
BOMBAY RESERVED TREES CUTTING AND REMOVAL RULES, 1936

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BOMBAY RESERVED TREES CUTTING AND REMOVAL RULES, 1936

In exercise of the powers conferred by Sections 41 and 42 and 76 of the Indian Forest Act, 1927 (XVI of 1927) and by Section 214 of the Bombay Land Revenue code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to make the following rules for regulating the preservation and exploitation of trees growing in occupied lands in the State of Bombay and of the kinds the right of Government to which has been reserved under the provisions of the Bombay Land Revenue Code, 1879, and the rules made thereunder, except sandalwood in the Dharwar, Canara, Belgaum, Bijara and Satara Districts, namely

1. Reserved trees :-

The expression "reserved trees" in these rules shall include tree s or their aftergrowth the right of Government to which has been reserved under the provisions of the Bombay Land Revenue Code,

1879, or rules made thereunder.

2. Preservation of reserved 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.

3. Cutting or removal of reserved trees to be subject to payment of royalty or written permission from the Divisional Forest Officer :-

No person shall cut or remove-

(a) reserved trees without paying the prescribed royalty or value thereof and without obtaining a receipt for such payment passed by duly empowered Forest Officer; or

(b) trees of the reserved kind (over which Government has no rights) without obtaining permission from the Divisional Forest Officer. Such permission shall be given subject to such conditions as the State Government may from time to time prescribe.

4. Power to recover royalty or value to vest in Divisional Forest Officer :-

The power to recover the prescribed royalty for each tree or the full value of the trees sought to be cut shall vest in the Divisional Forest Officer subject to such conditions as the State Government may from time to time prescribe.

5. Mode of application for permission to cut and remove trees :-

Every person seeking to obtain for permission for cutting or removing any tree referred to in Rule 3 shall apply in writing to the Divisional Forest Officer. 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 removed from each survey number. In case the survey numbers containing the trees 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 and remove the trees shall be appended to the application.

6. Enquiries to be made by the Divisional Forest Officer and

grant of permission :-

On receipt of an application under rule 5, the Divisional Forest Officer shall make such further enquiry as he deems necessary regarding the title of the applicant to the trees, 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 3 or 4 by the State Government in this behalf, recover from the applicant the royalty or value of the trees under Rule 4 and give the permission in writing applied for :

Provided that if the trees are found to belong to the applicant, no royalty or value shall be recovered :

Provided further that permission to cut aftergrowth of teak in Varkas lands 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 applicant or for the benefit of the villagers generally and are not required for sale or barter.

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

Every applicant shall be bound by the conditions contained in the permission granted under Rule 6. 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 removal of the trees and the period within which the trees are to be cut or removed.

8. Cutting and removal under Rule 6 :-

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

9. Mode of removal and conversion :-

The removal and conversion of the trees by an applicant shall be subject to the provisions of the Bombay Presidency Forest Produce Transit Rules, 1922.

10. Mode of application and conversion :-

If the material sought to be converted falls under Rule 24 of the Bombay Presidency Forest Produce Transit Rules, 1922, 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 material sought to be converted and such other particulars as may be required by that officer.

11. Enquiries made by the Range Forest Officer :-

On receipt of an application under Rule 10, 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 material to be converted and on seeing that it is not stolen from the forests, he shall issue a sawing permit to the applicant.

12. 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 the period within which the timber is to be converted.

13. Return of the sawing permit :-

On expiry of the period entered in the sawing permit issued under Rule 11, the applicant shall return the same to the Range Forest Officer.

14. Penalty for breach of the rules :-

Any person who infringes any of these rules, except Rule 2, shall be liable to be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. The penalty for infringement of Rule 2 shall be that in Section 77 of the Indian Forest Act, 1927.

15. Applicability of the Rules :-

In other respects the Bombay Presidency Forest Produce Transit Rules, 1922 shall apply.

16. Interpretation :-

These rules shall be called "the Bombay Reserved Trees Cutting and Removal Rules, 1936."