

M.P. Protected Forest Rules, 1960

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India

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M.P. Protected Forest Rules, 1960 Published vide Notification No. 8476-8414-10-60, dated 11-8-1960, Published in M.P. Rajpatra Part 4 (GA), dated 2-9-1960, at page 893 In exercise of the powers conferred by Section 32 and clause (d) of Section 76 of the Indian Forest Act, 1927 (XVI of 1927), and in supersession of all rules previously made on the subject, the State Government has made these rules for protected forests.

1.

In these rules, unless there is anything repugnant in the subject or context: (a) "Act" means the Indian Forest Act, 1927 (XVI of 1927); (b) "Agriculturist" means a person who cultivates land personally or who may reasonably be expected to cultivate personally and includes an agricultural labour and rural artisan; (c) "Commutation" means the payment of a fixed sum once for the whole year in return for the privilege to obtain from the protected forest reasonable quantum of Nistar or Paidawar for bona fide domestic consumption, or for occupational purposes only and not for barter or sale or for wasteful use; (d) "Licence" means a licence issued by an authority competent to issue the same under these rules; (e) "Nistar" means and includes : (i) timber of unreserved trees, or reserved trees where, expressly sanctioned in that behalf, for agricultural implements, building new houses or repairing houses and cattle sheds of the agriculturists; (ii) dry fallen wood not fit for timber; (iii) dry bamboos and green bamboos where specifically mentioned; (iv) grasses other than Rusa, Khus or Sabai grass; (v) Thorns except those of Khair and Brushwood; (vi) leaves excluding tendu leaves; (vii) bark (Bakkal) of unreserved trees; and (viii) surface boulders, murum, sand, Chhui and clay; (f) "Paidaiwar" means and includes all edible roots, fruits and flowers, naturally exuded gum except the gum from Kulu trees, honey and wax; (g) "Occupational Nistar" means, nistar required for the purpose of carrying on an occupation as a means of livelihood; (h) "Pass" includes a commutation pass issued by an authority competent to issue the same under these rules or any other enactment, rules or orders for the time being in force.

2.

(1) Subject to the provisions of rules laid down hereinafter agriculturists residing within or owning land in a village or villages shall be permitted to obtain either free of charge or on payment their nistar and Paidawar requirements from the protected forest to which they have been or may be attached according to the rules and orders for the time being in force. Explanation. - The expressions "Nistar requirements" and "Paidawar requirements" means the nistar and paidawar required for the purpose of bona fide domestic consumption and not for gift, barter, sale, export or wasteful use. (2) The quantum of nistar and paidawar requirements permitted under sub-rule (1) shall be subject to the actual requirements of each individual and limited to availability of nistar material. Where available nistar material falls short of the total requirement, the nistar material shall be equitably rationed. (3) (a) The Divisional Forest Officer shall, from time to time, specify the area from which the nistar is to be obtained each year and the villagers shall obtain their nistar only from such areas. (b) The Divisional Forest Officer shall, from time to time, specify and reserve a reasonable area for the exercise of occupational nistar and prescribe the quantum of material which could be obtained from such area under exploitation limited to availability of material, after meeting the "Nistar" and "Paidawar" requirements of agriculturists under sub-rule (2). (4) (a) The Collector shall, in consultation with the Divisional Forest Officer, from time to time and in accordance with the rules or orders for the time being in force specify the villages the residents of which shall be permitted to obtain their requirements of nistar and paidawar under commutation. (b) Subject to sub-rule (a), commutation shall be permitted only to those villagers who obtain a commutation pass after payment of the commutation fees in accordance with the rules or orders for the time being in force. (5) (a) No person shall take his nistar requirements from the protected forests without a pass or a valid licence exempted by the Divisional Forest Officer by specific or general order in writing in this behalf. (b) The Divisional Forest Officer shall regulate the issue of passes. (c) Unless exempted by the Divisional Forest Officer under sub-rule (a), every person entering a protected forest for taking nistar shall carry with him the nistar pass or a valid licence and shall obtain nistar from the forest in accordance with the provisions of these rules.

3.

Exploitation of the protected forests shall be subject to the following conditions, namely: (a) (i) No tree shall be girdled, pollarded or lopped off its branches. (ii) No tree shall be wounded for the collection of gum and resin. (iii) No tree shall be uprooted, burnt or injured in any other manner. (iv) No tree other than that specifically marked for felling or permitted to be removed by a general order of the Divisional Forest Officer shall be cut. (v) No tree under 9" girth at breast height shall be cut. (vi) All trees permitted to be cut shall be cut as close to the ground as possible. (b) Roots of trees shall not be damaged except that Palas roots, may be dug for preparation of ropes but in no case more than one third portion of the root shall be taken out leaving the remainder for the tree to survive. (c) No bark of trees shall be removed except that bark of Kahu (*Terminalia arjuna*) may be removed with the written permission of the Divisional Forest Officer in that behalf subject to the following conditions, namely: (i) the eastern portion of the stem of trees above 36" in girth at breast height shall only be barked with a special cutter, bark shall not be peeled off chips of size 2" x 1" shall alone be cut without damaging the cambial layer on leaving an interspace of 2" in between peeled

lines;(ii)that bark shall be removed between January and June;(iii)a tree once barked shall not be rebarked during the next three years;(iv)the bark so removed shall be paid for at the concessional rate Rs. 5-per cart-load or at such other rates as the State Government may fix from time to time;(d)Bamboos shall be cut subject to the following conditions :(i)The cutting cycle for bamboos shall be 4 years. Annual coupe shall be divided into 4 sections and felling shall proceed section wise, i.e., cutting in the next section shall not be permitted unless previous section has been thoroughly and satisfactorily worked in accordance with these rules.(ii)No live immature culms, viz., Karla or the current season's culm and Mahila or culm of the previous season shall be cut.(iii)Rhizomes of bamboos shall not be dug.(iv)No bamboo clump containing less than ten live culms including Karla and Mahila shall be worked;(v)In clumps containing 10 or more live culms, the mature culms (other than those broken at a height of less than 8') that are left after cutting shall be uniformly spaced and their number shall be equal to at least twice the number of Karlas subject to a minimum of 10 live-culms.Example. - In case there are 12 culms in a clump of which 3 are Karlas, then all the Karlas, i.e., 3 plus twice that number, i.e., total 9 culms should ordinarily have been left in the clump, but as this total is less than 10, one more culms shall be retained. That is, in all 3 Karlas plus (10.3), i.e. 7 other culms, excluding Mahila, shall be left in the clump.(vi)The height above ground level at which the culms are cut shall not be less than 6" or more than 18" and in any case not below the first internode.(vii)The cut shall be made with a sharp instrument so that the stump is not split.(viii)All cutting debris shall be removed at least a foot away from the periphery of the clump.(ix)Karla and Mahila bamboos shall in no case be used for making strips for tying bundles.(e)Tapping of Khajur trees shall be done subject to the following conditions :(i)No Khajur tree shall be tapped if it is less than 6' high from the ground to the base of the growing shoot (gabha).(ii)The tree shall be tapped at one place on the stem in any one year and only at the base of growing shoot (gabha).(iii)The leaves of a tree shall not be cut unnecessarily for tapping purposes and tapping incisions shall not be made so as to cause the death of the tree.(f)(i)Subject to the provisions of these rules or any other law for the time being in force, minor forest produce in a protected forest shall be disposed off by the Divisional Forest Officer in the same manner as in the case of a reserved forest.(ii)All forest produce removed from a protected forest shall be covered with a pass issued under the authority of the Divisional Forest Officer or a licence granted by an authority competent to issue such licence under these rules or under any other enactment for the time being in force.(iii)No forest produce shall be removed between sunset and sunrise.(iv)No "Dahia" or Bewar cultivation shall be permitted except in areas specified by the Divisional Forest Officer for the purpose.

4.

Any person holding a pass or a licence for appropriation or removal of forest produce shall have in his possession the pass or the licence whenever he enters protected forests for any purpose connected therewith and shall produce the same whenever required to do so by a forest officer :Provided that nothing in this rule shall apply in case of person who is permitted to remove forest produce without the production of a pass in time of famine or scarcity by any general or special orders of the State Government.

5.

The Conservator of Forests, shall from time to time fix rates payable for each kind of forest produce removed from protected forests.

6.

(1) A person desirous of clearing by fire any standing forest or grass land within three miles of any protected forest shall observe the following rules : (a) He shall give notice of intention to burn at least one week beforehand to the nearest Forest Guard, Forester or Ranger, under whose Jurisdiction such land lies ; (b) He shall clear a fire-belt at least 30 feet broad on that side of the area which he proposes to burn which is nearest to the protected forest in such manner that no fire can spread across such belt. (c) He shall not burn when a high wind is blowing. (2) Any person desirous of burning on land within one mile of a protected forest any wood, grass, weeds or other inflammable material shall collect such material into heaps and burn it heap by heap in such a manner that the resulting fire shall not extend to the surrounding area or endanger the protected forest. (3) Any person collecting inflammable forest produce such as grass and bamboos and any holder of a permit to collect such produce from a protected forest shall stock it in an open space at such reasonable distance from the forest as the Divisional Forest Officer may by general or special orders prescribe and shall isolate the stocks in such manner that if they take fire, the fire shall not be able to spread to the surrounding area or endanger the protected forest. (4) Camping places along the boundary of, and within the limits of a protected forest shall be cleared and set apart by the Divisional Forest Officer for the use of travellers, a list thereof being published annually, and except on such camping grounds no fires shall be lighted within or along the boundary of a protected forest. All persons using these camping grounds shall light any fire they make for cooking or other purposes in such a way as not to endanger the protected forest or any buildings, sheds or other property on the camping grounds, and before leaving they shall collect in the centre of the camping grounds, all inflammable material which is to be left behind and shall carefully extinguish all fire. (5) The carrying of burning wood, fire-brands, or torches along the boundary of any protected forests shall be prohibited between the 1st November, and 30th June or such earlier or later date as may be notified by the Divisional Forest Officer under Section 26 (c) with the previous approval of the Conservator of Forests. Smoking shall also be prohibited during the aforesaid period within protected forests, save at authorised camping grounds. (6) No person shall set fire to any part of a protected forest and no person shall set fire in the vicinity of a protected forest so as to cause damage to any timber lying therein or to any trees thereof declared as reserved under Section 30 of the Act. (7) It shall be the duty of every person exercising any right in a protected forest or permitted to take his nistar requirement or pasturing cattle in a protected forest to intimate forthwith the occurrence of any fire in the forest or its vicinity within his knowledge to the nearest forest officer and whether or not so required by any forest officer to take steps - (i) to extinguish any such fire; and (ii) to prevent by all lawful means in his power the spread of any such fire in the vicinity of such forest into it.

7.

(1) Agriculturists residing within or owning land in and artisans and labourers residing in a village or villages allotted to a particular protected forest shall be permitted to graze their cattle in that particular protected forest in accordance with the rules and orders for the time being in force :Provided that no person shall graze cattle in grass-birs, fuel-cum-fodder reserves, areas under regeneration and plantation except with the permission of the Divisional Forest Officer. Sheep and goats shall be excluded from the free-clad area or pasture which is subject to standard grazing incidence. They may graze only in such of the Pahad and rocky areas of the protected forests as may be specially set apart by Divisional Forest Officer for free grazing of all cattle without grazing restrictions. Sheep and goats shall not be allowed to concentrate for grazing at any one place for more than a week in the rainy season.(2)The Divisional Forest Officer shall regulate the issue of grazing licences, recovery of grazing revenue, checking of cattle in the same manner as in case of reserved forests.(3)The Divisional Forest Officer shall fix the cattle camps within the forest area for cattle availing of the grazing facilities from distant places.(4)The grazing fee to be charged for grazing in protected forests shall be such as may be fixed by the State Government from time to time.

8.

(1)No lease of fishing rights, shall be granted in any river passing through a protected forest:Provided that the Conservator of Forests may regulate fishing rights in the rivers by granting licence to bonafide fisherman in well defined stretches of the river :Provided further that such licences shall be granted only after meeting bonafide fish requirements of the inhabitants of adjoining villages and after providing for suitable breeding grounds in the river.(2)No fee shall be charged for granting of such licence.

9.

The Divisional Forest Officer may allot land in river and tank beds for cultivation to persons who have been usually cultivating such beds after fixing the annual rent in consultation with Gram Panchayat or Vikas Mandal and the villagers.

10.

The shooting rules made under Sections 26 (1) and 76 (d) of the Act and as in force in the Mahakoshal region shall apply mutntis mutandis to the protected forests as they apply in the case of reserved forests.

11.

"Forest Villages" may be established in the protected forests in accordance with the procedure laid down for the establishment of "forest villages" in the reserved forests.

12.

The cutting, sawing, conversion and removal of trees and timber and the collection, manufacture and removal of forest produce and the cutting of grass and pasturing of cattle shall be regulated, as far as may be, in accordance with the provisions of the working plans, working schemes duly approved by the State Government, in so far as they are not inconsistent with these rules.