

The Indian Forest (Control over Forests and lands (Not belonging to Government) (Bombay Area) Rules, 1950

MAHARASHTRA

India

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Rule

THE-INDIAN-Forest-CONTROL-OVER-FORESTS-AND-LANDS-NOT-BELONGING-TO-GOVERNMENT (Bombay Area) Rules, 1950

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The Indian Forest (Control over Forests and lands (Not belonging to Government) (Bombay Area) Rules, 1950 Published vide Notification G. N., A. & F. D., No. 5133/48513-J, dated 19th September, 1950 (B. G., Part 4-A, page 558) In exercise of the powers conferred by section 76 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay is pleased to make the following rules for carrying out the provisions of Chapter V of the said Act, namely :-

1A. [Short title. [Substituted by G.N. of 22.6.1970.]

- These rules maybe called the Indian Forests (Control over Forests and Lands not belonging to Government) (Bombay Area) Rules, 1950.]

1. Definitions.

- In these rules :-(a)"Act" means the Indian Forests 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;

2. [Notices under section 35(3). [Inserted by G.N. of 12.8.1955.]

- The Conservators of Forests shall be the officers 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 [* * *].

2A. [[Mode] [Inserted by G.N. of 22.6.1970.] of Publication of notice under section 35(3).

- After the notice under sub-section (3) of section 35 is [issued] [Substituted by G.N. of 6.8.1962.] 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 such 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 of 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 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(1). [Inserted by G.N. of 10.5.1957.]

- 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].

8. Particulars to be specified in representation made 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 of 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 the 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 actually agreed upon the provisions of the Act applied in that behalf by the State Government under sub-section (2) of section 38.[Form I] [Substituted by G.N. of 12.8.1955.](See rule 2)NoticeNo.In pursuance of sub-section (3) of section 35 of the Indian Forests Act, 1927 (XVI of 1927), read with rule 2 of the rules published in Government Notification, Agriculture and Forests Department, No. 5133/48513-J, dated the 19th day of September, 1950, I [.....] [Name of the authorised officer.] the Conservator of Forest, Circle hereby give notice to [.....] [Name and address of owner of forest.] calling on him to appear on or before [.....] [Here insert suitable date.] before [.....] [Designation of officer appointed to hear objections.] to show cause why the accompanying notification (hereinafter referred to as the "notification") should not be made by the Government of Bombay under sub-section (1) of the said section 35 in respect of the forest specified in the Schedule hereto appended and belonging to him.

2. If the said [.....] [Here insert suitable date.] fails to comply with this notice, it shall be assumed that the said [.....] [Name of owner of forest.] has no objection to the making of the notification.

3. I further require that for a period of [.....] [Period exceeding six months to be specified.] or till the date of the making of the notification, whichever is earlier, the said [.....] [Name of owner of forest.] and all persons who are entitled or permitted to do, therein any or all of the things specified in clause (i) of sub-section (1) of the said section 35, whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of this notice and for the period or until the date aforesaid, as the case may be, do any of the following things specified in clause (i) of sub-section (1) of the said section 35, namely :-

(To be filled in)

Schedule

(Here enter the particulars of the forest owned by the said person)Place :Date :SignatureConservator of Forests..... Circle.N.B. - Paragraph 3 to be deleted, if not required.Form II(See rule 6)NoticeAgriculture and Forests DepartmentBombay Circle, 28th May, 1952To*Whereas it has come to the notice of the Government of Bombay that you have been neglecting to abide by or wilfully disobeying the regulations or prohibitions specified in the Schedule appended hereto and which have been imposed by Government Notification in the Agriculture and Forests Department, No. dated in respect of the forest specified in the Schedule hereto annexed; or*Whereas it is necessary for the purposes of constructing work under section 35(2) of the Indian

Forests Act, 1927; It is intended to take over the management of the said forest under the provisions of section 36 of the said Act and place it under the control of the Forest Officer for management and to declare that sections of the said Act shall apply to the said forest. You are hereby directed to show cause by why such an order placing the forest under control of the Forest Officer should not be made and state your objections, if any, in that connection.

Schedule 2

(Here insert the relevant regulations or prohibitions which have been alleged to have been infringed by an owner of a forest.) Dated at the day of 19 By order of the Governor of Bombay, Secretary to Government. * Strike out whichever is not necessary.