

The Maharashtra Protected Forests (Marathwada/Konkan and Western Maharashtra) Rules, 1998

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-PROTECTED-FORESTS-MARATHWADA-KONKAN of 1998

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The Maharashtra Protected Forests (Marathwada/Konkan and Western Maharashtra) Rules, 1998 Published vide Notification No. S. 30/97/CR-39/F3, dated 27th November, 2001 (M.G.G., Part 4-A, dated 27.11.2001, Ex. page 609) No. S. 30/97/CR-39/F3. - In exercise of the powers conferred by section 32 of the Indian Forests Act, 1927 (XVI of 1927) the Government of Maharashtra hereby makes the following rules namely :-

1. Short title, extent and applicability.

- (A) These rules may be called the Maharashtra Protected Forests (Marathwada/Konkan and Western Maharashtra) Rules, 1998. (B) These rules will extend to Konkan and Western Maharashtra including Marathwada region of Maharashtra State. (C) Nothing in these rules shall apply to forest produce on an occupied area or village site.

2. Definitions.

- In these rules, unless the context otherwise requires, - (A) "Protected Forest" means an area declared as protected forests, within the meaning of section 29 of the Indian Forests Act, 1927. (B) "Right of nistar" means the right of inhabitants for a village/villages in the vicinity of protected Forests for removing there from forest produce for their own bona fide use either free or on payment as provided in the "Nistar Patrak" prepared under the provisions of section 161 to 167 of

Chapter X of the Maharashtra Land Revenue Code, 1966.(C)"Closure" means the areas where all rights and concessions are suspended for the period stipulated in section 30(b).

3. Rights of adjoining village/villages to be determined.

- The Dy. Conservator of Forests/Sub-Divisional Forest Officer of independent Sub-Division shall from time to time set aside, in consultation with the Collector, - (1) areas of suitable size in a protected forests containing forest produce for exercising the right of nistar in village or villages adjoining such protected forests and (2) Compact areas containing timber trees and other forest produce, therein having commercial value for management by the State Government.

4. Prohibition on cutting, removal or burning of certain tree.

- No trees of any species whatsoever shall be cut, removed or burnt for the purpose of manufacturing charcoal, except with a previous permission of the Dy. Conservator of Forests/Sub-Divisional Forest Officer of independent Sub-Division.

5. Cutting of certain trees with permission.

- Subject to the provision of rule (6) no trees of the species falling under clause (a) and (b) of this rule, shall be cut without the previous permission in writing of the Dy. Conservator of Forests/Sub-Divisional Forest Officer of independent Sub-Division. (i) Declared on and with effect from the 27th November, 2001 the following classes of trees in the protected forests, in the Konkan, Marathwada and Western Region of Maharashtra State to be reserved namely :- (a) For Konkan Region

S. No.	Local Name of the Tree	Botanical (Latin) Name
1.	Ain	Terminalia tomentosa.
2.	AI or Ashi	Moringa tinctoria.
3.	Amba	Mangifera indica.
4.	Apta	Bauhinia recemosa.
5.	Asana	Bridelia retusa.
6.	Arjun Sadada	Terminalia arjuna.
7.	Avali	Phyllanthus amblica. (Syn. Emblica officinalis).
8.	Bamboo	Dendro calamus strictus.
9.	Bel	Aegle marmelos.
10.	Bava (Bhava)	Cassia fistula.
11.	Behada	Terminalia belerica.
12.	Bhokar (Shelute)	Cordia myxa.
13.	Bhor Jambul	Ammania baccifera.
14.	Biba	Semecarpus anacardium.

15.	Bija	<i>Pterocarpus marsupium</i> .
16.	Bor	<i>Zizyphus Jujuba</i> . (Syn. <i>Zizyphus mauritiana</i>).
17.	Char, Chroli	<i>Buchnanian lanzen</i> .
18.	Chera	<i>Erinocarpus nimmognus</i> .
19.	Chinch	<i>Tamarindus indica</i> .
20.	Dhaman	<i>Gravia tiliaefolia</i> .
21.	Dhavda	<i>Anogeissus latifolia</i> .
22.	Dikemali	<i>Gardenia lucida</i> .
23.	Ghatbor	<i>Zizyphus xylopyra</i> .
24.	Hed (Haldu)	<i>Adina cardifolia</i> .
25.	Hirda	<i>Terminalia chebula</i> .
26.	Jamba	<i>Xylia xylocarpa</i> .
27.	Jambhul	<i>Eugenia Jambolana</i> . (Syn. <i>Syzygium cuminii</i>).
28.	Kalam	<i>Stephegyne parvifolia</i> (Syn. <i>Mitragyna parvifolia</i>).
29.	Kandol	<i>Sterculia urans</i> .
30.	Karanj	<i>Pongamia glabra</i> . (Syn. <i>Pongamia Pinnata</i> .)
31.	Kaju	<i>Anacardium occidentale</i> .
32.	Kavath	<i>Feronia elephantum</i> .
33.	Khair	<i>Acacia catechu</i> .
34.	Kharshing	<i>Steraospermum xylocarpum</i> .
35.	Khavas	<i>Sterculia colorata</i> .
36.	Kinhai	<i>Albizzia procera</i> .
37.	Kokam (Ratambi)	<i>Garcinia indica</i> .
38.	Kusum (Koshimb)	<i>Scheleichera trijuge</i> . (Syn. <i>Scheleichera oleosa</i>).
39.	Kura	<i>Ixora parviflora</i> . (Syn. <i>Ixora arborea</i>).
40.	Lokhandi	<i>Ixora nigricans</i> .
41.	Mokha	<i>Schrebera swietenoides</i> .
42.	Moha or Mowhra	<i>Bassia latilia</i> (<i>Madhuca indica</i>).
43.	Nana	<i>Lagerstroemia microcarpa</i>
44.	Nandruk	<i>Ficus retusa</i> .
45.	Palas	<i>Butea frondosa</i> . (Syn. <i>Butea monosperma</i>).
46.	Pandhra Khair (Kanti)	<i>Acacia feruginea</i> .
47.	Pangara	<i>Erythrina indica</i> . (Syn. <i>Murrayapaniculata</i>).
48.	Phasi	<i>Delbergia paniculata</i> .
49.	Raktarohida	<i>Maba nigrescene</i> .
50.	Ritha	<i>Sapindus emarginta</i> .
51.	Sag (Teak)	<i>Tectona grandis</i> .

52.	Sawar	<i>Bombax malabarica</i> /Cieba (Syn. <i>Salmalia malabarica</i>).
53.	Shemat	<i>Odina wodier</i> (Syn. <i>Lannea coromandelica</i>)
54.	Shenkhair	<i>Acacia siamia</i> . (Syn. <i>Lannea Coromandellia</i>)
55.	Shendri or Kamala	<i>Mellotus philippinensis</i> .
56.	Shindi	<i>Phoenix sylvestris</i> .
57.	Shivan	<i>Gmelina arborea</i> .
58.	Shisham	<i>Dalbergia latifolia</i> .
59.	Tembhurni	<i>Diospyros melanoxylon</i> .
60.	Tiwas	<i>Ougeinia delbergioides</i> (Syn. <i>Ougoinia cojeinensis</i>).
61.	Tetu	<i>Oroxylum indicum</i> .
62.	Toddy Plant	<i>Borassus flabellifer</i> .
63.	Umbar	<i>Ficus glomerata</i> .
64.	Vad	<i>Ficus bengalensis</i> .
65.	Fanas	<i>Artocarpus integrifolia</i> .
66.	Sandal Wood	<i>Santalum album</i> .

(b) For Western Maharashtra, including Marathwada Region

S. No.	Vernacular Name	Botanical Name
(1)	(2)	(3)
1.	Ain (Sadada)	<i>Terminalia tomentosa</i>
2.	Mango (Amba)	<i>Mangifera indica</i> .
3.	Anjan	<i>Hardwickia binata</i> .
4.	Arjun Sadada	<i>Terminalia arjuna</i> .
5.	Awala	<i>Phyllanthus amblica</i> (Syn. <i>Emblica Officinalis</i>).
6.	Bel	<i>Aegle mangle</i> .
7.	Behada	<i>Terminalia belerica</i> .
8.	Bhendi	<i>Thespesia populanea</i> .
9.	Bhokar (Shelute)	<i>Cordia myxa</i> .
10.	Bor	<i>Zizyphus Jujuba</i> .
11.	Bamboo	<i>Dendrocalamus strictus</i> .
12.	Chandan	<i>Santalum album</i> .
13.	Hirda	<i>Terminalia chebula</i> .
14.	Hed (Ilaldu)	<i>Adina cardifolia</i> .
15.	Bija	<i>Pterocarpus marsupium</i> .
16.	Kadai	<i>Sterculia urens</i> .
17.	Kalamb	<i>Stephegyne parvifolia</i> .
18.	Char Charoli	<i>Buchnanania latifolia</i> .

19.	Chinch	<i>Tamarindus indica.</i>
20.	Dhaman	<i>Gravia tiliaefolia.</i>
21.	Dhavda	<i>Anogeissus latifolia.</i>
22.	Dikemali	<i>Gardenia lucida.</i>
23.	Ghatbor	<i>Zizyphus xylopyra.</i>
24.	Gorakh Chinch	<i>Adansonia digitata.</i>
25.	Hingan	<i>Balanities roxburghi.</i>
26.	Hi war	<i>Acacia leucophloea.</i>
27.	Jambhul	<i>Syxygium cumini.</i>
28.	Kashid	<i>Cassia siamea.</i>
29.	Kajarba	<i>Strychnospomtorum.</i>
30.	Karanj	<i>Pongamia pinnata.</i>
31.	Kanchan	<i>Bauhinia malabarica.</i>
32.	Kavath	<i>Feronia elephantum.</i>
33.	Khair (lal)	<i>Acacia chundra.</i>
34.	Kinhi	<i>Albizzia procera.</i>
35.	Khair	<i>Acacia catechu.</i>
36.	Khair (Son/Pandhara)	<i>Acacia feruginea.</i>
37.	Kumbha	<i>Careya arborea.</i>
38.	Lokhandi	<i>Ixora nigricuns.</i>
39.	Medsing	<i>Dolichandrone falcuta.</i>
40.	Maharukh	<i>Ailanthus excelsa.</i>
41.	Moha	<i>Maduca indica.</i>
42.	Murmati	<i>Acacia embumea.</i>
43.	Neem	<i>Azadirachata indica.</i>
44.	Palas	<i>Butea monosperma.</i>
45.	Pangara, Mandar	<i>Erythrina indica.</i>
46.	Pimpal or Peempal	<i>Ficus religiosa.</i>
47.	Sag (Teak)	<i>Tectona grandis.</i>
48.	Salai	<i>Boswellia serrata.</i>
49.	Sawar	<i>Bombax malabarica/cieba.</i>
50.	Ritha	<i>Sapindus emarginata.</i>
51.	Jamba	<i>Xylia xylocigera.</i>
52.	Shammi, Soundad	<i>Prosopis spicigera.</i>
53.	Shindi	<i>Phoenix sylvistris.</i>
54.	Shivan	<i>Gmelina arborea.</i>
55.	Sisso, Shisham	<i>Dalbergia latifolia.</i>

56.	Setaphal	<i>Annona squamosa.</i>
57.	Tendu	<i>Diospyros melanoxylon.</i>
58.	Umbar	<i>Ficus glomerata.</i>
59.	Vad	<i>Ficus benegalensis.</i>
60.	Vedi Babhul	<i>Prosopis juliflora.</i>

(ii) Trees of any size growing within 20 mtrs. of edge of the bank of any water course therein provided that no such permission shall be necessary for cutting small branches upto 5 cm. in diameter at the cut end of babul and other thorny trees or thorny shrubs.

6. Prohibition on cutting of certain fruit tree and other trees.

(1) No fruit trees or tree falling under clause (a) of rule 5 upto 23 cm. Girth at breast height shall be cut. (2) All trees felled shall be cut flush with the ground. (3) No tree may be girdled or pollarded. (4) (i) In bamboo clumps, no culm under one year of age shall be cut, and in each clump at least 8 culm over one year of age shall be retained. (ii) All bamboo clumps shall be cut within 30 cm. From ground level. (5) Except with the permission of the Dy. Conservator of Forest/Sub-Divisional Forest Officer of independent Sub-Division in the case of palas, the roots of trees shall not be dug up. (6) Except with the permission in writing by the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division, no forest produce shall be removed from a protected forest between sunset and sunrise. (7) All forest produce removed from a protected forest shall be covered by a transit pass issued by the person duly authorised in that behalf and may be examined by the Forest Officer at the nakas or places specified by the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division in that behalf. (8) (1) Subject to any restriction which the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division may be special or general order impose in that behalf, every person holding land in the village outside the Scheduled areas as prescribed in section 246 of Constitution of India, the village artisan and agricultural labour shall be entitled to collect minor forest produce (other than harra, lac, rusa, grass, tendu leaves and gum) and minor minerals viz. Grass, leaves of mahu and teak, bakkal, edible roots, and leaves of mahu and teak bakkal, edible roots and edible fruits and flowers and flowers from the protected forest of the village. (2) Nothing in this rule shall debar a person from collecting harra, lac, rosha, grass, tendu leaves and gum and produce of mahua trees found in his own land adjacent to a protected forest. (9) (1) No person shall as provided in rule 8 have a right to collect any lac, harra, rosha, grass, apta, tendu leaves and gum which are of commercial value. (2) The right to collect lac, harra, rosha, grass, apta, tendu leaves and gum from the protected forest of the village shall save as otherwise provided in rule 8 be auctioned by the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division. (10) (A) The Dy. Conservator of Forests/Sub-Divisional Forests Officers of independent Sub-Division in consultation with the Collector, shall by order declare a protected forest to be open to persons of any village or contiguous villages adjoining a protected forest for the purpose of exercising their rights of nistar and there upon any person residing in such village or villages may subject to provision of section 161 to 167 of Chapter X of the Maharashtra Land Revenue Code, 1966 cut and remove for his own use only (and not for sale barter or gift) any forest produce not exceeding such quantity as is set out in the Nistar Patrak of the reduced quantity as may be determined by the Dy. Conservator of

Forest/Sub-Divisional Forests Officers of independent Sub-Division in consultation with the Collector, when the total quantity of the forest produce available is not enough to meet the full requirements of such persons.(1)No person shall set fire to any portion of a protected forest or shall set fire in the vicinity of a protected forest so as to cause damage to any timber, laying in such forest or to any trees reserved under section 30 of the Indian Forest Act, 1927.(2)All persons, who are permitted to remove forest produce according to these rules shall inform the nearest forest officer of the occurrence of a fire and shall take steps, whether or not so required by the Forest Officer-(a)to extinguish any forest fire of which he has knowledge and(b)to prevent by any lawful means in his power any fire in the vicinity of such forest from spreading to such forest.(10)(B)No forest produce granted as nistar or concession or as a right shall either be sold or barter away.(11)(1) The Cultivators (including malik, makbuzas) village artisan and labourers shall subject to the provisions of section 163 and the provision of Chapter X of the Maharashtra Land Revenue Code, 1966 be entitled for removal of grass by headloads for stall feeding of such cattle kept for agricultural purpose free of charge in a protected forest as follows :-(a)cultivators 2 plough units.(b)Agricultural artisans and labourers :(i)4 cattle including one she buffalo.(ii)Provided further that a calf under six months shall not be counted.(iii)Provided further that animals in excess of those specified in clause (a) and (b) shall be charged as the State Government may from time to time sanction in this behalf.Explanation. - (1) Cattle units : The Cattle units should be computed as follows :

(a) Adult buffalo	2 Units.
(b) Adult cow, bull or bullock	1 Unit.
(c) Buffalo calf under three years of age at the commencement of the Grazing year	1 unit.
(d) Cow calf	1/2 Unit.

(2)Plough Unit; Shall mean for cattle units computed as per details given in (1) above.(II)No such person shall removed grass by headloads for shall feedings of his cattle in accordance with the provisions of sub-rule (1) except under a licence for headloads granted by a person duly authorised in that behalf and in accordance with the conditions thereof.(12)All plantation raised on protected forest shall be declared closed for removal of grass by headloads and exercise of other rights/concessions for 10 years, provided, while closing under section 30(b) the enough area shall be kept assigned for the local population to exercise their rights/concessions.(13)No further rights or concessions shall accrue to any individual or community, after the area has notified as protected forest under section 29.(14)The breaking of soil for whatsoever purpose shall be strictly prohibited.(15)Whatsoever violates the provision contained in section 10(b) of the above rules, shall on conviction be punished with imprisonment for a period not exceeding one year or a fine not exceeding Rs. 1,000 or both.