

Tamil Nadu Preservation of Private Forests Rules, 1946

TAMILNADU

India

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Rule

TAMIL-NADU-PRESERVATION-OF-PRIVATE-FORESTS-RULES-1946 of 1946

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Tamil Nadu Preservation of Private Forests Rules, 1946 In exercise of the powers conferred by section 10 of the Tamil Nadu Preservation of Private Forests Act, 1946 (Tamil Nadu Act XVII of 1946), and in supersession of the rules published with Development Department Notification, dated 3rd September 1946, at pages 211-213 of the Rules Supplement to Part I of the Fort St. George Gazette, dated 3rd December 1946, the Governor of Tamil Nadu hereby makes the following rules:-

1.

These rules shall apply to all the forests to which the [Tamil Nadu Preservation of Private Forests Act, 1946 (Tamil Nadu Act VIII of 1946)] [This Act should be read as Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949.) applies. Explanation. - In the case of forest referred to in section 1(2)(ii) of the said Act, the rules shall apply to all such forest whether or not the provision of section 26 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) have been applied to them.

2.

Nothing contained in these rules shall apply to-(a)the cutting of sandalwood trees; or(b)the thinning of private plantations of teak, casuarina and eucalyptus without reference to the girth limits prescribed in the Schedule to these rules, provided that such thinning is manifestly done for the silvicultural improvement of the crop; or(c)the cutting and removal of fuel, small timber reeds and green manure leaf in head for bona fide agricultural or domestic purposes, but not for sale; or(d)the cutting and removal of fuel, reeds and small timber granted free of charge by the owner, to poor people affected by floods or fires or for charitable purposes.

3.

The cutting of sandalwood trees in a forest and their transport outside it shall be governed by the rules in respect of sandalwood made under sections 35 and 36 of the Tamil Nadu Forest Act 1882 (Tamil Nadu Act V of 1882), in the areas in which these rules are in force.

4.

(1)(a) Before granting permission to cut trees by the clear felling method in a forest, one or more compact block shall be selected so as to provide not less than ten (10) annual coupes in respect of casuarina, eucalyptus and wattle trees and twenty (20) annual coupes in respect of silver oak trees, fifteen (15) annual coupes in respect of pine tree and twenty-five (25) annual coupes in respect of other trees. Trees shall be permitted to be cut only in one coupe in each block during a specified year. (b) The boundaries of the private forest in respect of which permission to cut trees is applied for should be demarcated clearly and a topo-sketch drawn to such scale as may be specified by the District Collector prepared showing the location of the private forest, hill tops and stream banks that should not be worked under clear-felling or selection methods. This topo-sketch should be attached to the application made under section 3(1) (a) of the Act to the District Collector. (2) If it is not possible to divide a block of forest into a series of annual coupes, permission to cut trees in a whole block may be granted, subject to the condition that no permission to cut trees in any block will be granted unless the trees therein have a growth of not less than - (i) 60 (sixty) centimetre in girth at breast height at the time of first felling and ten (10) years thereafter at the time of subsequent felling in the case of casuarina, eucalyptus and wattle trees; (ii) 80 (eighty) centimetre in girth at breast height at the time of first felling and twenty (20) years thereafter at the time of subsequent felling in the case of silver oak trees; (iii) 80 (eighty) centimetre in girth at breast height at the time of first felling and fifteen (15) years thereafter at the time of subsequent felling in the case of pine trees; and (iv) 70 (seventy) centimetre in girth at breast height at the time of first felling and twenty-five (25) years thereafter at the time of subsequent felling in the case of other trees. (G. O. Ms. No. 1345, F. & F. Department, dated the 19th November 1982) (3) In any particular area, selection felling shall be allowed only over in, 15 years and the number of trees that may be felled should not exceed seven trees per hectare, of girth not less than that specified in Schedule I to these rules. (4) Before granting permission to cut trees by the selection method, the forest block selected shall be divided into as many annual coupes as the District Collector may direct. Only one coupe shall be worked in each year. (5) Before granting permission to cut reeds, the area shall be divided into four coupes. Only one coupe shall be worked in a year.

5A. [[Inserted by G. O. Ms. No. 696, Forest and Fisheries, dated the 7th June 1983.]

Every application to the District Collector for permission to cut trees made by the owner of a forest or any other person specifically authorised by him in that behalf shall contain the following particulars and be accompanied by the following documents:- (A) If the application is for the cutting of trees by the clear felling method, that is to say, the felling of all trees in the area for the purpose of

utilisation mainly as fuel:-(a)Location, name, survey number and approximate area of the whole forest in which the area containing the trees proposed to be felled is included.(b)Location, name, survey number and acreage of the area containing the trees proposed to be felled, preferably in the form of surveyed sketch.(c)A certificate to the effect that the boundaries of the area containing the trees proposed to be felled have been demarcated clearly on the ground by lines 1.83 metres (or are defined already by natural features such as streams, beds, ridges, etc.)(d)Proof of ownership of the forest or of the trees proposed to be felled.(e)The route by which the felled trees will be taken to the nearest market.(f)The manner in which the applicant proposes to ensure the regeneration of trees in the place of the trees proposed to be felled.(g)A certificate that the trees proposed to be felled are in accordance with the specifications prescribed in clauses (1) of rule 4 and sub-clauses (i) to (iv) of sub-rule (2) of rule 4, as the case may be, is required.(h)The period, which shall not exceed one year, within which the felling will be completed.(B)If the application is for the felling of trees, by the selection method, that is to say, the following of only selected trees of timber, the following information shall be furnished in addition to that specified in items (a) to (e) above:-(a)A statement in duplicate containing a list enumerating the trees proposed to be felled, numbered serially, indicating the species and girth at breast height, viz., not less than that specified in Schedule I to these rules.(b)A certificate to the effect that all trees included in the list have been serially numbered in tar in a conspicuous manner (at the base of the tree and at breast height).(C)If the application is for the cutting of reeds, the following information shall be furnished in addition to those specified for cutting of trees in items (a) to (d) and (f) of clause (A) above:-(a)A certificate to the effect that the reed, coupes proposed to be worked are not less than four years old.(b)The period, which shall not exceed one year, within which the felling shall be completed.]

6.

Every application other than an application referred to in rule 12 shall be affixed with a Court-fee label of Rs. 10 which shall not be refunded even if the application is rejected by the District Collector.

7.

Every permission granted for the cutting of trees under the clear felling method shall be, subject to the following conditions, namely:-

1. (a) Felling and removal of any tree growth within 20.12 metre of either bank of any stream is prohibited.

(b)All trees except casuarina shall be felled at a height not exceeding 0.15 metre from the ground, the bark being left in tact on the stump and adhering to it all round the stump without being torn off or otherwise damaged. In the case of casuarina trees, the removal of the stump and root will also be permitted.(c)Every coupe in which trees have been felled in any year shall be demarcated at four prominent comers with count stones showing the year of felling and the area felled.(d)Every coupe in which trees have been felled in any year shall be planted up by the permit holder within that year

and unless this is done, the permit-holder shall not be granted permission to fell the remaining coupes.(e)The felled area shall be closed to grazing for a period of five years after felling.(f)The permission will be valid only for the period specified therein which shall not exceed one year.(g)The maximum extent of the area for which permission shall be granted for clear felling in forests at any one time for planting rubber or fuel species or timber or with coffee or tea or other plantation crops shall be twenty hectares.A security deposit of a sum not exceeding Rs. 125 per hectare of land to be cleared shall be collected from the applicant before the felling is allowed. Regeneration of the felled area will be done by the Forest Department at the cost of the permit-holder in the event of the permit-holder failing to plant the clear felled area to the satisfaction of the Collector within the time limit stipulated in the permit. If the security deposit is insufficient for regeneration by the Forest Department, the excess amount required will be recovered from the permit-holder. If the security deposit is found to be in excess of amount spent by the Forest Department for regeneration, the excess amount will be refunded to the permit holder three years after the completion of the regeneration by the Forest Department. In case where the area has been planted within the time after clear felling to the satisfaction of the Collector, the security deposit shall be refunded three years after the completion of the planting:Provided that none of the conditions mentioned above except condition (a), (f) and (g) shall apply to permission granted for the felling of trees for purposes of bona fide cultivation of food crops or plantation crops. If, for reasons which are considered bona fide by the Collector, the cleared area could not be brought under cultivation or plantation within a period of one year from the date of the permit, the Collector may grant extension of time:Provided further that, in the matter of clearing of forest even for bona fide cultivation of food crops or plantation crops, only such forests as are not really covered by any thick growth shall be permitted to be cleared and the District Collector shall satisfy himself before such permission is granted that -

(1)there will be no denudation of the forest if the permission is granted, and(2)the area sought to be cleared has been inspected by the District Forest Officer or a Gazetted Assistant having jurisdiction over the area in which the forest is situated, if any, or by the Tahsildar or Deputy Tahsildar having jurisdiction over such area.(3)clear felling should be confined to foot hills, and easy slope leaving the top hill of any hillock to selection felling or no working all.

8.

(1)In granting permission for the cutting of trees by the selection method, the District Collector shall have regard to the following:-(a)In the case of private forests in the State, permission to cut the trees specified in column (1) of the Table below shall be wanted only if the minimum girth at breast height is not less than the limits specified in the corresponding entries in column (2) thereof -

Trees	Girth at breast height (cms.)
1	2
1. Casuarina	60
2. Eucalyptus	60
3. Wattle	60
4. Silver oak	80
5. Pines	80

6. Other trees not mentioned in Schedule I 70

(G. O. Ms. No. 1345, Forests and Fisheries, dated the 19th November 1981)(b)The boundaries of the area containing the marked trees permitted to be felled, shall be defined and demarcated clearly on ground.(c)Holders of selection felling permits shall maintain a register showing the particulars of the trees felled, viz., serial number, species, girth at breast height, date of felling, details of timber extracted from each tree, date of transport of the felled produce and remarks, if any. The register shall be liable for inspection by any Forest or Revenue Officer at any time and a copy of it shall be furnished to such authority as the District Collector may prescribe in the permit, after the completion of the operations in the forest.(d)The timber or logs extracted shall bear at one of the end surface, serial number of the tree from which it was obtained and the sequence of log in the tree denoted by letters A.B.C., etc.(e)Selection felling should be limited to not more than seven trees per hectare of minimum girth specified in Schedule I to these rules and second felling should not be permitted in the same area within 15 years.(2)Every permission granted under sub-rule (1) shall be subject to the following conditions:-(a)The serial number of the tree felled shall be marked in a conspicuous manner on the stump.(b)If, during the course of felling, any unmarked tree is damaged, it shall not be removed from the area in which felling takes place without the previous permission of the District Collector who shall, before according permission, satisfy himself that the damage was inevitable.(3)Permission granted for cutting of reed coupes shall be subject to the following conditions:-(a)Felling and removal of any reed growth within one chain of either bank of any stream shall be prohibited.(b)Not more than two thirds of the number of clumps in a clump shall be cut.(c)No clump less than two years old shall be cut.(d)No clump shall be uprooted, but shall be cut at a height not exceeding twenty-two centimetres from the ground level.(e)Every coupe in which reeds have been cut in any year shall be demarcated at four prominent corners with coupe at once showing the year of felling and the area felled.(f)The permission shall be valid only for the period specified therein; the period shall not exceed one year:Provided that none of the conditions mentioned above shall apply to permission granted for the cutting of reeds for the purpose of bona fide cultivation of food crops or plantation crops. Only such forests as not really covered by any thick growth shall be permitted to be cleared and the District Collector shall satisfy himself before such permission is granted -(1)that there will be no denudation of the forest if the permission is granted, and(2)that the area sought to be cleared has been inspected by the Forest Ranger having jurisdiction over the area in which the forest is situated, if any, or by the Tahsildar or Deputy Tahsildar having jurisdiction over such area.

9.

(1)Permission for the cutting of trees under the selection method below the girth specified in rule 8(1)(a) and for the use as telegraph' or electric transmission poles, shall be granted only in respect of the species of trees specified in Schedule II to these rules, provided that the owner of the forest or any person deriving authority from him holds a contract for the supply of such poles to any department of the Government of India or of the Government of Tamil Nadu or to a licensee authorised to distribute electric energy in the province.(2)Every such permission shall be subject to the following conditions:-(a)Only straight poles in accordance with the specifications furnished by the Government Department or licensee referred to in sub-rule (1) shall be felled.(b)The felling shall be effected at a height not exceeding 0.15 metres from the ground if the girth of the tree at breast

height is below 0.91 metre and the bank shall be left intact on the stump, but shall be cut smooth and clean and adhering to the stump all round.

10.

Permission for the cutting of tree under the selection method below the girth specified in rule 8(l)(a) and (b) for use as masts of country crafts shall be granted and only in respect of Poon (*Calophyllum elatum*) and Pali (*Pallikulium ellipticum*).

10A.

In cases where permission has been granted only for exploitation of bamboos and not for clear felling, the permission for the working of bamboos shall be, subject to the following conditions, namely:-(i)A minimum of six mature clumps should be left in each clump; a clump shall be considered mature, if it is at least one year old;(ii)No clump which is less than a year old shall be felled;(iii)No clump shall be removed with rhizome;(iv)Felling shall be made at the side of the clump opposite to that from which the largest number of new clumps spring up;(v)All cutting of bamboos shall be below one metre, but not below the first node from ground level;(vi)Portions of the clump that had been extracted shall not be left hanging on or within the clump:Provided that the conditions specified above shall not apply where permission is granted for clear felling.

11.

Permission for converting wood into charcoal for running the engine in a tea factory will be considered only in respect of the estates which are using the wood for such purpose, subject to the following conditions, namely:-(a)Burning of charcoal will not be permitted within a radius of one mile from the boundary of any reserve forest. Burning will not also be allowed in the forest area of the estate where the felling is done. Burning will be allowed only outside the forest area of the estate.(b)Permission for converting wood and charcoal for running the engine in estate factory will be, subject to the other conditions specified under rules 7 and 8, as the case may be.(c)Any felled material should be stacked at the felling site and shall be removed only after inspection by a Forest Officer not below the rank of a Forester or by a Revenue Official not below the rank of Deputy Tahsildar and after getting a transport permit under Timber Transit Rules.(d)Necessary permission should be obtained for felling of trees and preparation of charcoal from the Collector of the District. The application for permission should specify the following, namely:-(i)the industrial purpose for which charcoal is required;(ii)the need for charcoal;(iii)the quantity required.The application should be sent to the Collector of the District through the District Forest Officer.(e)Every application for burning charcoal should be affixed with Court-fee stamp of Rs. 10 (Rupees ten only) which will not be refunded on any account.(f)On receipt of order of the Collector granting permission to burn charcoal, the applicant should furnish a security deposit of Rs. 300 (Three hundred only) to the District Forest Officer concerned.(g)The decision of the Collector of the District, whether to grant permission for converting wood into charcoal or not shall be final.

12.

On receipt of an application under rule 3, the District Collector shall eliminate from the list furnished by the applicant in his application such of the trees as are below the minimum girth prescribed in Schedule I to these rules and shall not permit the felling of such trees.

13.

Every application to the District Collector for permission to alienate land under section 3(l)(a) of the Act by the owner of the forest or any person claiming under him shall be affixed with a Court-fee label to the value prescribed under the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955). All applications for clear felling or selection felling should be made to the District Collector and the permit shall be granted by the District Collector after due enquiry in consultation with the Assistant Conservator of Forests or/and the District Forest Officer.

14A.

Every application for clear felling or selection felling made to the District Collector under section 3(2) of the Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949) shall be accompanied by topo sketch of the entire forest area showing the coupes and blocks, as the case may be, the coupes and blocks proposed for felling in the year of application and the balance area that will be available for felling, etc. The application for clear felling shall indicate also the year of planting of the previously clear felled areas and the general result of the planting.

14B.

The District Forest Officer shall report the result of his inspection of a worked area, timber registered and permit account of the applicant to the District Collector before any request for permission for further work can be considered.

15.

If the District Collector has reason to believe that any person to whom permission for felling of trees, for burning charcoal and or cutting of reeds under the Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949), has been granted, has in his application furnished particulars which are materially incorrect or has contravened any provision of these rules of the conditions under which the permission was granted, the District Collector shall have power to cancel such permission immediately or modify the same subject to forfeiture of the security deposit in full or part as he may deem fit.

16.

All Forest Officers and all Revenue Officers not below the rank of Revenue Inspector shall have power to enter any forest for the purpose of inspection or securing compliance with these Rules.

I

(See rule 2, 5, 8 and 11)

Kalpine	Dipterocarpus indicus	
Kongu or Irambogam	Hopea parviflora	
Cheeni	Tetrameles nudiflora	
Poon	Calophyllum elatum	
Pali	Palaquium ellipticum	
Mango	Mangifera indica	
Kuler Mavu	Machilus macrantha	
Ayini	Artocarpus hirsuta	
Vedipila	Cullenia excelsa	1.52 metre
Nangal	Mesua ferrea	
Vayal	Poeciloneuron indicum	
Boipale	Lophopetalum wightianum	
Mathi	Terminalia tomentosa	
Pillamarudu	Terminilia paniculata	
Venteak	Lagerstroemia lanceolata	
Vengai	Pterocarpus marsupium	
Manj akadambai	Adina Cordtfolia	
Teak	Tectona grandis	
Rosewood	Dalbergia lati folia	1.22 metre
Chorapine	Hardwickia binata	
Vellapina	Valeria indica	
Agil	Dysoxylum Maoabaricum	
White Cedar	Dysoxylum Maoabaricum	1.22 metre
Red Cedar	Cedrela toona	
Jack	Artocarpus integrifolia	1.22 metre
Irool Neer Van teak Poola		

	<i>Xylia Xylocarpus Lagers troemia flos reginalBombax malabaricum or indigna</i>	1.07 metre
Paemaram, Matti Palai Kumbli	<i>Ailan thus excelsa Alstonia scholaris Evodiaroxburghii</i>	0.91 metre
All other timber trees	<i>Evodia roxburghii</i>	1.07 metre

II

Teak	<i>Tectona grandis</i>
Kongu or Irumbogam	<i>Hopea parviflora</i>
Mathi	<i>Terminalia tomentosa</i>
Vengai	<i>Pterocarpus marsupium</i>
Vayal	<i>Poeciloneuron indicus</i>
Venteak	<i>Lagerstromia lanceolata</i>
Achan	<i>Hard wickiabinata</i>

NotificationsI(G. O. Ms. No. 2684, Revenue, dated the 30th December 1946). - In exercise of the powers conferred by section 6 of the Tamil Nadu Preservation of Private Forests Act, 1946 (Tamil Nadu Act XVIII of 1946), His Excellency the Governor of Tamil Nadu hereby makes the following regulations:-

- 1. No person shall set fire to a forest or kindle or leave burning any fire in such manner as to endanger the forest.**
- 2. No person shall kindle, keep or carry any fire in a forest except during such seasons and in such manner as the District Collector may, from time to time, notify.**
- 3. No person shall admit goat into a forest for browsing, penning or for any other purpose whatsoever except in places set apart for the purpose by the District Collector:**

Provided that nothing contained in this regulation shall preclude the passage of goats from one village to another along the customary paths if they are accompanied by at least one adult person for every fifty goats.

- 4. In the case of a forest situated in an estate as defined in the Tamil Nadu Estate Land Act, 1908 (Tamil Nadu Act V of 1908), grazing of cattle other than goats shall be limited to the carrying capacity of the forest. For the purpose of this regulation, the carrying capacity of a forest shall be reckoned at ten**

acres per buffalo, five acres per cow or bull and two and a half acres per sheep.

5. If the trees in any coupe Or block in a forest are cut by the clear felling method, no person shall allow grazing of cattle in any such coupe or block for a period of [five years including the year of felling] [Substituted by G.O. Ms. No. 1959, Revenue, dated 13th October 1954.].

II(G. O. Ms. No. 3275, Revenue, dated the 11th December 1951 as amended by G. O. Ms. No. 1673, Revenue, dated the 25th April 1956). - In exercise of the powers conferred by section 6 read with section 3(3) of the Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XVII of 1949), the Governor of Tamil Nadu hereby permits:-(a)the hill tribes (Irulas and Mudugas) residing in the Attapadi valley in the Walluvanad taluk of the Malabar district to carry the customary fugitive cultivation by burning without the previous permission of the District Collector under section 3(2) of the said Act; and(b)the owners of forests in the said valley to lease the whole or portion of any forest to any member of the said hill tribes for the purposes of the said cultivation without the previous permission of the District Collector under section 3(1)(a) of the said Act.Regulation - The District Collector may either generally or in special cases by order publish in the District Gazette fix the quality and quantity of timber and of fuel that can be removed by each family in a village, from any forest under the proviso to section 3(2) of the Act and the time during which such removal can be done.(G. O. Ms. 3120, Revenue, dated the 22nd November 1952)Subject. - Madras Preservation of Private Forests Act (Malabar) Walluvanad taluk, Attapady valley-Fugitive cultivation by the Hill Tribes-Order issued in G.O. Ms. No. 3275, Revenue, dated 11th December 1951-Continuance-Orders passed. Reference G.O. Ms. No. 3275, Revenue, dated 11th December 1951 and reference from the Board of Revenue (Land Revenue), No. F. 1444 of 1955, dated 29th January 1954.The Government accept the recommendation of the Board of Revenue and direct that the general permission granted in the Government order quoted above, to the hill tribes in Attapady village, Walluvanad taluk, Malabar district, to carry on fugitive cultivation without obtaining the previous permission of the Collector be continued till the revenue staff proposed by the Collector is sanctioned and starts functioning.