

Annexure VII (20), (Vide Article - 7.03)

Maharashtra Private Forests (Acquisition)
Act, 1975.

Implementation of --

GOVERNMENT OF MAHARASHTRA,
Revenue and Forests Department,
Circular No. FRP 1480/948 - P-6,
Mentrolaya, Bombay-400 032,
Dated : 17th December 1980.

C I R C U L A R

For some time past, Government has been receiving a number of representations from the Ratnagiri District and other areas in the Konkan regarding the inconvenience and hardship caused to the small holders in the course of the implementation of the Maharashtra Private Forests (Acquisition) Act, 1975. With a view to reducing their hardships, a meeting of some M.L.As. was convened on 23rd September 80 to discuss the problems and to find out how best the problems could be solved. After careful consideration of the points raised in the meeting, the following instructions are issued for the use and guidance of the Forest /Revenue Officers :-

- (1) Under Section 22-A of the Maharashtra Private Forest (Acquisition) Act, 1975, the concerned Deputy Collector (Private Forests) has issued orders restoring lands to the original holders from whom private forest land was acquired under the said Act. In some of these cases, the Divisional Forest Officer concerned has gone in appeal to the Divisional Commissioner against the Deputy Collector's order and the appeal is pending before the Commissioner. Pending the disposal of such appeals, the forest material felled by the holder of the restored land, which is lying in the lands, is not allowed to be removed and there is likelihood of the material deteriorating. In such cases, if the holder agrees to give an undertaking in writing, the Divisional Forest Officer should move the Commissioner for grant of permission to dispose of the felled forest produce by open auction. The sales proceeds should then be deposited with the Forest Department, till the final decision in the case is taken by the Commissioner.

(2) The order of the Deputy Collector (Private Forest) regarding restoration of land under section 22-A of the Act should be accompanied by a sketch showing the approximate area so restored, or the area should be so described as to enable the occupant or the Forest Department to demarcate the same on the spot. This would help the Divisional Forest Officers in deciding early, as to whether the felled material formed part of the restored area or not.

(3) In cases in which partial restoration orders have been issued, the Deputy Collector should finalise the issue of orders in regard to the remaining areas expeditiously, to avoid any further inconvenience to the Khatedars and also to the Forest Department.

(4) In cases where the land holder has already felled trees standing in his holding, with the permission of the Tehsildar (whenever such permission was necessary), and has approached the Forest Department for issue of transit passes for the removal of the felled material, the Divisional Forest Officer may order the issue of transit passes, provided the land holder, on applying produces a certificate from the competent Revenue Officer to the effect that the total holding of such applicant, from whose land the trees have been felled, does not exceed 12 Hectares. Production of such certificate may be asked for only where there is doubt as to whether the land in question has vested in the State under the Maharashtra Private Forests (Acquisition) Act, 1976.

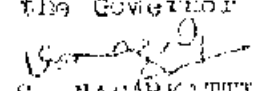
(5) With a view to further minimising the hardship to the Khatedars, pending completion of formal action to restore private forests (where they are liable to be restored), a quick survey should be carried out by the Forest Department in collaboration with the Revenue Department, with a view to preparing tentative village-wise lists of Khatedars, who have a total holding of not exceeding 12 hectares each and who are, therefore, entitled to the restoration of the entire area.

which has vested in the Government. Such lists should be published in the villages concerned for the information of the occupants, and used by the Forest Department as a working basis for the issue of transit passes for the forest produce from the areas so liable to restoration. On completion of the list, the cases should be taken up for restoration of land under section 22-2 of the Act ~~expeditiously~~ expeditiously, subject to the Forest (Conservation) Ordinance, 1980.

(6) The Revenue and Forests Department should prepare proposals for additional staff, if necessary, after getting the estimate of workload, for completing the above work within a reasonable time.

(7) It is clarified that the area to be treated as under lawful cultivation for the purposes of Section 3(2) of the Act in respect of lands, which were subjected to rotational/shifting cultivation, should be the area actually subjected to rotational/shifting cultivation during one whole period of rotation ending with the Kharif season of 1975-76. The period of rotation practised in the locality should be determined after making local enquiries through the village level committees appointed under Government ~~of~~ Circular, Revenue and Forests Department No. RFF 1377/143651-P-2, dated 30th January 1973. The area actually subjected to rotational/shifting cultivation during the rotational period so determined, should be then ascertained from the revenue records.

By order and in the name of the Governor of Maharashtra,


(V.S. NAGESETTI)
Assistant Secretary to Government,
Revenue and Forests Department.

Copy to :

All the Commissioners of Divisions,

The Chief Conservator of Forests, Maharashtra State, Pune.

The Chief Conservator of Forests (Special), Maharashtra State,
Pune,

All Collectors,

All the Conservators of Forests,

All Divisional Forests Officers,

All Deputy Collectors (Private Forests),
Thane, Kalyan and Ratnagiri District.

Sub-Divisional Offices in Thane/Kalyan/Ratnagiri/Pune/Rosik/
Dhule/Ahmednagar/Sangli/Kolhapur/Bombay Suburban District,

The F-6 Desk, Revenue and Forests Department (Select File),

All other Forest Desks of Revenue and Forests Department.