

Appendix III (ii), (Vide Article - 3.02)

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of Forest Act, 1927 (XVI of 1927)

b. P.L.D. 4697/103064-B.—In exercise of the powers conferred by section 32 of the Indian Forest Act, 1927 (XVI of 1927), the Governor of Bombay hereby makes the following rules, namely :

Rules . . .

(1) These rules may be called the Bombay Protected Forests (Vidarbha area) Rules, 1958.

2) These rules extend to the Vidarbha area of the State of Bombay.

3) Nothing in these rules shall apply to forest produce on an occupied area or village site or in an area under the management of the Government in the Revenue Department in a protected forest.

4. In these rules, unless the context otherwise requires :—

(a) "Protected forest" means an ex-protection forest, vested in the State Government under the provision of the Madhya Pradesh Abolition of Protection Rights (States, Mahratta and Alibediat Land) Act, 1950 (M. P. Act I of 1951), and declared to be a protected forest within the meaning of section 27;

(b) "right of mister" means the right of inhabitants of a village or villages in the vicinity of protected forests, of removing there forest produce for their own household use other free or at payment as provided in the *Nistar Patrak* prepared under the provisions of Chapter XVIII of the Madhya Pradesh Land Revenue Code, 1954.

5. The Divisional Forest Officer, shall from time to time set aside, in consultation with the Collector :—

(1) areas of suitable size in a protected forest containing forest produce for exercising the right of mister in a village or villages adjoining such protected forest, and

(2) Conjoint areas containing timber trees and other forest produce therein having commercial value for management by the State Government.

6. No tree of any species whatsoever shall be cut, removed or burnt for the purpose of manufacturing charcoal, except with the previous permission of the Divisional Forest Officer.

7. Subject to the provisions of rule 6, no trees of the species falling under clauses (a) and (b) of this rule shall be cut without the previous written or verbal permission of the Divisional Forest Officer.

(a) *Ajhar* (*Buchanania laurina*), *Am* (*Anogeissus latifolia*), *Ajjan* (*Hinchinckia himalaica*), *Bahul* (*Acacia arabica*), *Bamboo*, *Bet* (*Aegle marmelos*), *Bijatal* (*Syzygium monosperma*), *Chambor* (*Terminalia oblonga*), *Giant* (*Erythrina gigantea*), *Gindal* (*Kuhnia*) (*Stereospermum urinaria*), *Haldi* (*Citrus grandis*), *Hausi* (*Lemmaphis oblonga*), *Khamb* (*Intsia pyramidalis*), *Kiranchi* (*Pithecellobium dulce*), *Kumba* (*Ternstroemia elliptica*), *Kunampi* (*Scleroderris trifolia*), *Mohua* (*Mallotus polycarpus*), *Pipal* (*Ficus religiosa*), *Rohua* (*Sesbania schreberi*), *Sing* (*Tectona grandis*), *Sigdi* (*Vernicia rostrata*), *Sil* (*Shorea robusta*), *Sonpa* (*Thespesia populnea*), *Shisham* (*Dalbergia latifolia*), *Sitophil* (*Annona squamosa*), *Tinje* (*Thespesia populnea*), *Turu* (*Myrsinella longistylis*), *Tulsi* (*Ocimum sanctum*), *Vana* (*Endlicheria affinis*), *Widhera* (*Grewia biloba*), *Bar-harvest* (*Acacia horrida*), *Whales* (*Neurolepis undulata*), *Bhira* (*Chloroxylon swietenia*), *Damer* (*Dipterocarpus grandiflorus*), *Indri* (*Pinus pinaster*) (*Pinus pinaster*), *Jamun* (*Syzygium cumini*), *Johari* (*Acacia catechu*), *Lantara* (*Gordonia Myxa*), *Palms*, *Sandhi* (*Phoenix sylvestris*), *Sura*, (*Xylosteum apiculatum*).

(b) Trees of any size growing within 30 feet of either side of a road or 66 feet of either bank of a water course :—
provided that no such permission shall be necessary for cutting small branches up to 2" in diameter at the cut-end of bâbâ of such other thorny trees and thorny shrubs.

8. (1) No fruit trees or tree falling under clause (a) of rule 5 up to 2" 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 clumps under one year of age may be cut, and in each clump, at least 8 clumps over one year of age, will be retained.

(ii) All bamboo culms shall be cut within one foot from ground level.

(5) Except with the permission of the Divisional Forest Officer, in the case of pâlas, the roots of trees shall not be dug up.

(6) Except with the permission in writing of the Divisional Forest Officer, 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 pass issued by the person duly authorised in that behalf and may be examined by any forest Officer at the *gâras* or places specified by the Divisional Forest Officer in that behalf.

7. (1) Subject to any restriction which the Divisional Forest Officer, may by special or general order, impose in that behalf, every person holding land in the village, the village urban and agricultural labourer shall be entitled to :--Teak minor forest produce (other than *harru*, *lac*, *rusa* grass, *tendu* leaves and *gum*) and other minerals, viz., grass, leaves of *muthul* and *teek*, *kakkul*, edible roots and edible fruits and flowers, sand, clay and stones from the protected forest of the village.

(2) Nothing in this rule shall deter a person from collecting *harru*, *lac*, *rusa* grass, *tendu* leaves and *gum* and produce of *muthul* trees found in his own land in a protected forest.

8. (1) No person shall, save as provided in rule 7, have a right to collect any *lac*, *harru*, *rusa* grass, *tendu* leaves and *gum* which are of commercial value.

(2) The right to collect *lac*, *harru*, *rusa* grass, *tendu* leaves and *gum* from the protected forest of the village shall, save as otherwise provided in rule 7, be auctioned by the Divisional Forest Officer.

9. The Divisional Forest Officer 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 right of *madar* and therefore any person residing in such village or villages may, subject to provisions of Chapter XVIII of the Madhya Pradesh Land Revenue Code, 1954, cut and remove for his own use only (and not for sale, barter or gift) any forest produce not exceeding such quantity as fixed out in the *Nizam Patwar* or the reduced quantity as may be determined by the Divisional Forest Officer 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 lying in such forest or to any tree referred under section 50 of the Indian Forest Act, 1927.

(2) All persons who are permitted to remove forest produce according to these rules or who pasture their cattle therein, shall inform the nearest forest officer of the occurrence of a fire, and shall take steps, whether or not so required by any Forest Officer :--

- To extinguish any forest fire of which he has knowledge, and
- To prevent by any lawful means in his power any fire in the vicinity of such forest from spreading to such forest.

(10) (1) The cultivators (including *mallik-mankhbari*), villa artisans and labourers shall, subject to the provisions of sub-rule (2) and the provisions of Chapter XVIII of the Madhya Pradesh Land Revenue Code, 1954, be entitled to graze their cattle kept for agricultural purpose free of charge in a protected forest as follows :--

(a) Cultivation-2 plough cattle per plough plus 4 others including one she-buffalo.

(b) Agricultural artisans and labourers—

- 4 cattle including one she-buffalo ;
Provided further that all animals in excess of those specified in (a) ;
Provided that a calf under six year shall not be counted ;
Provided further that all animals in excess of those specified in clauses (a) and (b) shall be charged at such rates as the State Government may from time to time fixation in this behalf.

(2) No person shall graze his cattle in accordance with the provisions of sub-rule (1) except under a licence granted by a person duly authorised in that behalf and in accordance with the conditions thereof.

(11) The Conservator of Forests shall prepare in October each year a list of protected forests which shall be closed to the public generally for hunting, shooting, fishing, netting or killing tigers.

(12) The list shall specify those forests which are closed.

- absolutely, for proposed of Forest management or as sanctuaries for the protection of some other than carnivore.
- conditionally, subject to the issue of a permit in accordance with the rules made under section 76(a) of the Indian Forest Act, 1927.