

*Annexure VIII A (3), (Vide Article - 8.01)*

Forest LANDS  
Disforestation of ~~for~~ for cultivation or  
for other purposes.

GOVERNMENT OF MAHARASHTRA,  
Revenue and Forests Department,  
CIRCULAR NO. FLD. 1076/78392-P-3,  
Sachivnaya, Bombay - 32.  
Dated 28th May 1976.

Govt. Circular, Revenue and Forests Department NO. FLD. 1075/  
1092-G1, dated the 31st October 1975.

Govt. Circular, Revenue and Forests Department, NO. FLD. 1975/  
2186-G1, dated the 14th April 1976.

CIRCULAR.

The forest area in Maharashtra is inadequate, being below 21% ~~as~~ against 33.1/3% recommended by the National Commission on Agriculture ~~during~~ the last decade or so, disforestation has assumed serious proportions and considerable forest areas have been disforested for various purposes such as cultivation establishment of model colonies, rehabilitation of project affected and other persons, construction of dams, establishment of gaushans and even for industrial and commercial purposes. This in turn must have adverse effects in various fields, including soil erosion, floods, droughts, scarcity conditions, extinction of wild life habitat in which wild life can survive, pastures, etc. Government has accordingly decided that it is necessary that the disforestation of forest lands should be severely discouraged and proposals made for disforestation only in very exceptional circumstances ~~which~~ inescapably necessary. It takes many years to grow a forest and the forest areas are not easily substitutable. Government has accordingly decided that every case where disforestation is proposed should be brought before the Cabinet to enable it to scrutinise and satisfy itself ~~that~~ the disforestation is absolutely inescapable and there is no alternative.

It is accordingly hereby directed that no forest land should be disforested nor should possession of any forest land to be handed over by ~~the~~ Forest Department or by the Revenue Department to any other

(p.t.o)

Department or party without the prior approval of the Cabinet. All proposals for disforestation should accordingly be submitted to the Revenue and Forest Department by the Department which desires disforestation and the latter Department should indicate the exact area (with Survey Numbers and sketch) desired to be disforested, the purposes for which disforestation is desired and the detailed reasons why the disforestation is inescapably essential and there is no alternative. The Revenue and Forests Department will then examine and process the matter further.

3. In pursuance to the above decision, it is also clarified that it is not within the competence of any Forest Officer to handover the possession of any forest land to any other Department or authority or person except after intimation by the Revenue and Forests Department that the Cabinet has approved the proposals.

4. Instructions have previously been issued that whenever any Department or person desires forest land, it is for them to move the Government in the Forest Department; and it has been clarified that no Forest Officer should submit any proposal for disforestation, except in cases where remarks on a proposal made to the Revenue and Forests Department are called for by that Department.

5. The Irrigation Department and the Rural Development Department from time to time desire the release of forest lands which would come under submergence of irrigation tanks including percolation tanks. The details of such proposals are invariably formulated by the acquiring body which simultaneously takes action to acquire the private land. It would accordingly be for the Irrigation Department or for the Rural Development Department to inform the Government in the Revenue Department in good time for obtaining the Cabinet's approval in cases where submergence under tanks is indicated. While forwarding such

proposals for disforestation, details of the work in question, areas of the forest lands including Survey Numbers, whether the work has been technically sanctioned and administratively sanctioned, when the work will commence and when the submergence is likely to take place should inter-alia be indicated. This is necessary not only for obtaining the approval of the Cabinet but also for issuing the requisite disforestation notification under the Forest Act.

6. All cases wherein proposals for disforestation have already been approved but the possession of the forest land has not been handed over should be referred to the Revenue and Forests Department for obtaining the orders of the Cabinet. This, however, would not apply to cases where disforestation has already been approved by Government on the ground of submergence under irrigation tanks and percolation tanks.

7. The above instructions do not apply to revenue forest land under unauthorised cultivation, wherein the encroachment is necessarily required to be regularised according to the general orders in force. In all the remaining cases, the encroachments should be energetically removed.

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

*M. L. Lulla*  
28/5/76  
(L.S. LULLA.)

Secretary to Government.

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The Chief Conservator of Forests, Maharashtra State, Pune,  
The Commissioners of Divisions,  
All Conservators of Forests,  
All Collectors of Districts,  
All Divisional Forest Officers, Sub Divn. Forest Officers (Ind Sub  
G1, G2, G3, G4, G6, G8, R1 and R2 Desks in Revenue and Forests Divisions)  
Department,  
All Forest Desks in Revenue and Forests Department,  
All Chief Executive Officers of the Zilla Parishads,  
All Departments of Sachivalaya.