting it.

68. Passes what to contain :-

(1) Every forest pass issued under Rule 67 shall specify

(a) the name of the person to whom such pass is granted ;

(b) the quantity and description of forest-produce covered by it;

(c) in the case of forest-produce referred to in clause (a) of sub- rule(1) of Rule 67, the name of the village and survey number in which it was produced;

(d) the places from and to which such forest produce is to be conveyed;

(e) the route by which such forest-produce is to be conveyed; and

(f) the period of time for which the pass is to be in force, which shall be calculated as follows The date of issue plus in the case of transport by a motor vehicle, a day for transit to any point upto 80 miles from the village of origin plus an additional day for every additional 80 miles or fraction thereof, and, in the case of any other form of transport, a day for transit to any point upto 15 miles from the village of origin plus an additional day for every additional 15 miles or fraction thereof:

¹ Provided that in the case of transport of forest produce by floating in such rivers or portions thereof as the State Government may, by general or special order, specify in this behalf, the time for transit on any such rivers or portions thereof shall be calculated at the rate of one day for every 5 miles or fraction thereof

(2) The colour and form of each pass and the sum to be paid in respect of each book of forest passes will be such as may be prescribed by the Chief Conservator of Forests, with the previous sanction of the State Government.

1. Added by G. N. of 8-2-1956.

69. Separate pass for each load :-

No forest pass shall ordinarily cover more than one load, whether such load be carried by a person, an animal or in a vehicle. But the Divisional Forest Officer, subject to the control of the Conservator of Forests, may, whenever, he deems fit, order that one pass may cover any number of headloads or animal loads not exceeding 50 and any number of cart loads not exceeding 10 for journeys not exceeding 15 miles from and to the same places and undertaken at one and the same time.

70. Pass not to be tampered with :-

No alteration shall be made in anything printed or written on any forest pass, except in the matter of route and period and this may only be done by an authorised officer for sufficient reason to be mentioned in this pass.

71. Books of blank passes to be supplied to persons authorised to issue them :-

(1) When the Conservator of Forests or any duly empowered Divisional Forest Officer authorises any person or the agent of any person under clause (c) of sub-rule (1) of Rule 67 to issue forest passes, he shall furnish such person from time to time with authenticated books of blank passes.

(2) The said person to whom such book is supplied shall pay the same, if any, fixed under Rule 68 (2).

(3) No person who has been authorised to issue passes shall issue passes otherwise than in accordance with the conditions of his authorization.

(4) No such person shall charge any fee for any pass issued.

(5) The counterfoils of all used passes shall be returned to the officer from whom the book of passes was received and no fresh pass-book shall be supplied until the counterfoils of all passes previously used have been so returned.

(7) In the event of any authority given under clause (c) of sub-rule (1) of Rule 67 being at any time cancelled under sub-rule (2) of the said rule or on the expiry of the period specified in such authority, the person whose authority is so cancelled or the person, the period of whose authority has so expired, as the case may be, shall forthwith return to the officer who gave the authority every unused book of forest passes and the unused portion of any such book in his possession, together with the counterfoils of used passes, if any, which he has not already returned, and the said person shall be entitled when he has returned all such unused books or portions thereof and the counterfoils of used passes as aforesaid, to receive a refund of the amount paid by him in respect of every such unused book but no refund shall be allowed in respect of any portion of such book.

(8) No forest pass issued by any person or by the agent of any person authorised under clause (c) of sub-rule (1) of Rule 67 to issue forest passes shall have any validity

(a) if such pass is not prepared on a blank form supplied for this purpose under sub-rule (1) of Rule 71, or

(b) if the same is issued after receipt by such person of an order cancelling the authority to issue such passes, or

(c) if the same is issued by such person after the expiry of the period specified in the authority given for the issue of such passes.

72. Foreign pass :-

All forest-produce imported into the 21[pre-Reorganization State of Bombay excluding the transferred territories) otherwise than by sea shall be covered by a foreign pass registered under Rule 73, and, in the case of timber exceeding the dimensions mentioned in Rule 82 and of scented sandalwood, bear foreign property mark registered under Rule 73.

73. Form etc :-

of foreign pass must be registered in the Conservators office. Every foreign pass must be in a form which, and must be signed by an official whose designation has been registered in the office of the Conservator of Forests in the Circle into which it is sought to import forest-produce thereunder and every foreign property mark must be of a description which has been registered in the said office :

Provided that, at the request of an official of any State, not below the rank of a Divisional Forest Officer the forest-produce of such State may be allowed to be imported into this State

(a) if the import of such forest-produce is covered by foreign pass signed by a contractor or his agent whose specimen signature is registered in the office of the Conservator of Forests in charge of the Circle into which the forest-produce is sought to be imported;

(b) if the office-stamp of such official (being an official authorised by the State Government of that State to issue books of foreign passes to contractors for the export of forest-produce into another State), affixed to or printed on the pass under which the forest-produce is sought to be imported; and

(c) if the timber falling within Rule 82, and scented sandalwood of any dimension bears a distinguishable private property mark of the owner of such timber or scented sandalwood (being a property mark, description of which has been registered in the office of the Conservator of the Forests, in charge of the Circle into which the forest-produce is sought to be imported).

74. Divisional Forest :-

Officer may refuse to register signature. In cases under the proviso of Rule 73, the Divisional Forest Officer may, for reasons to be recorded in writing, refuse to register the specimen signature of any contractor or his agent.

75. Imported forest produce may be conveyed to first depot without a pass under Rule 67 :-

Any forest-produce which is imported otherwise than by sea may be conveyed within the limits of the ¹ [pre-Reorganisation State of Bombay excluding the transferred territories] as far as the first depot established under Rule 78 without a pass issued under Rule 67, if it is covered by a foreign pass registered under Rule 73, and if stacked or deposited in any place between such limits and such depot the foreign pass covering the material shall at once be delivered at that depot.

1. Substituted by G. N. of 22-12-1958.

76. Conservator may direct use of a transit mark for imported timber :-

If the Conservator of Forests shall so direct, no timber exceeding the dimensions mentioned in Rule 82 and so scented sandalwood which has been imported as aforesaid shall be moved beyond such first depot, without having stamped upon it a Government transit mark of such description as the Conservator shall prescribe.

77. Saving of recognized privileges :-

Nothing in Rules 66 to 76 inclusive shall be deemed to require or to have required the possession of a pass in cases where exemptions from such possession for enjoyment of certain privileges recognised by the State Government have been granted before the passing of these rules.

78. Depots and their purposes :-

The Conservator of Forests may establish at such places as he shall think fit, depots to which forest-produce shall be taken

(a) for examination previous to the grant of a pass in respect thereof under these rules; or

(b) for determining the amount of money, if any, payable on account thereof to Government; and for the payment of any money so found to be due; or

(c) in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

79. Situation of depots to be published :-

The Conservator of Forests shall make known from time to time by notification in the Bombay Government Gazette, and locally in such manner as he deems fit, the name and situation of each depot in the Circle.

80. Depot to be in charge of an officer :-

Each depot shall be in charge of an officer appointed by or under the orders of the Conservator of Forests without whose permission no forest-produce shall be brought into, stored at, or removed from the depot.

81. Vessels conveying forest produce by river to call a depot on banks :-

The person in charge of any vessel which carries forest-produce on a river, on the banks of which one or more depots established under these rules are situated, shall call and stop his vessel at every such depot which he has to pass, in order that the forest-produce may be examined, if necessary, under the provisions of Rule 85 and the person in charge of such vessel shall not proceed with such vessel pass any such depot without the permission of the forest officer in charge of such depot.

82. Property and transit marks to be affixed to timber exceeding ascertain size :-

. Except when it is the property of Government, timber exceeding 9 inches in girth at the thickest part and 6 feet in length and scented sandalwood of any dimensions shall not be moved from or within any district of the ¹ [pre-Reorganisation State of Bombay excluding the transferred territories] unless it bears a distinguishable private property mark of the owner of such timber of a description which has been registered in the office of the Conservator of Forests of the Circle or of the Divisional Forest Officer, and also if the Conservator so directs unless it bears a Government transit mark of such description as shall from time to time be prescribed in this behalf by the

said Conservator.

1. Substituted by G. N. of 22-12-1958.

83. Registration of forms of passes or marks :-

The Conservator of Forests or the Divisional Forest Officers shall upon receipt of an application for registration of any form or mark for the purpose of Rule 73 or rule 82 enquire into the authenticity of the same, and if he sees no objection, shall on payment by the applicant of such fee as shall from time to time be prescribed by the State Government in this behalf, register such form or mark in his office. Every such registration shall hold good for a period of one year only, except in the case of forms and marks * * * of foreign Governments, the registration of which shall hold good till they are modified or replaced by new forms or marks.

84. Government marks not to be imitated or effaced :-

No person other than a forest officer whose duty it is so, use such marks, shall use any property marks for timber identical with, or nearly resembling, any Government transit mark or any mark with which timber belonging to Government is marked; and no person shall, while any timber is in transit under a pass issued by any person or by the agent of any person authorised in this behalf under clause (c) of sub-rule (1) of Rule 67 alter or efface any mark on the same.

85. Forest-produce in transit may be stopped and examined by certain officers :-

(1) Forest-produce in transit may be stopped and examined at any place by any forest, police or revenue officer if such officer shall have reasonable grounds for suspecting that any money which is due to Government in respect thereof has not been paid, or that any forest offence has been or is being committed in respect thereof:

Provided always that no such officer shall vexatiously or unnecessarily delay the transit of any forest-produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such forest-produce, or cause the same to be unloaded for the purpose of examination.

(2) The person in charge of such forest-produce shall furnish to any such officer all the information which he is able to give regarding the same, and if he is removing the same under a pass shall produce such pass, on demand, for the inspection of such officer, and shall not in any way prevent or resist the stoppage or examination of the said forest-produce by such officer.

86. Prohibition of the obstruction of channels or banks of rivers :-

No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of forest produce, or throw grass, brushwood, branches or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

87. Measures to be taken for removal of obstructions :-

(1) Any forest officer not lower in rank than an Assistant Conservator of Forests, may take such measures as he shall at any time deem to be emergently necessary for the prevention or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of forest-produce; but any such case which is not emergent shall be reported to the Collector, who may by written notice require the person whose act or negligence has caused or is likely to cause the obstruction, to remove or take steps for preventing the same within a period to be named in such notice, and, if such person fails to comply with such notice, may himself cause such measures to be taken as he shall deem necessary.

(2) The cost reasonably incurred by a forest officer or by the Collector under this rule shall be payable to the State Government by the person whose act or negligence has necessitated the same.

88. Prohibiting conversion of timber within certain distance of forests :-

(1)

(i) Within the limits of any reserved or protected forest (whether in charge of the Forests or Revenue Department or of any land in respect of which a notification under Section 4 declaring that it has been decided to constitute such

land as reserved forest has been issued, and within one rule of such limits, no person shall establish a saw pit for the cutting or converting of timber or manufacture charcoal without the previous sanction in writing of the Range Forest Officer; or

(ii) Within the limits of any reserved or protected forest, or of any land referred to in clause (i) and within twenty miles of such limits, no person shall erect or operate any machinery or saw mill for cutting or converting of timber, without obtaining a licence in that behalf.

(2) Any person desiring to establish a saw-pit or to manufacture charcoal under clause (i), or to erect or operate any machinery or saw-mill under clause (ii), of sub-rule (i) shall make an application in that behalf to the Range Forest Officer and Divisional Forest Officer, respectively :

Provided that where within a period of one month from the date of the application, the applicant fails to receive the sanction under clause (i) of sub- rule (1) the applicant may proceed to establish a saw-pit to manufacture charcoal, but not so as to contravene any of the provisions of the Act or any rules made thereunder.

(3) On receipt of an application under sub-rule (2) the Range Forest Officer, or as the case may be, the Divisional Forest Officer shall make such inquiry as he deems fit and after satisfying himself on the question whether or not there would be any objection to granting the sanction or licence applied for having regard to safeguarding the timber in any reserved or protected forest or in any land referred to in sub-rule (1), may grant the sanction or licence in the form in Schedule EE subject to the conditions set out therein, or refuse to grant the sanction or licence.

(4) Every licence granted or renewed under this rule shall, subject to the provision contained in this rule regarding cancellation be effective for a period not beyond the 31st day of December next following the date of its issue or renewal.

(5) The Divisional Forest Officer may, on application made to him, renew the licence issued under sub-rule (3), with effect from the date of its expiry.

(6) An application for renewal of a licence shall be made before the expiry of the period of the licence; and failure to renew will render the licensee liable for punishment for operating the saw mill without a licence.

(7) Notwithstanding anything contained in the foregoing sub-rules, the Divisional Forest Officer may, where he has reason to believe that a licensee is operating the saw mill in contravention of the provision of these rules and conditions of the licence or the licensee is indulging in activities prejudicial to the interests of forest conservancy, at any time, revoke the licence granted under this rule.

(8) Where a Divisional Forest Officer refuses to issue, or renew, or revokes, a licence granted under this rule, he shall do so by an order communicated to the applicant or holder, as the case may be, giving reasons in writing for such refusal or revocation.

(9) Any person aggrieved by an order made under sub-rule (8), may within thirty days of the service on him of the order, appeal to the Chief Conservator of Forests who shall decide the appeal after giving such person and Divisional Forest Officer making the order, an opportunity to being heard, and the decision of the Chief Conservator of Forests shall be final.

(10) Nothing contained in this rule shall apply to the ordinary operations of domestic carpentry or to other similar work on a small scale.

89. Local areas to which the rules are not applicable to be published :-

The State Government may by notification in the Bombay Government Gazette exempt from the operation of the rules contained in this Chapter any local area specified in such notification.

CHAPTER 7 Trees in Occupied Lands

90. Reserved trees :-

This expression "reserved trees" in this Chapter shall include teak, blackwood, sandalwood, and other trees or aftergrowth, the right of Government to which has been reserved under the provisions of the Bombay Revenue Code, 1879 or rules made thereunder.

91. Cutting etc. of reserved trees in occupied lands prohibited except when permitted :-

No person shall cut, lop, or in any way injure, appropriate or remove any reserved tree or any loppings thereof, which is grown or growing on lands belonging to or in the occupation of private persons: or knowingly or wilfully permit or abet the cutting, lopping, injuring, appropriating or removing of the same by any other person, without having first obtained permission in accordance with the rules in this Chapter.

92. Purchasers of reserved trees not to be obstructed in cutting and removing them :-

(1) No person shall obstruct any purchaser, lessee or other transferee of the trees mentioned in Rule 91, in cutting, lopping, injuring, appropriating or removing of such trees when the cutting, lopping, injuring or removing such trees is done by the purchaser, lessee or transferee or any person acting on behalf with the previous permission of the Collector or the Conservator of Forests.

(2) It shall be lawful for the Collector, and Forest Officer to render assistance to a purchaser, lessee or other transferee of such trees or any person acting on this behalf in the cutting, lopping, injuring, appropriating or removing of the same.

93. Occupants responsible for preservation of trees :-

Every occupant or holder of land shall be responsible for the due preservation of all reserved trees growing on the land and shall, in the event of an injury to any such tree from whatever cause, as soon as possible report such fact to the nearest local Revenue or Forest Officer.

94. Royalty to be paid before cutting or removal of reserved trees and permission required for cutting, etc., of sandalwood and certain other timber :-

(1) No person shall:

(a) cut or remove reserved trees without paying the royalty prescribed by the State Government or value thereof and without obtaining a receipt for such payment passed by a Forest Officer empowered by the Conservator of Forests in this behalf, or

(b) without obtaining permission from the Divisional Forest Officer, the grant of which shall be subject to such conditions as the State Government may from time to time prescribe;

(i) cut or uproot reserved trees or remove timber obtained from reserved or unreserved trees, of the species Mentioned in column 2 of the Schedule F hereto annexed in or from the districts or parts of districts mentioned against them in columns 3 of the said Schedule, or

(ii) cut or mark timber obtained from reserved or unreserved sandalwood trees or convert the same into powder or oil in any other manner.

(2) Nothing contained in sub-rule (1) shall be deemed in any way to modify or cancel any order regarding reservation made under the provisions of the Bombay Land Revenue Code, 1879, or of the Land Revenue Rules, 1921.

95. Mode of application for permission to cut and remove trees or timber :-

Every person seeking to obtain permission for cutting or uprooting any trees or removing any timber referred to in Rule 94 shall apply in writing to the Divisional Forest Officer. Every such application shall clearly specify the survey numbers, the names of the villages, the name of the taluka and the number and kinds of trees sought to be cut or uprooted or the kind and quantity of the timber sought to be removed from each survey number. In case of survey numbers containing the trees or timber are held by a number of persons, a joint application shall be made by all the occupants if however one of the occupants applies for permission, the written consent of the remaining occupants to

allow the applicant to cut or uproot the trees or remove the timber shall be appended to the application.

96. Enquiries to be made by the Divisional Forest Officer and grant of permission :-

On receipt of an application under Rule 95, the Divisional Forest Officer shall make such enquiry as he deems necessary regarding the title of the applicant to the trees or timber, and on the conclusion of such enquiry he shall, unless there is any reason to the contrary and subject to any limitations or conditions prescribed under Rule 94 by the State Government in this behalf, give the permission in writing applied for :

Provided that in the case of reserved trees the prescribed royalty or value thereof shall be recovered before such permission is granted :

Provided further that permission to cut aftergrowth of teak in Varkas hands in the Thana district, the right to which vests in Government, shall not be given unless the trees sought to be cut are required for the genuine agricultural or domestic needs of the applicants or for the benefit of the villagers generally and not required for sale or barter.

97. Conditions of the permission to be observed by the applicant :-

Every applicant shall be bound by the conditions contained in the permission granted under Rule 96 Such permission shall specify inter alia the name of the officer to whom the permit is to be shown by the applicant prior to the cutting or uprooting of the trees or removal of the timber and the period within which the trees are to be cut or uprooted or the timber is to be removed.

98. Cutting, etc. to be done after marking :-

On receipt of the permission the applicant shall take it to the officer named therein and shall cut or uproot the trees or remove the timber after they have been marked by that officer with such mark as may be prescribed for the purpose by the Conservator of Forests.

99. Transit rules in Chapter VI to apply in the matter of removal and conversion :-

The rules in Chapter VI shall apply in the matter of removal and conversion of the timber, referred to in this Chapter. The following supplementary Rules 100 to 104 shall apply in addition in regard to the conversion and marking of all sandalwood timber referred to in clause (b) (ii) of Rule 94(1), and Rules 105 to 108 shall apply in regard to the conversion of timber obtained from other trees referred to in Rule 94.

100. Mode of application for permission for conversion or marking of sandalwood :-

An application for the grant of permission for conversion or marking of sandalwood timber under clause (b)(i) of Rule 94(1) shall clearly show the source from which the sandalwood timber has been derived and shall be accompanied by documents proving the applicants title to the same.

101. Enquiry to be made by the Divisional Forest Officer :-

On receipt of an application under Rule 100, the Divisional Forest Officer, after making such enquiries as he deems necessary, regarding the applicants title to the sandalwood timber, shall, on the conclusion of such enquiries, issue the necessary permission if the timber is found to belong to the applicant.

102. Conditions to be observed by the applicant :-

The applicant shall be bound by the conditions contained in the permit under Rule 101 Such permit shall specify inter alia the name of the place or places where and the period within which the conversion of sandalwood shall be carried out.

103. Private property marks to be registered by dealers in sandalwood :-

:- Dealers in sandalwood who wish to sell the wood wholesale or retail must get private property marks registered as provided in the rules contained in CHAPTER VI.

104. Return of permit :-

On expiry of the period entered in the permit issued under Rule 101 it shall be returned to the Divisional Forest Officer.

105. Mode of application for conversion of timber other than sandalwood :-

If the timber obtained from trees other than sandalwood, referred to in Rule 94, is sought to be converted at a place in which the provisions of Rule 88 are applicable, the applicant shall apply in writing for permission to the Range Forest Officer giving him the particulars as to the place, time and quantity of timber sought to be converted

and such other particulars as may be required by that officer.

106. Enquiries to be made by Range Forest Officer and issue of sawing permit :-

On receipt of an application under Rule 105, the Range Forest Officer shall make such enquiry regarding the timber to be converted and the place where the saw-pit is to be erected and on satisfying himself as to the source and ownership of the timber to be converted and on seeing that it is not stolen from the forests he shall issue a sawing permit to the applicant.

107. Conditions to be observed by the applicant :-

The applicant on receipt of the sawing permit shall be bound by the conditions contained therein. Such permit shall specify, inter alia, the name of the applicant to whom the permit is given, the place where the saw-pit is to be erected and period within which the timber is to be converted.

108. Return of sawing permit :-

On expiry of the period entered in the sawing permit issued under Rule 106 the applicant shall return the same to the Range Forest Officer.

CHAPTER 8 Drift and Stranded Timber

109. Collection of drift and stranded timber and disposal thereafter :-

(1) Any person may collect timber of any of the descriptions set forth in Section 45 and, pending the bringing of the same to the proper depot for the reception of drift timber, may keep the same in his own custody, but he shall report his having done so within twenty-four hours to the nearest Forest Officer.

(2) The Forest Officer in charge of the Range in which the timber has been found shall, pending completion of the proceedings under Sections 46 to 48, take possession of the timber and unless in his opinion the probable proceeds of the sale of timber are not likely to exceed the cost incurred on collecting it together with the probable cost of conveying to a depot appointed for the reception of drift timber, he shall convey the timber to such depot.

110. Registration of boats for salving and collecting timber :-

Any person may register in the office of the Conservator of Forests one or more boats for use in salving and collecting timber on payment of a fee of one rupee for each boat. Such registration shall hold good for the period of one year only, but may be repeated from year to year.

111. Persons collecting timber entitled to recompense :-

¹ Every person, whether a Forest Officer or not, who collects such timber, shall, regard being had to the amount spent and efforts made by him for such collection, be entitled to receive a recompense-

(1) not exceeding 50 percent, of the amount realised by Government by sale of such timber after deducting the cost, if any, incurred by

(2) not exceeding 50 percent, of the estimated value, if the timber proves to be the property of any person other than the Government

The amount of such recompense and estimated value shall be determined and paid,-

(a) where such amount does not exceed Rs. 500 by such officer not lower in rank than an Assistant Conservator of Forests, as the State Government may authorise in this behalf, and

(b) in any other case, by the State Government.

1. Subscribed by G.N. of 7-10-1961.

112. When collected timber belongs to private persons, such persons to pay all costs :-

If the timber collected shall be proved to be the property of any person other than the State Government, such person shall be liable to pay to the State Government under Section 50 of the Act the following amounts, viz. :

- (1) on account of salving and collecting, the actual amount of recompense paid to the person who collected it;
- (2) on account of moving, the actual cost incurred in moving to the depot for the reception of drift timber;
- (3) on account of storing, such fees as shall from time to time be fixed by the Conservator of Forests, with the previous sanction of the State Government for the storing of timber at such depot.

113. No person other than authorised Forest Officer to mark timber :-

No person other than a Forest Officer authorised in this behalf by the Conservator of Forest shall mark any timber to which the rules in this CHAPTER apply.

CHAPTER 9 Power and Duties of Forest Officers and Revenue Officers.

114. Commissioner to be chief controlling authority :-

Subject to the control and direction of the State Government, the Chief Controlling Authority in any division in all matters relating to forest administration, except those mentioned in Rule 115, shall be the Commissioner.

115. Duties of Commissioners :-

Except in matters relating to departmental finance, purely technical forest operations, appointment, leave or transfer of establishment, and other matter with which the Conservator of Forests is empowered to deal the ¹ [Commissioners concerned] shall, for the purposes of administration, -

- (a) issue orders and instructions to Collectors and Conservators;
- (b) interpret the orders of the State Government where any question arises as to the meaning of such orders;
- (c) settle all matters in which any difference of opinion arises between the Forest Department and any other department;
- (d) promote generally the harmonious working of the Revenue and Forest Departments; and
- (e) receive, consider, and when such reference is necessary, refer to the State Government, with their own views in each case, all reports respecting forest matters submitted to them, whether from the Revenue or from the Forest Department.

1. Substituted of G. N. of 22-12-1958.

116. Collectors to be responsible for forest administration :-

Except in matters relating to purely technical forest operations, the Collector of each district is responsible for forest administration and the Divisional Forest Officers shall be assistants to the Collector and subject to his orders.

117. Chief Conservator, his powers and duties :-

The Conservator of Forests is the head of the Forest Department and the technical adviser of the State Government in forest matters. He is empowered to deal on his own authority with purely technical questions, such as the operation of sanctioned working plans, fire protection and silvicultural operations generally, and with matters regarding which powers have been delegated to him. In regard to all purely technical matters he will be the controlling authority over the Conservators and in regard to other matters he shall be in the position of adviser, being consulted either by the Commissioner or by the State Government as the case may be.

118. Powers of Conservators :-

Subject to the other provisions of these rules and subject to the instructions issued by the Chief Conservator from time to time, each Conservator of Forests in his own Circle shall direct all technical forest operations.

119. Conservators to control Forest Officers :-

Except in so far as is otherwise directed in orders of the State Government, the departmental control of all Forest Officers in a Circle vests in the Conservator of Forests of that Circle, subject to the control of the Chief Conservator.

120. Procedure regarding departmental communications :-

In matters relating to departmental finance or to appointment, transfer or leave of establishment, and in those mentioned in Rule 117, as matters to be dealt with by the Chief Conservator, on his own authority, the Conservators shall address all the communications to the Chief Conservator. On other subjects, they shall address the Commissioner concerned.

121. Divisional Forest Officers :-

All Divisional Forest Officers and their subordinates shall, in all but purely technical matters, be subordinate to the Collector of the district in which they are serving. Posting, punishments, rewards, leave and transfer of subordinate forest establishment shall be made, awarded or granted by the Divisional Forest Officer subject to the general power of control vested in the Chief Conservator of Forests.

122. Powers of Collector and Divisional Forest Officer regarding local supply, public rights, pastures, etc :-

In all matters relating to supply of forest produce including grass for the domestic and agricultural requirements of the villagers, grazing and the rights and privileges of the people in or in respect of forest, orders shall be issued by the Divisional Forest Officer after approval by the Collector. The management and control of the pastures and fodder reserves handed over to the Revenue Department vests exclusively in the Collector subject to the orders of the Commissioner and of the State Government. In this respect the Conservator of Forests and the Divisional Forest Officers are to act in the capacity of consultative officers advisors and giving their opinions on all questions of a technical character that may be referred to them by any of the said authorities.

123. Forest compartment not to be closed except under the orders of the Collector :-

No forest compartment shall be closed, whether for planting or reboisement or for punitive purposes, except under the order or with the approval of the Collector. This rule does not apply to the closure of compartments in accordance with a duly sanctioned working plan.

124. Certain cases to be submitted through the Collector - Difference of opinion :-

Subject to any instructions which may be given by the Commissioner orders issued by a Conservator to any Divisional Forest Officer and all correspondence between the Conservator and any such officer on the following subjects shall be forwarded through the Collector who will record such remarks thereon or in matters other than such as are described in Rules 117 and 118 give such directions with regard thereto as he thinks fit. Working Plans, Fixing of rates for sale of minor forest produce, Forest Settlements, Afforestation and disforestation, Rights and privileges, Closure of forest areas in respect of grazing or other privileges, Enhancement or reduction of grazing fees, Local supply of fuel grass and grazing, Rab, dalhi or kumri cultivation, Annual administration report, Recovery of forest revenue or outstanding under Section 82 and of penalties due under bond under Section 85 of the Act, Supply of fire-arms Diaries of Divisional Forest Officers, Civil suits, Thefts of Government money. In the event of a difference of opinion between a Collector and the Conservator of Forests, either officer may refer the matter to the Commissioner, who will either dispose of the reference himself, or, if he thinks it necessary, obtain the orders of the State Government.

125. Order of Forest Officer to village- officers to be ordinarily sent through Mamlatdar :-

Orders by forest officers to village-officers shall ordinarily be sent through the Mamlatdar to whom the village-officers are subordinate but may, if urgent, be sent direct; provided that in the latter case a copy of the order shall at the same time be sent to such Mamlatdars aforesaid.

126. Forest guards not to leave beat for report to revenue or police officer :-

No revenue or police officer shall call a forest guard off his beat, nor shall a forest guard leave his beat in order to report himself to such officer.

127. Action to be taken when felling of a compartment is delayed beyond due time :-

(1) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would, according to regular rotation, be due, the Divisional Forest Officer shall, subject to the order of the Conservator and the Chief Conservator as regard deviations from sanctioned working plans, and with the approval of the Collector when necessary under Rule 122, make arrangements for meeting the requirements of villagers in the locality.

(2) For such purpose the villagers may, if necessary, and if no other arrangement is practicable, be permitted to enter the compartment the felling whereof has been so delayed and lop for themselves, under the supervisions of a forest subordinate appointed for the purpose by the Divisional Forest Officer, the materials to which, but for such delay, they would have been entitled.

CHAPTER 10 Contracts

128. Persons entering into contract with Forest Officers should execute written instruments to perform contract and to pay expenses in case of breach :-

Whoever enters into any contract with any Forest Officer acting on behalf of the Governor of Bombay, shall, if so required by such Forest Officer, bind himself by a written instrument to perform such contract and to pay to such Forest Officer on behalf of the Governor of Bombay the expenses necessary for or incurred in the execution of any work or thing to be done which he has bound himself but has failed to do

Explanation A person, who makes a written tender for a contract, or who signs the conditions of an auction sale at which he is a bidder, such tender or conditions of sale being on or in a form furnished by a Forest Officer for that purpose, whereby he

(a) being himself to perform the contract for which he tenders or binds in the event of his tender or bid being accepted, or

(b) binds himself not to withdraw his tender or bid during the time that may lapse before its acceptance or refusal is communicated to him, shall be deemed to have been required by Forest Officer to bind himself as aforesaid, and in case (a) on the acceptance of his tender or bid, or in case (b) on the making of his tender or bid, to have bound himself accordingly, within the meaning of this rule and any such person need not enter into a separate written instrument for the purpose, unless specially so required by the Forest Officer with whom he contracts.

CHAPTER 11 Penalties and Rewards

129. Penalties for breach of certain rules :-

Whoever contravenes the provisions of Rules 66, 70, 71 (3) to (7), 72, 75, 76, 80 to 82, 84, 85 (2), 86, 88, 102, 104, 105, 107 to 109 or 113 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.

130. Rewards out of fines and confiscations :-

A Conservator of Forests or a Divisional Forest Officer of not less than seven years service in gazetted rank empowered by the Conservator in this behalf, and in the case of reserved or protected forests handed over the Revenue Department for management, the Collector of the district may authorise payment by way of reward, of such sum as he deems fit out of the fund recovered or the proceeds of property confiscated under the Act, to any person by whose assistance the conviction was obtained or the property liable to confiscation discovered :

Provided that except in any case where the Magistrate otherwise directs, is the aggregate amount of rewards paid under this rule shall not exceed one-half the net proceeds of the fine or confiscation.

SCHEDULE A

SCHEDULE

xxx xxx xxx

SCHEDULE B

SCHEDULE

SCHEDULE C

SCHEDULE

SCHEDULE C

[See Rules 47(b) and 50]

(a) Kinds of trees excluded from the term "injaili" as defined in Rule 47 (b)

(i) in the case of a protected forests in the district of Thana:-

1. Teak (*Tectona grandis*),
2. Blackwood (*Dalbergia latifolia*),
3. Sandalwood (*Santalum album*),
4. Tiwas (*Ougeinia dalbergioides*),
5. Khair (*Acacia catechu*);

(ii) in the case of a protected forests in the Feint taluka of the Nasik district:

1. Teak (*Tectona grandis*),
2. Blackwood (*Dalbergia latifolia*),
3. Sandalwood (*Santalum album*),
4. Tiwas (*Ougeinia dalbergioides*),
5. Khair (*Acacia Acatechu*),
6. Mhowra (*Bassia latifolia*),
7. Hirda (*Terminalia chebula*),
8. Mango (*Mangifera indica*),
9. Tamarind (*Tamarindus indica*);

(iii) in the case of a protected forests in the district of Kolaba :

1. Teak (*Tectona grandis*),
2. Blackwood (*Dalbergia latifolia*),
3. Sandalwood (*Santalum album*),
4. Khair (*Acacia catechu*),
5. Apta (*Bauhinia reacecosa*),
6. Dhavda (*Anogerissus latifolia*),
7. Dhamni (*Grewia tiliaefolia*),
8. Shivani (*Gmelina arborea*),
9. Jamba (*Xylia xylocarpa*);

(b) Kinds of injaili fruit trees as referred to in Rule 50, which a cultivator shall not cut down, lop or pollard :

(i) in the case of a protected forests in the district of Thana:-

1. Hirda (*Terminalia chebula*),
2. Mango (*Mangifera indica*),
3. Mhowra (*Bassia latifolia*),
4. Tamarind (*Tamarindus indica*);

(ii) in the case of a protected forests in the Peint taluka of the Nasik district:

1. A In (*Vengueria spinosa*),
2. Ambada (*Spondias mangiferd*),
3. Awla (*Phyllanthus emblica*),
4. Beheda (*Terminalia belerica*),
5. Bhokar (*Cardia myxd*),

6. Bor (*Zizyphus jujaba*),
7. Jambul (*Eugenia jambolana*),
8. Kawath (*Feronia elephantum*),
9. Phanas (*Artocarpus integrifolia*),

10. Tad palm (*Borassus flabellifer*) except for lopping of

leaves for the gatherers domestic use for thatching only,

11. Temburni (*Diospyros melanoxylon*),

12. Toran (*Zizyphus inoplii*),

13. Umbar (*Ficus glomerata*);

(iii) in the protected forests in the district of Kolaba :

1. Hirdu (*Terminalia chebula*),

2. Mango (*Mangifera indica*),

3. Mhowra (*Bassia latifolia*),

4. Temburni (*Diospyros melanoxylon*).

SCHEDULE D SCHEDULE

SCHEDULE D

[See Rule 56]

Form of Lease

To A. B., resident of _____

I, C.D. (here enter the *executants official designation*), on behalf of the Governor of
Bombay, hereby grant to you A, B, a
lease for _____ years, commencing from the..day of..

19____, of the field No. _____ in the protected forest of the village of _____ in the Akola Taluka of the
Ahmednagar

District on payment of a annual rent
therefor of Rs. _____ This lease is granted subject to the provisions of the

Indian Forest Act, 1927, and of the rules made thereunder.

Dated the _____ day of _____ 19 _____.

(Signed) C.D.

SCHEDULE E
SCHEDULE

SCHEDULE E

[See Rule 56]

Form of Counterpart Agreement.

To the Governor of Bombay.

I, _____ A.B. inhabitant
of _____ in the
Akola

Taluka of the Taluka District, hereby accept
the lease of field No. _____

in the protected forest of the above village
for the term of _____

y e a r s , commencing _____ on
the _____ day
of _____ 19 _____,

subject to the provisions of the Indian
Forest Act, 1927, and of the rules

made under this Act, and I undertake to
pay annually Rs. _____

o n account of the rent of the said

No. _____ in the installments
and on the dates prescribed in this behalf in
the rules aforesaid.

D a t e d the _____ day
of _____ 19 _____.

Written

by _____

(Signed)

Signed by A.B.in the presence of

Endorsement

We, the undersigned, declare that, to the
best of our knowledge and

from the best information we have been
able after careful inquiry to obtain,

t h e person who has executed this
agreement is A.B. resident of the above
named village of..and that he has been
residing

in the said village for a period exceeding
five years and is a fit person to be

accepted as responsible for the punctual
payment of the rent of the land

which has been leased to him

--	--

(Signed) Es. Patel (Signed) G.H., Accountant,	of the village of	
---	----------------------	--

SCHEDULE EE
SCHEDULE

SCHEDULE EE

[See Rule 88]

Licence to erect/operate machinery/saw mill for cutting or converting of timber

Registered No.

Licence is hereby granted to Shri-----

(In block letters)

_____ of _____

(Address)

erect machinery cutting

(hereinafter called "the licensee") to.....for.....

operate saw mill converting

of timber at.....subject to the provisions

of the Indian Forest Act, 1927, in its application to the State of Maharashtra and the rules made thereunder and the following conditions, namely :

CONDITIONS

- 1.This licence shall remain in force for the period commencing on_____and ending on the_____19_____
- 2.The licensee may erect/operate the machinery/saw-mill required for cutting or converting of timber within 20 miles of _____at_____ (hereinafter referred to as the saw mill).
- 3.The licensee shall not alter the location of the saw mill without obtaining the prior written permission of the Divisional Forest Officer.
- 4.The licensee shall maintain such registers and submit such periodical returns as may be directed by the Divisional Forest Officer within whose jurisdiction the saw mill is located.
- 5.The licensee shall see that
 - (a) the site of the saw mill including the yards for storage of round timber, sawn timber, and waste wood is enclosed within a fence fitted with proper gates.
 - (b) all the round timber, sawn timber and wood waste is properly stacked, according to the instructions that may be issued from time to time by the supervisory staff so as to facilitate stock taking.
 - (c) timber for sawing or conversion is not accepted unless it bears property mark and is covered by a forest transit pass or other documentary evidence such as a cash receipt from the timber merchant,

(d) timber which does not conform to the requirement of clause (c) is not accepted for conversion and intimation in respect of such

timber is forthwith given to the supervisory guard or the nearest forest officer,

(e) the saw mill as well as the timber stored within the premises of the saw mil is open to inspection at all times by any Officer of the Forests Department or by any member of the supervisory staff appointed for this purpose,

(f) the licence and the registers maintained under condition 4 are produced for inspection on demand by any authority aforesaid.

6. The licence shall be transferable and where it is transferred, the transfer shall, on transfer of the licence, forthwith inform the Divisional Forest Officer of such transfer and the transferee shall hold the licence for the period specified therein.

[Seal of the
Divisional
Forest Officer]

Dated _____ day
of _____ 19 _____.

Divisional Forest Officer.
(Signature of)].

SCHEDULE F

[See Rule 94(l)(b)(i)]

List of trees in each district which may not be cut or removed without the permission of the Divisional Forest Officer under clause (l)(b)(i) of Rule 94

Name of district	Species of trees to which Rule 94 (l)(b)(i) applies	Areas to which Rule 94(1) applies
(1)	(2)	(3)
1. Broach and Panch Mahals	1. Teak 2. Blackwood 3. Sandalwood	Panch Mahals Sub-division.
2 Surat		
3 Nasik		
4. East Khandesh		
5. West Khandesh	1. Teak 2. 2. Blackwood 3. 3. Sandalwood	Whole districts.
6 Poona		
7 Satara		
8 Kolaba		
12 Thana	1. Teak 2. Blackwood 3. Sandalwood 4. <i>Tiwas (Ougeinia dalbergioides)</i> .	Whole districts. Talukas coming under the Sanjan and Kalvan Settlements, viz., Vada, Shahapur (includign Mokhadapeta), Dahanu (excluding Umbergaon Peta) and part of Mahim.
13 Ahmednagar	1. Teak 2. Blackwood 3. Sandalwood 4. Jambul (<i>Eugenia Jambolana</i>).	Whole district Occupied lands on the banks of the rivers Mula, Pravara, Mhats and Mhalungi in the Parner, Rahuri, Sangamner and Akola talukas.