
**FOREST (CONTROL OVER FORESTS AND LANDS(NOT
BELONGING TO GOVERNMENT) (BOMBAY AREA) RULES,
1950**

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**FOREST (CONTROL OVER FORESTS AND LANDS(NOT
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In exercise of the powers conferred by Section 76 of the Indian Forest Act, 1927 (XIV of 1927), the Government ofBombay is pleased to make the following rules for carrying out the preventions of Chapter V of the said Act, namely

1A. Short title :-

These rules shall be called the Indian Forest (Control over forests and lands not belonging to Government) Rules, 1950.

1. Definitions :-

In these rules :

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

(b) " Forest Officer" means any Forest Officer not lower in rank than a Divisional Forest Officer or Sub-Divisional Forest Officer, in

charge of an independent Sub-Division ;

(c) "Form" means a Form appended to these rules.

2. Notices under Section 35 (3) :-

1. The Conservator of Forests shall be the officer authorised to issue notices under Sub-Section (3) of Section 35 in respect of forests situated within their respective Circles. Such notice shall be in Form 1. The notice shall be served on the owner as laid down in Sub-Section (5) of Section 35 ² [* * *]

1. Substituted by G. N. of 12-8-1955.

2. Deleted by G. N. of 6-8-1962.

2A. Mode of Publication of notice under Section 35(3) :-

After the notice under Sub-Section (3) of Section 365 is [issued] under Rule 2, the Forest Officer concerned shall cause it to be published by affixing copies of the same at the Taluka Kutcheri of the Taluka concerned in the regional language of the Taluka and at the Chavdi or other prominent place in the village concerned in the regional language of such village. It shall also be announced by beat of drum in such village that the notice has been so published.

3. Officer by whom objections, etc. shall be heard :-

The objections, if any, of the owner and any evidence produced by him in support of the same, after a notice under Sub-Section (3) of Section 35 is issued to him, shall be heard by the Forest Officer in charge of the Division or an independent Sub-Division in which the Forest is situate.

4. Action to be taken by Forest Officer after hearing objections, etc :-

After the objections, if any, of the owner and the evidence produced by him in support of the same as heard by the Forest Officer, the same shall be submitted by the Forest Officer through his superior Forest Officer to the State Government, with his remarks for its consideration.

5. Issue of notification etc. by State Government :-

On consideration of the objections, if any, of the owner and any evidence produced by him, if the State Government is satisfied that regulation or prohibition of any act specified in Sub-Section (1) of Section 35 for any of the purposes specified therein or construction of any work for any purpose is necessary, it shall make a notification under Sub-Section (1) of Section 35 or begin

construction of work under Sub-Section (2) of the said section, as the case may be.

6. Form of notice under Sub-Section(1) of Section 36 :-

A notice under Sub-Section (1) of Section 36 shall be in Form II.

7. Management of forest placed under control of Forest Officer under Section 36(1) :-

(1)The Forest Officer under whose control any forest is placed under Section 36 (1) of the Act shall manage such forest according to the scheme and programme or account by the State Government in that behalf. He shall maintain a proper prepared revenue and expenditure in respect of the management of such forest.

(2) The net profits, if any, shall be paid to the owner under Sub-Section (2) of Section 36 of the Act after the whole of the scheme is drawn up for the management of the forest has been executed and after the aggregate cost incurred on the scheme is defrayed and judi, if any, due to Government is recovered.

7A. Other mode of publication of the order under Section 36-C (j) :-

¹ . After an order under Sub-Section (1) of Section 36-C is published in the Official Gazette, the Forest Officer concerned shall cause it to be served on the owner, or if the owner be dead, on any person entitled to possession of such forest in .the manner provided in the Code of Civil Procedure, 1908, for the service of summons. Such order shall also be published by affixing copies of the same at the Taluka Kutcheri of the Taluka concerned in the regional language of the Taluka and at the Chavdi or other prominent place in the village concerned in the regional language of such village. It shall also be announced by beat of drum in such village that the order has been so published.

1. Inserted by G.N. of 10-5-1950.

8. Particulars to be specified in representationmade under Section 38 :-

(1) Every representation made to the Collector under Section 38 of the Act by any owner of any land shall contain the following particulars, namely :

(i) name of the village with the name of taluka in which the land is situated;

- (ii) survey numbers comprising the land;
- (iii) terms on which the land shall be managed by the Forest Officer and;
- (iv) the provisions of the Act which shall apply to the land.

(2) Every representation shall be accompanied by authenticated extracts from the village records establishing owner's title to the land.

9. Action to be taken by the Collector on receipt of representation under Section 38 :-

On receipt of a representation made by any owner of a land under Section 38, the Collector shall verify whether the person making the representation has lawful title to such land and on being satisfied, he shall submit the representation to the State Government for necessary action. He shall specify the terms of management as finally agreed upon in consultation with the Forest Department. In every case such terms should state inter alia, the period of management, the source from which the cost of management shall be met and the method of sharing the profit or loss accruing from the management and they should be attested by the owner as well as Forest Officer under whose control the land is placed.

10. Mode of management :-

The Forest Officer under whose control the land is placed shall manage it strictly in accordance with the terms mutually agreed upon and the provisions of the Act applied in that behalf by the State Government under Sub-Section (2) of Section 38.