



D.O. No. TRS-01/2015/39/C.R.205/E-6  
Revenue and Forest Department,  
Mantralaya, Mumbai - 400 032.  
Date - 28<sup>th</sup> September, 2015

(Vikas Kharage)  
Secretary (Forests)

Subject :- Guidelines for Felling and Transit Regulations for Tree Species Grown on Non-Forest/Private Lands

Ref. :- Your Office Letter No. 8-14/2004-FP(Vol.2), Dated 18<sup>th</sup> November, 2014 & Dated 27.08.2015

Dear Sir,

With reference to your letter mentioned above, the action taken report regarding Simplification of felling and transit regulation of tree species grown on non-forest/private land is as follows :-

1. Preferred Tree and bamboo species under agro-forestry by farmers and not naturally available on neighbouring forests are to be invariably exempted from the transit permit and felling rules.

The Government of Maharashtra has exempted 16 species from the requirement of transit pass. Further all bamboos except *Dendrocalamus strictus* and *Bambusa bambos* have been completely exempted from the requirement of transit pass. The list of exempted species are as below:

Sr. No.	Name of Species	Notification exempting the species
1	Nilgiri trees ( <i>Eucalyptus</i> )	05/03/1990
2	Babhul ( <i>Acacia nilotica</i> )	21/06/1990
3	Subabhul ( <i>Leucaena leucocephala</i> )	
4	Prosopis ( <i>Prosopis juliflora</i> )	
5	Ashok ( <i>Polyalthia longifolia</i> )	23/10/1997
6	Drumstick ( <i>Moringa Oleifera</i> )	
7	Sindi ( <i>Phoenix sylvestris</i> )	
8	Orange ( <i>Citrus aurantium</i> )	
9	Chiku ( <i>Achras zapota</i> )	
10	Bhendj ( <i>Thespesia populnea</i> )	
11	Acacia ( <i>Acacia manglum</i> )	
12	Poplar ( <i>Populus</i> )	
13	<i>Dendrocalamus strictus</i>	09/08/2012
14	<i>Bambusa bambos</i> (except in the areas of Amravati, Yawatmal, Gadchiroli, Bhandara, Gondiya, Chandrapur, Nagpur, Thane, Nashik and Raigad Districts)	
15	Lac	17/11/2012
16	<i>Casuarina equisetifolia</i>	09/04/2013
17	All the species of Bamboos subject to the provisions in item No. 14 above.	24/06/2013
18	Rubberwood ( <i>Hevea brasiliensis</i> , <i>Ficus elastica</i> ) obtained from Nonforest land	4/06/2015

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17/11/15  
TO: FP

However many species indicated in the list A of the guideline are found in the natural forest and therefore, they cannot be included in the list of exempted species for transit pass due to the specific regional forest composition.

Government of Maharashtra has further liberalised the regime of Transit Permit in the newly enacted Maharashtra Forest Rules 2014 applicable from 25/02/2014 (Copy enclosed). Now, no Transit Permit is required to move a forest produce within the limits of village and cities. The Rule empowers Chief Conservator of Forests and the Deputy Conservator of Forests to authorise any officer to issue passes subject to certain conditions.

The state of Maharashtra has been quite liberal in permitting the felling of trees and except 14 species, all can be felled without the requirement of permission from tree officer provided it does not constitute a danger to soil erosion. The list of species for which permission is required in rural Maharashtra are as below:

1. *Terminalia chebula* (Hirda)
2. *Tectona grandis* (Teak)
3. *Madhuca latifolia* (Mahua, Mhowra or Mahu)
4. *Mangifera indica* (Mango)
5. *Acacia catechu* (Khair)
6. *Santalum* (Sandal)
7. *Pterocarpus marsipium* (Bija)
8. *Adina cordifolia* (Haldu)
9. *Ougeinia dalbergioides* (Tiwas)
10. *Terminalia tomentosa* (Ain)
11. *Terminalia peniculata* (Kinjal or Kunda)
12. *Hardwickia binata* (Anjan)
13. *Syzygium cumini* (Jambhul)
14. Mangrove.

However for urban areas, all the trees species are protected under different set of legislation due to peculiar problem of urbanization. In Maharashtra, felling of trees in urban areas are regulated by **The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975**. The implementation of the Act is done by Urban Development Department and therefore appropriate action has to be taken by the concerned department.

2. **Preferred Tree and bamboo species:** The Government of Maharashtra has fixed the time period of 30 days to issue transit permit from the date of receipt of completed application form vide Government Circular dated 1.6.2015. This provision will remove complaints of inordinate delay in issuing transit pass.

3. **The permission for felling and transit :** Whenever required may be given in a time bound manner and this provision should be well published the Government of Maharashtra has also made available the facility of Online application for permission to fell trees in rural areas. The Tree Felling Act provide time period of 60 days to dispose off the application by concerned tree officer, otherwise the permission is deemed to be granted. The Government of Maharashtra has also promulgated Right to Service Act 2015, in which decision on application to fell trees from private land has to be communicated within 60 days, otherwise the concerned Tree Officer become liable for penal action.

4. **Facilitation of Interstate movement and setting up of regional coordination mechanism:** The regional coordination committee is yet to be constituted. The field officers – Range Forest Officers, Deputy Conservator of Forests, Chief Conservator of Forests and their counterparts from bordering states meet periodically to discuss protection issues and other related matters. Based on the feedback received from these meetings, it is decided to replace the existing transit permit (Marathi) to Bilingual transit permit (Marathi and English) in order to facilitate better understanding of the details mentioned

in transit permit, so that fraudulent activities can be curbed. The formalities to introduce bi-lingual transit permit are underway.

5. **Recording of Agro-forestry plantations:** Recording of agro forestry plantations are being done in revenue records.

6. **Preparing Manuals on Agroforestry in local and official Languages :** The Government of Maharashtra has published various booklets to educate the farmers about standard silvicultural practices on all the important species found in the state including commercially important trees. The economics of the species are also covered in the booklet. These booklets are distributed during the time of various exhibitions by the Social Forestry. The same has also been made available at the website.

*with Regards*

Your's Sincerely,



**(Vikas Kharage)**  
**Secretary (Forests)**  
**Government of Maharashtra**

To,

Shri. Subhash Chandra,  
Dy. Inspector General of Forests (Forest Policy),  
Ministry of Environment, Forests and Climate Change,  
6<sup>th</sup> Floor, Vayu Wing, Indira Paryawaran Bhawan,  
Jor Bagh Road, Aliganj.

**REVENUE AND FORESTS DEPARTMENT**

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 11th April 2017.

**NOTIFICATION**

INDIAN FOREST ACT, 1927.

No. Bamboosa-2017/CR-59/F-9.—Whereas *vide* Government Notification, Revenue and Forests Department, No. TRS. 2009/CR-67/F-9, dated 24th June 2013 the Government of Maharashtra exempted all species of Bamboo other than *Dendrocalamus Strictus and Bambosa Bambos* on non-forest lands in the State of Maharashtra from the operation of the rules regarding Transit of Forest Produce, contained in Chapter VI of the Bombay Forest Rules, 1942, prevailing at that point of time;

And whereas, the Government, of Maharashtra considers it expedient to exempt all the species of Bamboo in the State of Maharashtra, from the operation of the rules regarding Transit of Forest Produce contained in Chapter VII of the Maharashtra Forest Rules, 2014 (hereinafter referred to as 'the said Rules');

Now, therefore, in exercise of powers conferred by sub-section (3) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, read with clause (e) of sub-rule (1) of rule 31 of the said Rules and of all other powers enabling it in that behalf, the Government of Maharashtra hereby exempts all the species of Bamboo on non-forest lands in the State of Maharashtra, from the operation of the rules regarding Transit of Forest Produce contained in Chapter VII of the said Rules.

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

PRAKASH MAHAJAN,  
Joint Secretary to Government.



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## REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai 400 032, dated 25th February, 2014

## NOTIFICATION

INDIAN FOREST ACT, 1927.

No. TRS-09/2013/CR-193/F-6.—In exercise of the powers conferred by sections 26, 32, 41, 42, 51 and 76 of the Indian Forest Act, 1927 (XVI of 1927) and of all other powers enabling it in this behalf, and in supersession of the Bombay Forest Rules, 1942, Bombay Protected Forests (Vidarbha Region) Rules, 1958 and the Maharashtra Protected Forests (Marathwada, Konkan and Western Maharashtra) Rules, 1998 made in this behalf, the Government of Maharashtra hereby makes the following rules :—

## CHAPTER I

## PRELIMINARY

1. *Short title and extent.*—(1) These rules shall be called the Maharashtra Forest Rules, 2014.  
(2) They shall apply to the entire State of Maharashtra.
2. *Definitions.*— 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) "Deputy Conservator of Forests" means and includes a Deputy Conservator of Forests, Divisional Forest Officer in charge of a Forest Division, Sub-Divisional Forest Officer in charge of an Independent Forest Sub-Divisions;
  - (c) "Chief Conservator of Forests", "Deputy Conservator of Forests" and "Range Forest Officer" means, respectively, the "Divisional Commissioner", "Collector" and "Tahsildar" with respect to the reserved or protected forests under the management of the Revenue Department, in whose jurisdiction such forests lie;
  - (d) "forest-privilege" means any favour, not being a right, and subject to withdrawal by the State Government anytime, granted to permanent residents of any village by the State Government with regard to pasture or forest-produce in a reserved or protected forest of the village in which they reside or in the neighbourhood to meet their *bona fide* livelihood needs, based on forest produce;
  - (e) "Schedule" means the Schedule appended with these rules;
  - (f) "section" means a section of this Act;
  - (g) "State Government" and "Government" means the Government of Maharashtra;
  - (h) "weapon" includes ammunition, bows and arrows, explosives, fire arms, hooks, knives, poison, snares and traps and any instrument or apparatus or substance capable of anaesthetizing, decoying, destroying, wounding or killing a wild animal;
  - (i) "wild animal" means all creatures living in or found in reserved or protected forests, and includes bats, birds, fish, reptiles, amphibians, insects, spiders and all kind of aquatic and wetland fauna;
  - (j) "Working Plan" includes Management Plan or Working Scheme which is a document of technical nature approved by the State Government or the Central Government or a Competent Authority appointed by the State Government or the Central Government, as the case may be, laying the prescriptions for the scientific management of specified forest area; and
  - (k) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

PROVISIONS OF FOREST ACT, 1927

A. Reserved Forests

[Section 26 (1)]

3. *Kindling of fire in reserved forests prohibited.*— Except at such places as may from time to time be notified in this behalf by the officer in charge of forests, no person shall kindle any fire or leave any fire burning, except any public or private road or path which crosses or goes through a reserved forest, but the provisions of this section shall not apply to reserved forests.

4. *Precautions to be taken in making ash-manne.*— No person shall ignite materials for making ash-manne in any field within two hundred meters from the boundary of a reserved forest, unless—

(i) there is, between such boundary and the spot on which such materials are ignited, a space, at least twelve meters in width, which is clear of vegetation capable of carrying fire from such spot to the forest, and

(ii) such other precautions like employing watchers, etc. are taken as are reasonably necessary to prevent fire from spreading to the forest.

5. *Kindling of fire within 200 meters from a reserved forest prohibited.*— Except for the purposes of making ash-manne, no fire shall be kindled elsewhere than in a place used as a human dwelling or in premises appurtenant to such dwelling within a distance of two hundred meters from the boundary of a reserved forest, without the previous written permission of a Forest officer not lower in rank than a Range Forest Officer.

6. *Precautions to be taken in kindling fire beyond 200 meters from a reserved forest.*— No person shall kindle any fire or leave any fire burning at any place which is at a distance greater than two hundred meters from the boundary of a reserved forest, but from which the fire may by natural means spread to the forest, unless he takes such precautions by clearing a strip at least twelve meters in width between such place and such boundary or by employing watchers or otherwise to prevent the fire from so spreading.

B. Protected Forests

[Section 30]

7. *Precautions to be taken in kindling fire beyond the boundary of a protected forest.*— No person shall kindle any fire or leave any fire burning at any place beyond the boundary of a protected forest without taking all reasonable precautions to prevent its spreading to any timber lying in such forests or to any tree reserved under clause (a) of section 30, whether standing, fallen, or felled, or to any portion of such forest closed under clause (b) of that section 30, or in respect of which exercise of any right of pasture or for forest produce is suspended under section 33.

C. Exclusion of rainy season from applicability of these rules

8. *Partial operation of rules in rainy season.*— Nothing in the rules in this Chapter shall operate during the period commencing on the 15th June and ending on the 31st October.

CHAPTER III

HUNTING AND SHOOTING ETC. IN RESERVED AND PROTECTED FORESTS

[Sections 26 (1)(c), 32(c) and 76 (d)]

9. *Acts prohibited in reserved and protected forests.*— (1) The following acts are prohibited in all reserved and protected forests—

- (a) the poisoning or polluting of land, rivers, tank or other waters, the explosion of dynamite or other explosives therein or elsewhere, and the setting of cruives or basket traps for the purpose of killing or catching fish or for any other purpose;
- (b) tracking for the purpose of discovering the lie of wild animals;
- (c) the setting of spring guns, snares, traps or any other such device;
- (d) connecting wire with electric transmission lines for any purpose whatsoever;

(e) the driving, bating, poisoning, catching, wounding or killing of any wild animal and every attempt to do so;

(f) damaging or disturbing the eggs, nests or hives of wild animals;

(g) disturbing, poisoning or interfering in any manner whatsoever with the carcass of any wild animal, domesticated animal or cattle;

(h) possessing any class of insecticides, pesticides, inorganic manure or any weapon except in course of discharge of official duty;

(i) trespassing with or permitting to trespass dog or any other domesticated or trained animal capable of frightening, driving, wounding or killing any wild animal;

(2) Nothing in this rule shall be deemed to prohibit any act done by permission in writing of the Deputy Conservator of Forests concerned.

(3) While exercising the powers vested in the Forest-officer under section 66, if it is not possible for him to chase away or capture the dog or any other domesticated or trained animal referred to in clause (i) of sub-rule (1) out of the limits of such forest without delay, it shall be lawful for him to kill or cause such trespassing animal to be killed or trapped and removed from forest, by using all means at his disposal at that time, whether or not, said trespassing animal has frightened, driven away, wounded or killed any wild animal within such forest or outside.

#### CHAPTER IV

##### ENJOYMENT OF RIGHTS AND PRIVILEGES IN RESERVED FORESTS.

[Sections 26 (2) (a) and 76 (d)]

10. *Regulations for exercise of forest-rights in reserved forests.*— No right shall be exercised in a reserved forest except in accordance with the provisions hereinafter provided in this rule :—

(1) The persons specified in the register mentioned in sub-rule (8) and members of their households shall be entitled, subject to the conditions stated therein against their names :—

(a) to cut for the purpose of fulfillment of *bona fide* livelihood needs of self and family including requirement for construction or repair of their huts, and making agriculture implements for their own use only, all kinds of trees except Teak, blackwood, *anjan*, *khair*, *tiwas*, *babul*, *mahua*, *charoli*, *narkya*, mango and mangrove species mentioned at in Sr. No. 14 in part VI of Schedule D;

(b) to collect, for firewood for their own use only, dead-wood of all kinds except teak, *tiwas*, *khair* and all species found in mangroves;

(c) subject to the provisions contained in Chapter II of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997, to gather, for all purposes, such of the forest-produce as shown against their names in the register, specified in Schedule C;

(d) to graze their own cattle not exceeding the number shown against their names in the register.

(2) All rights in respect of forest-produce and pasture shall be exercised only in such reserved forest or part thereof in respect of which they are continued under the Act, or recognised under any other law for the time being in force, except.—

(a) in such portion of the reserved forest as may be closed by the Deputy Conservator of Forests in consultation with the District Collector for the purpose of reproduction and improvement in accordance with the provisions of a Working Plan.

(b) during the period from the 15<sup>th</sup> June to the 15<sup>th</sup> October.

(3) While cutting of trees and removal of forest-produce from reserved forest the following shall be observed, namely :—

(a) no trees of any size growing within ten meters of either side of a road or twenty meters of either edge of bank of any water course shall be cut;

(b) no trees of any size growing on slopes of more than 20° (degrees) shall be cut;

(a) all trees shall be felled as follows: (i) all trees shall be felled...

(b) all trees shall be felled shall be cut close to the ground.

(c) no trees shall be felled or pulled...

(f) in bamboo clumps, no culm under one year of age shall be cut, and in each clump at least 8 culms over one year of age shall be retained.

(g) all bamboo culms shall be cut within 10 cm from ground level.

(h) no roots of culms shall be dug out...

(i) except with the permission in writing by the Range Forest Officer, no forest produce shall be removed from forest between sunset and sunrise.

(4) Every right holder shall be supplied by the Forest Department with a Pass-Book in the form specified in Schedule A, bearing a serial number and showing his name with address, nature and extent of rights to which he is entitled annually or periodically including description of the reserved forest in terms of ga/ or survey number and compartment number or part thereof over which each right is exercisable.

(5) Before going into the forest with a view to exercise his right, every holder of right shall obtain from the Range Forest Officer concerned or from a Forest officer duly authorized by the Deputy Conservator of Forests in this behalf a permit in the form specified in Schedule B which latter shall be bound to supply to him without payment of any fee or payment of such fee as may be specified by the State Government from time to time.

(6) The description of forest produce and the quantity to be obtained in exercise of the said right in accordance with the permit under sub-rule (5) shall be entered in the Pass-Book supplied to the right holder under sub-rule (4) every time immediately at the time of issue of permit by the officer issuing the permit and in no case whatsoever the total quantity of forest produce actually brought from the forest shall exceed the quantity mentioned in the permit and the Pass-Book.

(7) The transit of all forest produce obtained under this rule in exercise of rights shall be regulated by the rules mentioned in Chapter VII.

(8) A register in the form specified in Schedule C, shall be kept by the Deputy Conservator of Forests showing village wise the names of all the persons entitled to the enjoyment of the rights together with the name of father and spouse, caste name of the community e.g. name of the Scheduled Caste, Scheduled Tribe or Other Traditional Forest Dweller etc. to which he belongs, nature and extent of rights, conditions if any imposed on the exercise of right, and description of the reserved forest specifying definitely according to the boundary marks erected or otherwise, the limit of the forest including ga/ or survey number and compartment number or part thereof over which the right is exercisable under these rules. Such register shall be corrected up to date at least once in every twelve months.

(9) The Collector on recommendation of the Deputy Conservator of Forests, notwithstanding any other action under the Act or these Rules that may be taken in this regard may suspend for a period not exceeding twelve months, the exercise of any right on being satisfied that it is being abused or is in violation of any of the provisions of this rule or that it leads to an offence under section 79.

(10) The Pass-Book and Permit issued under sub-rule (4) and sub-rule (5) respectively, shall be non-transferable, any right holder fraudulently transferring his Pass-Book or Permit to another person, shall be dealt with in accordance with sub-rule (9).

**Explanation** - The rights to be exercised under this rule include the Community Forest Rights confirmed in Annexure - III of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, and incorporated in the relevant Government records including in the record of rights, and published in accordance with sub-rules (f) and (g) of rule 8, respectively, of these Rules.

11. *Rule 10 to apply to forest-privileges.*—A separate register in accordance with sub-rule (8) of rule 10 shall be maintained in respect of the persons enjoying any forest-privilege, and all the provisions contained in rule 10 shall, *mutatis mutandis*, apply to such forest-privileges.

12. *Bar on conferring of forest-privileges.*—No new forest-privilege except with the order of the State Government shall be conferred in a reserved forest.

#### CHAPTER V

##### PASTURING OF CATTLE IN RESERVED AND PROTECTED FORESTS

[Sections 26 (1) (d), 26 (2) (a), 32 (i) and 76 (d)]

13. *Pasturing of cattle in forests prohibited except in areas specially assigned and except under a permit.*—No person shall pasture cattle in a reserved or protected forest,—

(a) except within the areas assigned for such purpose by or under the orders of the Divisional Commissioner or the Chief Conservator of Forests, and

(b) without obtaining a permit from a Revenue or Forest officer or a person duly authorized in that behalf by the Deputy Conservator of Forests which shall be granted without payment of fee or on payment of fee as may be specified by the State Government, from time to time, and except in accordance with the conditions subject to which such permit has been granted.

14. *Pasture by goats and sheep in reserved forests prohibited.*—(1) Except with the specific orders of the State Government issued in this behalf with due regards to the safety and the maintenance of forests in perpetuity, and subject to the conditions which may be imposed, no permit under rule 13 shall be granted for pasturing sheep in any reserved forest or portion thereof or any area notified under section 4 of the Act, unless the area has been earmarked by the State Government for the purpose and demarcated on the ground.

(2) No permit under rule 13 shall be granted for pasturing goat in any reserved forest or portion thereof or in any area notified under section 4 of the Act.

#### CHAPTER VI

##### REGULATION ETC. FOR FELLING OF TREES IN PROTECTED FORESTS

[Sections 32 and 76 (d)]

15. *Non-Application of this Chapter.*—Nothing in this Chapter shall apply to forest-produce on an occupied area of village in a protected forest.

16. In this Chapter unless the context otherwise requires :—

(1) "Closed" means the portion of a protected forest that may be declared closed by the State Government under section 30;

(2) "Protected Forest" means the tract of land declared to be Protected Forest in accordance with the provisions of section 29;

(3) "right" includes any right recognised by law and recorded in Government records in accordance with the procedure laid down in relevant laws for the time being in force.

(4) In respect of Protected Forests in charge of Revenue Department, for the purposes of this Chapter, Deputy Conservator of Forests shall be read as Collector and Range Forest Officer shall be read as Tahsildar.

17. *Part of Protected Forest to be set aside for exercise of rights and privileges and for management.*—The Deputy Conservator of Forests in consultation with the Collector, and in case of the Protected Forests in charge of Revenue Department, the Collector shall, from time to time, set aside :—

(1) the areas of suitable size in a protected forest containing forest-produce for the exercise of rights and privileges by the right and privilege holders of that village of which such protected forest forms part thereof, or in the neighbourhood, and

(2) a compact areas capable of producing timber and other forest produce of importance for management by the State Government.

18. *Cutting of trees for charcoal prohibited*— No trees of any species whatsoever shall be cut from any forest for the purpose of manufacturing charcoal, except with the prior permission in writing of the Deputy Conservator of Forests.

19. *Cutting trees without permission prohibited*— Subject to the provisions of rules 20 and 21, no trees of the species mentioned in Schedule D shall be cut without the prior permission in writing of the Deputy Conservator of Forests.

20. *Cutting of any tree prohibited in certain cases*— No trees in a protected forest—

- (1) of any size growing within ten meters of either side of a road or twenty meters of either edge of bank of any water course, therein shall be cut.
- Provided that no such permission shall be necessary for cutting small branches up to 5 centimeter in diameter at the cut end of *bahul* and other thorny trees or thorny shrubs.
- (2) of any size growing on slopes of more than 20° (degrees) therein shall be cut.
- (3) of any size belonging to species which produce edible fruits shall be cut.
- (4) of the species included in the Schedule D shall be cut except where it is mature, over-mature, dead, injured beyond recovery or otherwise silviculturally available.

*Explanation*— Silviculturally available trees means trees available for felling in pursuance of any recognised silvicultural operation for making conditions favourable to the forest for reproduction of tree species of choice or for the adequate growth of the remaining trees on the forest crop, or both.

21. *Felling of trees in a protected forest*—

- (1) all trees felled shall be cut flush with the ground;
- (2) no tree shall be girdled or pollarded;
- (3) subject to the provisions of rule 17 in an area in which trees have been marked in accordance with the provisions of a Working Plan for felling in the following working season, all such trees marked, and in other areas trees not being trees which are reserved under section 30 or included in Schedule D, may be lopped for the purpose of obtaining *rab* or manure, provided that the main leading shoot (*shanka*) of each tree so lopped shall be left uncut.

22. *Regulation of forest produce in transit*—

- (a) in bamboo clumps, no culm under one year of age shall be cut, and in each clump at least eight culms over one year of age shall be retained;
- (b) all bamboo culms shall be cut within 30 cm from the ground;
- (5) except with the permission in writing by the Range Forest Officer duly authorized by the Deputy Conservator of Forests in this behalf, no root of any tree shall be dug up;
- (6) except with the permission in writing by the Range Forest Officer duly authorized by the Deputy Conservator of Forests in this behalf, no forest produce shall be removed from forest between sunset and sunrise.

The transit of all forest produce obtained in accordance with the provisions of this Chapter shall be regulated by the rules mentioned in Chapter VII.

23. *Removal of forest produce not to exceed permitted quantity and is subject to availability*—

The Deputy Conservator of Forests in consultation with the Collector, shall by order declare a protected forest to be open to persons of the village in which the protected forest is situated or in the neighbourhood for the purpose of exercising their rights and privileges. Thereafter, such persons residing in such village subject to the provisions of section 161 to 167 of Chapter X of the Maharashtra Land Revenue Code, 1966 or of any other law for the time being in force, cut and remove for their own use only (and not for sale, barter or gift) such forest produce not exceeding such quantity as is set out in the *Nistar Patrak* prepared under section 161 of the Maharashtra Land Revenue Code, 1966 or in Annexure-III of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 and incorporated in the relevant Government records including record of rights or the reduced quantity as may be determined by the Deputy Conservator of Forests in consultation with the Collector, when the total quantity of the forest produce available, as assessed annually in advance by him, is not enough to meet the full requirements of such persons.

- (iv) *Madhuca laifolia* (*Mahua*),
- (v) *Mangifera indica* (*Amba*),
- (vi) *Ougeimia dalbergioides* (*Tiwas*),
- (vii) *Pterocarpus marsupium* (*Bija*),
- (viii) *Syzigium cumini* (*Jambhul*),
- (ix) *Tamarindus indica* (*Chinch*),
- (x) *Tectona grandis* (*Teak*),
- (xi) *Terminalia chebula* (*Hirda*),
- (xii) *Terminalia paniculata* (*Kinjal or Kindal*),
- (xiii) *Terminalia tomentosa* (*Ain or saja*), shall not be issued without prior approval

of an officer not below the rank of Assistant Conservator of Forests.

*Explanation.*—The expression "small wood" means all timber not exceeding twenty-five centimeters girth at the thickest part and two meters length.

(c) The passes in respect of any species of bamboo exceeding One Notional Ton shall not be issued without prior approval of the concerned Assistant Conservator of Forests duly authorised in this behalf by the Chief Conservator of Forests or the Deputy Conservator of Forests.

*Explanation.*— The expression "One Notional Ton" means as many numbers of pieces of bamboo whose sum of the lengths is equal to two thousand running meters.

#### *Other persons.*

(d) for forest-produce owned by any person, such person or his agent, if so authorized in writing by the Chief Conservator of Forests, or by Deputy Conservator of Forests specially empowered in this behalf in writing by the Chief Conservator of forests, provided that, such authorization shall specify the period during which it shall remain in force :

Provided that, the Chief Conservator of Forests may, in consultation with the Commissioner of Excise, require that for *mahua* flowers to be removed from any specified area, passes shall be issued only by the local Excise-officer not below the rank of a Sub-Inspector.

(2) Any authorization may at any time be cancelled by the officer granting it or by his official superior.

33. *Passes what to contain.*—(1) Every forest pass issued under rule 32 shall specify—

- (a) the name of the person to whom such pass is granted;
- (b) the quantity and description of forest-produce covered by it;
- (c) in the case of timber or any forest-produce referred to in clauses (a) and (b) of sub-rule (1) of rule 32, the name of the village and survey number in which it was produced;
- (d) the places from and to which such forest-produce is to be conveyed;
- (e) the route by which such forest-produce is to be conveyed, and
- (f) the period of time for which the pass is to be in force, which shall be calculated as follows:—

The day of issue *plus* in the case of transport by a motor vehicle, a day for transit to any point up to one hundred and twenty kilometers or fraction thereof, and in the case of any other form of transport, a day for transit to any point up to twenty-four kilometers from the village of origin *plus* an additional day for every additional twenty-four kilometers or fraction thereof: Provided that, in the case of transport of forest-produce by floating in such rivers or portions thereof as the State Government may, by general or special order specify in this behalf, the time for transit on any such rivers or portions thereof shall be calculated at the rate of one day for every eight kilometers or fraction thereof :

Provided further that, the person in charge of the forest-produce in transit, when directed, shall stop and report at every such forest check post which he has to pass, in order that the forest-produce may be examined. (2) The colour and form of each pass and the sum to be paid in respect of each book of forest passes will be such as may be specified by the Principal Chief Conservator of Forests (Head of the Forest Force) with the previous sanction of the State Government.

34. *Separate passes for each load.*—No forest pass shall ordinarily cover more than one load whether such load be carried by a person, an animal or in a vehicle. However the Deputy Conservator of Forests, subject to the approval of the Chief Conservator of Forests, may whenever he deems fit, order that one pass may cover any number of head loads or animal loads, not exceeding fifty and any number of cart loads not exceeding ten for journeys not exceeding twenty-four kilometers from and to the same places and undertaken at one and the same time.

35. *Pass not to be tampered with.*—No alteration shall be made in anything printed or written on any forest pass except in the matter of route and period and this may only be done by an authorized officer for sufficient reason to be mentioned in the pass.

#### B. Passes issued by private persons.

36. *Books of blank passes to be supplied to persons authorized to issue them.*—(1) When the Chief Conservator of Forests or any duly empowered Deputy Conservator of Forests authorizes in respect of a forest produce owned by any person or the agent of any such person under clause (d) of sub-rule (1) of rule 32 to issue forest passes, he shall furnish such person from time to time with authenticated books of blank passes.

(2) The said person to whom such book is supplied shall pay the sum, if any, fixed under sub-rule (2) of rule 35.

(3) No person who has been authorized to issue passes shall issue passes otherwise than in accordance with the conditions of his authorization.

(4) No such person shall charge any fee for any pass issued.

(5) Counterfoils of all used passes shall be returned to the officer from whom the book of passes was received and no fresh Pass Book shall be supplied until the counterfoils of all passes previously used have been so returned.

(6) Any person or the agent of any person who has been authorized to issue forest passes under clause (d) of sub-rule (1) of rule 32 shall be bound if called upon by any Forest officer to produce for inspection or to give up the counterfoils of all passes which have been issued by such person or agent.

(7) In the event of any authority given under clause (d) of sub-rule (1) of rule 32 being at any time cancelled under sub-rule (2) of the said rule or on the expiry of the period specified in such authority, the person whose authority is so cancelled or the person, the period of whose authority has so expired, as the case may be, shall forthwith return to the officer who gave the authority every unused book of forest passes and the unused portion of any such book in his possession, together with the counterfoils of used passes, if any, which he has not already returned. Thereafter, the said person shall be entitled to receive a refund of the amount paid by him in respect of every such unused book but no refund shall be allowed in respect of any portion of such book.

(8) No forest pass issued by any person or by the agent of any person authorized under clause (d) of sub-rules (1) of rule 32 to issue forest passes shall have any validity,—

(i) if such pass is not prepared on a blank form supplied for this purpose under sub-rule (1) of rule 36, or

(ii) if the same is issued after receipt by such person of an order cancelling the authority to issue such passes, or

(iii) if the same is issued by such person after the expiry of the period specified in the authority given for the issue of such passes.

#### C. Forest produce moved into the State otherwise than by sea.

37. *Pass of other States.*—All forest produce moved into the State of Maharashtra otherwise than by sea from other States shall be covered by a pass of that State registered under rule 38, and in case of timber exceeding the dimensions mentioned in rule 47 and of scented sandalwood or any wood of such other species of any size as may be notified by the State Government in *Official Gazette*, from time to time (hereinafter referred to as the "notified species"), bear a property mark of that State registered under rule 38.

38. *Form, etc. of passes of other States must be registered in the office of Chief Conservator of Forests.*—Every pass of other States must be in a form which, and must be signed by an official whose designation, have been registered in the office of the Deputy Conservator of Forests of the Division into which it is sought to move forest produce thereunder. Every property mark of that State must be of a description which has been registered in the said office.

Provided that, at the request of an officer of any State, not below the rank of a Deputy Conservator of Forests, the forest-produce of that State may be allowed to be moved into the State of Maharashtra,—

(a) if such forest-produce is being moved in the State of Maharashtra is covered by a pass of the concerned State, signed by a contractor or his agent whose specimen signature is registered in the office of the Deputy Conservator of Forests in charge of the Division into which the forest-produce is sought to be moved into ;

(b) if the office-stamp of such officer (being an officer authorized by the State Government of the concerned State to issue books of such passes to contractors for moving the forest-produce into other State), affixed to or imprinted on the pass under which the forest-produce is sought to be imported; and

(c) if the timber falling within rule 47 or where timber is sawn and exceeds two meters in length with the sum of width and thickness exceeding fifteen centimeters, bears property mark duly registered which is specific to that person or saw mill and has been registered in the office of the Deputy Conservator of Forests concerned under rule 47 for the purpose, and scented sandalwood or wood of such other notified species of any dimension, bears a distinguishable private property mark of the owner of such timber or scented sandalwood or any wood of notified species (being a property mark, description of which has been registered in the office of the Deputy Conservator of Forests in charge of the Division into which the forest-produce is sought to be moved into).

39. *Deputy Conservator of Forests may refuse to register signature.*—In cases under the proviso to rule 38, the Deputy Conservator of Forests may, for reasons to be recorded in writing, refuse to register the specimen signature of any contractor or his agent.

40. *Forest produce moving into State of Maharashtra may be conveyed to first depot without a pass under proviso to rule 38.*—Any forest-produce moving into the State of Maharashtra may be conveyed within the limits of this State as far as the first depot established under rule 43 without pass issued under rule 32, and if it is covered by a pass of other State registered under rule 38, and if stacked or deposited in any place between such limits and such depot, the pass of other State covering the material shall at once be delivered at that depot.

41. *Chief Conservator of Forests may direct use of a transit mark for timber being moved into State of Maharashtra.*—If the Chief Conservator of Forests so directs, no timber exceeding the dimensions mentioned in rule 47 or scented sandalwood or any wood of notified species which has been moved into the State of Maharashtra as aforesaid shall be moved beyond such first depot without first having stamped upon it a Government transit mark of such description as the Chief Conservator of Forests shall specified.

#### D. Saving of recognized privileges.

42. *Saving of recognized privileges.*— Nothing in rules 31 to 41 (both inclusive) shall be deemed to require or to have required the possession of pass in cases where exemptions from such possession for enjoyment of certain privileges recognised by the State Government have been granted before the publication of these rules.

#### E. Forest Depots.

43. *Depots and their purpose.*— The Chief Conservator of Forests may establish at such places as he deems fit, depots to which forest-produce shall be taken—(a) for examination, previous to the grant of a pass in respect thereof under these rules; (b) for determining the amount of money, if any, payable on account thereof to Government; and for the payment of any money so found to be due; or (c) in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

44. *Situation of depots to be published.*— The Chief Conservator of Forests shall make known from time to time by notification in the *Official Gazette*, and locally in such manner as he deems fit, the name and situation of each depot in his Jurisdiction.

45. *Depot to be in-charge of an officer.*— Each depot shall be in-charge of an officer appointed by or under the orders of the Chief Conservator of Forests without whose permission no forest-produce shall be brought into, stored at, or removed from the depot.

46. *Vessels conveying forest-produce by river to call a depot on banks.*— The person in charge of any vessel which carries forest-produce on a river on the banks of which one or more depots established under these rules are situated, shall call and stop his vessel at every

such depot which he has to pass, in order that the forest-produce may be examined, if necessary, under the provisions of rule 50 and the person in charge of such vessel shall not proceed with such vessel pass any such depot without the permission of the Forest-officer in charge of such depot.

#### F. Property and Transit Marks.

47. *Property and transit marks to be affixed to timber exceeding a certain size.*—Except when it is the property of Government, timber exceeding twenty-five centimeters in girth at the thickest part and two meters in length, and scented sandalwood or any wood of notified species of any dimensions shall not be moved from or within any District of the State of Maharashtra unless it bears a distinguishable private property mark of the owner of such timber of a description which has been registered in the office of the Deputy Conservator of Forests, and also if the Deputy Conservator of Forests so directs, unless it bears a Government transit mark of such description as, shall from time to time, be specified in this behalf by the said Deputy Conservator of Forests.

48. *Registration of forms of passes or marks.*—The Deputy Conservator of Forests shall upon receipt of an application for registration of any form or mark for the purpose of rule 38 or rule 47 inquire into the authenticity of the same and if he sees no objection, shall, on payment by the applicant of such fee specified by the State Government in this behalf, register such form or mark in his office. Every such registration shall hold good for a period of one year only, except in the case of forms and marks of other Governments, the registration of which shall hold good till they are modified or replaced by new forms or marks.

49. *Government marks not to be imitated or effaced.*—No person other than a Forest-officer, whose duty it is to use such marks, shall use any property marks for timber identical with, or nearly resembling, any Government transit mark, or any mark with which timber belonging to Government is marked; and no person shall, while any timber is in transit under a pass issued by any person or by the agent of any person authorized in this behalf under clause (d) of sub-rule (1) of rule 32, alter or efface any mark on the same.

#### G. Stoppage in transit.

50. *Forest-produce in transit may be stopped and examined by certain officer.*—(1) Forest-produce in transit may be stopped and examined at any place by any forest, police or revenue officer if such officer shall have reasonable grounds for suspecting that any money which is due to Government in respect thereof has not been paid, or that any forest offence has been or is being committed in respect thereof:

Provided that, no such officer shall vexatiously or unnecessarily delay the transit of any forest-produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such forest-produce, or cause the same to be unloaded for the purpose of examination.

(2) The person in charge of such forest-produce shall furnish to any such officer all the information which he is able to give regarding the same, and if he is removing the same under a pass shall produce such pass, on demand, for the inspection of such officer and shall not in any way prevent or resist the stoppage or examination of the said forest-produce by such officer.

#### H. Obstruction of channels.

51. *Prohibition of obstruction of channels or banks of rivers.*—No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of forest-produce or throw grass, brushwood, branches or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

52. *Measures to be taken for removal of obstructions.*—(1) Any Forest-officer not below the rank of a Range Forest Officer, may take such measures as he shall, at any time, deem to be emergently necessary for the prevention or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of forest-produce; but any such case which is not emergent shall be reported to the concerned Sub-Divisional Officer of the Revenue Department, who may, by written notice require the person whose act or negligence has caused or is likely to be caused the obstruction, to remove or take steps for preventing the same within a period to be mentioned in such notice, and, if such person fails to comply with such notice, may, himself cause such measures to be taken as he shall deem necessary.

(2) The cost reasonably incurred by a Forest-officer or by the concerned Sub-Divisional Officer of the Revenue Department under this rule shall be payable to the State Government by the person whose act or negligence has necessitated the same.

### I. Conversion of Timber within certain distance of Forests.

53. *Prohibiting conversion of timber within certain distance of forest.*—

(1) (i) Within the limits of any reserved or protected forests (whether in charge of the Forest or Revenue Department) or of any land in respect of which a notification under section 4 declaring that it has been decided to constitute such land a reserved forest has been issued, and within two kilometers of such limits, no person shall establish a saw pit for cutting or converting of timber or manufacture charcoal without the previous sanction in writing of the Range Forest Officer; or

(ii) Within the limits of any reserved or protected forests, or of any land referred to in clause (i) and within fifty kilometers of such limits, no person shall erect or operate any machinery or saw mill for cutting or converting of timber that includes its peeling and chipping, without obtaining a licence in that behalf.

(2) Any person desiring to establish a saw-pit or to manufacture charcoal under clause (i), or to erect or operate any machinery or saw-mill under clause (ii) of sub-rule (1) shall make an application in that behalf to the Range Forest Officer and Deputy Conservator of Forests, respectively :

Provided that, where within a period of one month from the date of the application the applicant fails to receive the sanction under clause (i) of sub-rule (1), the applicant may proceed to establish the saw-pit or to manufacture charcoal, but not so as to contravene any of the provisions of the Act or any rules made thereunder.

(3) (i) On receipt of an application under sub-rule (2) the Range Forest Officer, or as the case may be, the Deputy Conservator of Forests shall make such inquiry as he deems fit and after satisfying himself on the question whether or not there would be any objection to grant the sanction or licence applied for, having regard to safeguarding the timber in any reserved or protected forest or in any land referred to in sub-rule (1), may grant the sanction or licence in the form specified in Schedule E subject to the conditions set out therein or refuse to grant the sanction or licence :

Provided that, if the State Government is satisfied having regard to the facts and circumstances in any case or class of cases and the need for conservation of forests, that additional conditions are required to be included in any licence or class of licences, the State Government may, by order, direct that such additional conditions as may be specified in the order shall be included in the licence to be granted by the Deputy Conservator of Forests.

(ii) The State Government may, for the reasons to be recorded, at any time direct the Deputy Conservator of Forests to grant new licence under this rule, in any case where it is satisfied that such grant of licence is necessary to remove the hardship to any applicant or in public interest.

(4) Every license granted under this rule shall,—

(a) subject to the provisions contained in this rule regarding suspension or revocation, not remain valid beyond the 31st day of December next following the date of its issue, unless it is renewed;

(b) require renewal, after which the same shall remain valid till the 31st day of December next following the date of such renewal;

(c) be transferable,—

(i) by sale, mortgage, lease, exchange, gift or will;

(ii) by inheritance;

(iii) by partition or dissolution; and

(iv) by operation of law,

Subject to the condition that, description of the cutting or sawing machine shall not change, and the size and number shall not exceed the size and number mentioned in the licence as a result of such transfer :

Provided that, where the licence is transferred, the transferor or the transferee shall, on transfer of licence, forthwith inform the Deputy Conservator of Forest of such transfer in writing together with related documents of transfer and the fees

prescribed for such transfer under this rule; and the transferee shall, subject to the provisions contained in this rule regarding renewal, suspension or revocation, hold the licence for the period specified therein.

(d) The licensee may, at his option and at anytime, register name of an adult nominee in the licence who shall be responsible for the operation of saw mill in the event of his death or grave illness till such time, the transfer, subject to the condition stated in sub-clause (c) takes effect.

(e) In the event of partition, dissolution or otherwise, on the request of the licensee or as a consequence of a process of law, it shall be lawful for the Licensing Authority to split the original licence by issuing separate licenses for one or more cutting or sawing machine, subject to the condition that description, size and total number of the cutting or sawing machines as mentioned in the original licence proposed to be split shall remain the same.

(5) The Deputy Conservator of Forests may, on application made to him renew the licence issued under sub-rule (3) with effect from the date of its expiry.

(6) (a) An application for renewal of a licence shall be made to the Deputy Conservator of Forests before the expiry of the validity of the licence but not earlier than one month including the date of expiry, and subject to the provisions of this rule, the licence shall be renewed by him without reasonable delay.

Provided that, failure on the part of licensee to make aforesaid application before the expiry of the validity of the licence will render him liable to be dealt with in accordance with section 68 for operating the cutting or sawing machine without a licence.

(b) After making the application for the renewal of licence before the expiry of its validity, the applicant or the licensee shall not be liable for any action unless an order is communicated to him under sub-rule (8) giving reasons in writing for refusal of the licence.

(c) No licence to erect or operate any machinery or saw mill under clause (ii) of sub-rule (1) shall be granted and no renewal of a licence issued under sub-rule (3) shall be done, unless the applicant or the licensee, as the case may be, pays the licence fee of one thousand rupees or the renewal fees at the rate of seven hundred and fifty rupees per cutting or sawing machine to be installed or installed in the saw mills. The licensee shall pay entire renewal fee in advance in one installment.

(d) No relocation of any cutting or sawing machine having a valid licence to any other location in the State shall be done except with the prior permission of the Deputy Conservator of Forests when the relocation is to be done within the Forest Division, Chief Conservator of Forests in-charge of the Circle when the relocation is within the Circle, and that of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur, when the relocation is to be done in another Circle :

Provided that, no relocation of a cutting or sawing machine shall be permitted to a place which is less than ten kilometers away from the boundary of a reserved or protected forest except where the saw mill is already located at a place which is less than ten kilometers away from the boundary of such forests and the relocation is being done within the limits of the same Municipal Corporation or Municipality, or within the limits of the same village.

*Explanation.*— For the purpose of this clause, the distance by road of nearest reserved or protected forest (other than area under lawful non-forestry use or under mangroves), measured at the time of according permission for the relocation of the saw mill, shall be taken into consideration.

(e) (i) Any person aggrieved by the decision taken under clause (d) by the Deputy Conservator of Forests may, within thirty days from the date of communication of such decision to him, appeal to the Chief Conservator of Forests and Chief Conservator of Forests shall, after giving an opportunity to the appellant and the Deputy Conservator of Forests of being heard, pass such order as he may deem fit and the same shall be final.

(ii) Any person aggrieved by the order of the Chief Conservator of Forests under clause (d) may, within thirty days from the date of communication of such decision to him, appeal to the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur, and who shall, after giving an opportunity to the appellant and the Chief Conservator of Forests of being heard, pass such order as he may deem fit, and the same shall be final.

(iii) Where Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur has taken the decision under clause (d), the person aggrieved may, within thirty days from the date of communication of the decision to him, appeal to the State Government which shall, after giving an opportunity to the appellant and the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, of being heard, pass such order as it may deem fit, and the same shall be final.

(f) Where it is shown to the satisfaction of the licensing authority that the original licence granted under sub-rule (3) has been lost, torn or defaced before the expiry of the period of such licence, a duplicate of such licence shall be granted to the licensee on payment of a fee of rupees seven hundred and fifty only.

(g) For the purposes below, the fees respectively mentioned against each of them shall be charged as follows :—

- |   |            |
|---|------------|
| (1) for transfer of licence to another person   | Rs. 3000 ; |
| (2) for the relocation of saw mill  | Rs. 5000 ; |
| (3) for transfer of licence to another person together with relocation to other place | Rs. 7500.  |

(7) Notwithstanding anything contained in the foregoing sub-rules, the Deputy Conservator of Forests may, where he has reason to believe that a licensee is operating the saw mill in contravention of the provisions of these rules and the conditions of the licence or the licensee is indulging in activities prejudicial to the interests of forest conservancy, at any time, suspend the licence for a period not exceeding twelve months or revoke the licence granted under these rules without prejudice to any other action which may be or may have been taken under the Act or these rules for such contravention.

(8) Where a Deputy Conservator of Forests refuses to issue or renew, or suspends or revokes a licence granted under this rule, he shall do so by an order communicated to the applicant or the licensee, as the case may be, giving reasons in writing for such issuance, refusal, suspension or revocation:

—Provided that, no order shall be passed without giving a reasonable opportunity to the applicant or the licensee, as the case may be, of being heard.

(9) Any person aggrieved by the order made under sub-rule (8), may, within thirty days from the date of communication of such order to him, appeal to the Chief Conservator of Forests, who shall decide the appeal after giving such person and the Deputy Conservator of Forests making the order, an opportunity of being heard and the decision of the Chief Conservator of Forests shall be final.

(10) Nothing contained in this rule shall apply,—

(a) to the ordinary operations of domestic carpentry or to carpentry units using hand saw or circular saw of not more than twelve inches diameter or any other tool which are not involved in sawing or processing of round timber exceeding twenty-five centimeters girth at the thickest part and undertake re-sawing operations of sawn timber for or without value addition;

(b) to conversion of bamboos;

(c) to secondary conversion that amounts to slicing of timber, already sawn in a saw-mill lawfully in operation under this rule, by using any tool, implement, or machine whether hand or power driven as an ancillary activity within the premises of that saw mill; or

(d) to erection or operation of any cutting or sawing machine, subject to prior intimation to the Deputy Conservator of Forests, for cutting or conversion of timber by a Department of Government of India or the State Government within the premises owned or controlled by it.

#### J. Exclusion of local areas from applicability of rules.

54. *Local areas to which rules are not applicable to be published.*— The State Government, may by notification in the *Official Gazette* exempt from the operation of the rules contained in this Chapter any local area specified in such notification.

## CHAPTER VIII

### CONVERSION OF TIMBER OF CERTAIN SPECIES

(Sections 41 and 76)

#### A. Special provisions for conversion of timber of sandalwood and timber of notified species.

55. *Cutting, conversion of sandalwood without permission prohibited.*— No cutting or fashioning of timber obtained from sandalwood trees or obtained from notified species, or conversion of the same into powder or oil or into any other form shall be done without prior permission of the Chief Conservator of Forests concerned.

56. *Mode of application for permission for conversion of sandalwood.*— An application for the grant of permission under rule 55 for conversion of sandalwood timber or that of notified species shall clearly show the source from which the sandalwood timber or the timber of notified species, as the case may be, has been derived and shall be accompanied by documents proving the applicant's title to the same.

57. *Enquiry to be made by Chief Conservator of Forests.*— On receipt of an application under rule 56, the Chief Conservator of Forests after making such inquiries as he deems necessary regarding the applicant's title to the sandalwood timber or the timber of notified species, as the case may be, shall, issue necessary permission if the timber is found to be belonging to the applicant.

58. *Conditions to be observed by applicant.*— The applicant shall be bound by the conditions contained in the permit issued under rule 57. Such permit shall specify *inter alia* the quantity of sandalwood or the timber of notified species to be converted, the name of the place or places where and the period within which the conversion shall be carried out.

59. *Private property marks to be registered by dealers in sandalwood and timber of other notified species.*— Dealers in sandalwood or in timber of any notified species who desire to sell the timber in wholesale or retail shall get private property marks registered as provided in the rules contained in Chapter VII.

60. *Return of permit.*— On expiry of the period entered in the permit issued under rules 57, it shall be returned to the Chief Conservator of Forests.

#### B. Conversion of timber other than sandalwood and that of notified species in saw-pits.

61. *Mode of application for conversion of timber other than sandalwood and timber of notified species.*— If the timber obtained from trees other than sandalwood and notified species is sought to be converted at a place to which the provisions of rule 53 are applicable, the applicant shall apply in writing for permission to the Range Forest Officer concerned, giving him the particulars as to the place, time and quantity of timber sought to be converted and such other particulars as may be required by that officer.

62. *Enquires to be made by Range Forest Officer and issue of sawing permit.*— On receipt of an application under rule 61, the Range Forest Officer shall make such enquiry regarding the timber to be converted and the place where the saw-pit is to be erected and on satisfying himself as to the source and ownership of the timber to be converted is not illegally obtained from the forests, he shall issue a sawing permit to the applicant.

63. *Conditions to be observed by applicant.*— The applicant on receipt of the sawing permit shall be bound by the conditions contained therein. Such permit shall specify *inter alia* the quantity of timber to be sawn, name of the applicant to whom the permit is given, the place where the saw-pit is to be erected and the period within which the timber is to be converted.

64. *Return of sawing permit.*— On expiry of the period entered in the sawing permit issued under rule 62 the applicant shall return the same to the Range Forest Officer.

*Explanation.*— In this Chapter the term "notified species" refers to the same species that are notified under rule 37 by the State Government.

## CHAPTER IX

## DRIFT AND STRANDED TIMBER

(Section 51)

65. *Collection of drift and stranded timber and disposal thereafter.*— (1) Any person may collect timber of any of the descriptions set forth in section 45 and, pending the bringing of the same to the proper depot for the reception of drift-timber, may keep the same in his own custody, but he shall report his having done so within twenty four hours to the nearest Forest-officer.

(2) The Forest-officer in charge of the range in which the timber has been found shall, pending completion of the proceedings under sections 45 to 47, take possession of the timber and unless in his opinion the probable proceeds of the sale of timber are not likely to exceed the cost incurred on collecting it together with the probable cost of conveying it to a depot appointed for the reception of drift timber, he shall convey the timber to such depot.

66. *Registration of boats for salvaging and collecting timber.*— Any person may register in the office of the Chief Conservator of Forests one or more boats for use in salvaging and collecting timber on payment of a fee of one hundred rupee for each boat. Such registration shall hold good for the period of one year only but may be renewed from year to year.

67. *Person collecting timber entitled to recompense.*— Every person whether a Forest-officer or not, who collects such timber, shall, regard being had to the amount spent and efforts made by him for such collection be entitled to receive a recompense,—

(1) not exceeding 50 per cent. of the amount realized by the Government by sale of such timber after deducting the cost, if any, incurred by the Government for such sale and for storage, if the timber collected proves to be the Government property; and

(2) not exceeding 50 per cent. of the estimated value, if the timber collected proves to be the property of any person other than the Government.

The amount of such recompense and estimated value shall be determined and paid,—

(a) where such amount does not exceed fifty thousand rupees by such officer, not below the rank of a Deputy Conservator of Forests, as the State Government may authorize in this behalf, and

(b) in any other case, by the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State.

68. *When collected timber belongs to private person such persons to pay all costs.*— If the timber collected shall be proved to be the property of any person other than the State Government, such person shall be liable to pay to the State Government under section 50 of the Act the following amounts that is to say :—

(1) on account of salvaging and collecting, the actual amount of recompense paid to the person who collected it;

(2) on account of moving, the actual cost incurred in moving it to the depot for the reception of drift timber;

(3) on account of storing, such fees as shall, from time to time be fixed by the Chief Conservator of Forests with the prior sanction of the Principal Chief Conservator of Forests (Head of Forest Force) for the storing of timber at such depot.

69. *No person other than authorized Forest-officer to mark timber.*— No person other than Forest-officer authorized in this behalf by the Chief Conservator of Forests shall mark any timber to which the rules in this Chapter apply.

CHAPTER X

POWERS AND DUTIES OF FOREST OFFICER AND REVENUE OFFICER

[Section 76 (a)]

70. *Principal Chief Conservator of Forests (Head of Forest Force), his powers and duties.*—

(1) The Principal Chief Conservator of Forests (Head of Forest Force) shall be the head of the Forest Department and the technical adviser to the State Government in all matters relating to forest and Wild Life.

(2) He is empowered to deal on his own authority with technical questions such as the operation of sanctioned working plans, fire protection and silvicultural operations generally, and with matters regarding which powers have been specifically delegated to him.

(3) In regard to all technical and professional matters he will be the controlling authority over the Principal Chief Conservators of Forests, Additional Principal Chief Conservators of Forests, and Chief Conservators of Forests and he shall be an advisor on policy matters for the State Government and provider of guidance on forestry matters to the Divisional Commissioners, as the case may be.

71. *Powers of Chief Conservator of Forests.*— Subject to various provisions of these rules and subject to the instructions issued by the Principal Chief Conservator of Forests (Head of Forest Force) from time to time, each Chief Conservator of Forests in his own Circle shall be responsible for directing all technical forestry operations.

72. *Chief Conservators of Forests to control Forests-officers.*— Except in so far as is otherwise contained in the orders of the State Government, the departmental control over all Forests-officers in a Circle vests in the Chief Conservators of Forests of that Circle subject to the control of the Principal Chief Conservator of Forests (Head of Forest Force).

73. *Procedure regarding departmental communications.*— In matters relating to departmental finance or to appointment, transfer or leave of establishment, and those mentioned in rule 70, as matters to be dealt with by the Principal Chief Conservator of Forests (Head of Forest Force) on his own authority, the Chief Conservators of Forests shall address all communications to the Principal Chief Conservator of Forests (Head of Forest Force).

74. *Deputy Conservator of Forests.*— All Assistant Conservators of Forests and subordinate personnel shall, in all administrative and technical matters, work under the Deputy Conservator of Forests subject to the general power of control vested in the Chief Conservator of Forests and the Principal Chief Conservator of Forests (Head of Forest Force).

75. *Powers of Collector and Deputy Conservator of Forests regarding local supply, public rights, pastures, etc.*— (1) In all matter relating to supply of forest-produce including grass for the domestic and agricultural requirements of the villagers, grazing and the rights and privileges of the people in or in respect of forests, orders shall be issued by the Deputy Conservator of Forests in consultation with the Collector concerned.

(2) The management and control of the pastures and fodder reserves handed over to the Revenue Department vests exclusively in the Collector subject to the orders of the Divisional Commissioner and of the State Government. In this respect, the Chief Conservator of Forests and the Deputy Conservator of Forests are to act in the capacity of consultative officers advising and giving their opinions on all questions of a technical character that may be referred to them by any of the said authorities.

76. *Forest compartment not to be closed except under the orders of the Collector.*— No forest compartment shall be closed for planting or reboisement or for punitive purposes, except under the order or with the approval of the Collector concerned.

This rule shall not apply to the closure in accordance with the provisions of a Working Plan in respect of such compartments where no rights exist.

77. *Certain cases to be informed to Collector.*— Subject to any instructions which may be given by the Government in this behalf, the Collector shall be kept informed by the Deputy Conservator of Forests on following subjects as and when necessary :—

- (i) Sanction of Working Plans,
- (ii) Forest settlements,
- (iii) Constitution of Reserve Forests and Protected Forests,
- (iv) Rights and privileges and fixation of grazing fees,
- (v) Closure of forest areas in respect of grazing or other privileges,
- (vi) Annual Administration Report,
- (vii) Recovery of forest revenue or outstanding under section 82, and of penalties due under bond under section 85 of the Act,
- (viii) Supply of fire-arms,
- (ix) Civil suits,
- (x) Thefts of Government money,
- (xi) Assistance of Police and Revenue officers in enforcing the provisions of the Act.

78. *Order of Forest-officer to village-officer to be ordinarily sent through Tahsildar.*— Orders by Forest-officers to village-officer shall ordinarily be sent through the Tahsildar to whom the village-officers are subordinate. In case of exigency, the orders may be sent directly to the village-officer and the copy of the same may be sent to the Tahsildar concerned.

79. *Forest guards not to leave beat for report to Revenue or police officer.*— No revenue or police officer shall call a forest guard off his beat, nor shall a forest guard leave his beat in order to report himself to such officer.

80. *Action to be taken when felling of a compartment is delayed beyond due time.*— (1) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would, according to regular rotation, be due, the Deputy Conservator of Forests shall, subject to the orders of the Chief Conservator of Forests and the Principal Chief Conservator of Forests (Head of Forest Force) as regards deviations from sanctioned Working Plans, and in consultation with the Collector when necessary under rule 75, make arrangements for meeting the requirements of villagers in the locality.

(2) For such purpose the villagers may, if necessary, and if no other arrangement is practicable, be permitted to enter the compartment the felling whereof has been so delayed and lop for themselves under the supervision of a forest subordinate appointed for the purpose by the Deputy Conservator of Forests, the material to which, they would have been entitled to under normal circumstances.

## CHAPTER XI

### CONTACTS

[(Sections 76 (d) and 85)]

Persons entering into contract with Forest-officers execute written instrument to perform to pay expenses in case of breach.— Whoever enters into any contract with any person acting on behalf of the Governor of Maharashtra, shall, if so required by such Forest-officer, execute a written instrument to perform such contract and to pay to such Forest-officer on behalf of the Governor of Maharashtra the expenses necessary for or incurred in the performance of any work or thing to be done which he has bound himself but has failed to do.

*Explanation.*— A person, who makes a written tender for a contract, or who signs the conditions of an auction sale at which he is a bidder, such tender or conditions of sale being on or in a form furnished by a Forest officer for that purpose, whereby he—

(a) binds himself to perform the contract for which he tenders or bids, in the event of his tender or bid being accepted, or

(b) binds himself not to withdraw his tender or bid during the time that may lapse before its acceptance or refusal is communicated to him, shall be deemed to have been required by such Forest officer to bind himself as aforesaid, and

(i) in case (a), on the acceptance of his tender or bid, or

(ii) in case (b), on the making of his tender or bid,

to have bound himself accordingly, within the meaning of this rule and any such person need not enter into a separate written instrument, for the purpose, unless specially so required by the Forest officer with whom he contracts.

## CHAPTER XII

### PENALTIES AND REWARDS

[Sections 42, 51 and 76 (b)]

82. *Penalties for breach of certain rules.*— (1) Whoever contravenes the provisions of rules 10, 31, 35, 36 (3) to (7), 37, 40, 41, 45 to 47, 49, 50 (2), 51, 53, 58, 60, 61, 63 to 65 or 69 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

(2) The penalties double of those mentioned in sub-rule (1) may be inflicted in cases, as may be applicable, where the offence is committed after sunset and before sunrise and also in cases where it is committed after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence.

83. *Rewards out of fines and confiscations.*— A Chief Conservator of Forests or a Deputy Conservator of Forests empowered by the Chief Conservator of Forests in this behalf, and in the case of reserved or protected forests under the management of the Revenue Department, the Collector of the district may authorize payment by way of reward of such sum as he deems fit out of the fund recovered or the proceeds of property confiscated under the Act, to any person by whose assistance the conviction was obtained or the property liable to confiscation discovered :

Provided that, except in any case where the Magistrate otherwise directs, the aggregate amount of rewards paid under this rule shall not exceed one-half of the net proceeds of the fine or confiscation.

84. *Saving.*—Subject to provisions contained in these rules regarding suspension or revocation, the saw mill licenses renewed under the previous Rules superseded by these rules, shall continue to remain legally valid for the period they have been already renewed.

**SCHEDULE A**

[See rule 10(4)]

**Maharashtra Forest Department****PASS BOOK OF RIGHTS OR PRIVILEGES\*****In Reserved Forests**

Passport size  
photo duly  
attested by  
Chairman or  
Secretary of Joint  
Forest  
Management  
Committee.

Pass Book No:—

Name of Forest Division :—

District :—

Name of the Right Holder :—

Taluka :—

(alongwith spouse if any)

Village :—

Right holder's ID No :—

Village Panchayat :—

Sr. No.	Compartment Number or Survey Number or Gat Number or in which Rights allowed	Type of forest-produce permitted to be collected and removed annually	Quantity or Number annually permitted	Date of collection	Quantity or Number collected from the forest area	Balance (4-6)	Initials of the authorized forest officer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

1. Above form shall be filled on the basis of the rights continued under clause (c) of sub-section (2) of section 15 of the Indian Forest Act, 1927 or confirmed in Annexure-III under rule 8 (h) with regard to title to Community Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Rules, 2007 or under any other law or privileges granted by the State Government. The exercise of these rights shall be subject to the conditions specified.

2. A copy of this Pass-Book shall be maintained as a register in the Division Office and shall be updated regularly.]

\* Strike off which is not applicable.

**SCHEDULE B**

[See rule 10(5)]

**Maharashtra Forest Department  
Permit to exercise Rights or Privileges\*  
In Reserved Forests.**

Name of Division :—

Name of Range :—

(Forest Department Copy)

[Rights or Privilege to be exercised subject to Rule 10]

Name of the Right or Privilege holder :—

ID No :—

Sr. No.	Compartment No. or Survey Number or Gat Number	Type of forest-produce allowed under this permit	Quantity or Number	Date
(1)	(2)	(3)	(4)	(5)

----- CUT HERE -----

(Right or Privilege holder's copy of permit)

[Right or Privilege to be exercised subject to rule 10]

Name of the Right or Privilege holder :—

ID No :-

Sr. No.	Compartment No. or Survey Number or Gat Number	Type of forest-produce allowed under this permit	Quantity or Number	Date
(1)	(2)	(3)	(4)	(5)

Signature or Thumb impression  
of the Right or privilege holder

Signature of issuing,  
Forest-officer.

\* Strike off which is not applicable.

**SCHEDULE C**

[See rule 10(8)]

(To be kept in Division Office)

**Maharashtra Forest Department****Register of Rights or Privileges\*  
in Reserved Forests.**

Name of Division :—

Name of District:—

Name of Range :—

Name of Taluka:—

Name of Village:—

Name of Village Panchayat :—

Sr. No.	Right holder's ID Code	Name of Right holder alongwith name of father or spouse	Schedule Caste or Schedule Tribes, other Traditional Forest Dwellers or others	Nature of Rights	Survey Number or Gat Number or Compartment Number on which rights to be exercised (alongwith description of Boundaries)	Quantity annually permitted	Condition (if any)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

1. Separate registers shall be maintained for Rights as well as Privileges.
2. Updating of this statement shall be done at least once in a year.

\*Strike off which is not applicable

**SCHEDULE D**

(See rule 19)

**Part-I**

Statement showing the species for the entire State of Maharashtra.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Am, Amba, Mango	<i>Mangifera indica</i>
2	Kowha, Arjun Sadada	<i>Terminalia arjuna</i>
3	Awala, Awali, Aвали	<i>Phyllanthus emblica</i>
4	Ain, Sadada, Saja	<i>Terminalia alata</i>
5	Bel	<i>Aegle marmelos</i>
6	Bijasal, Bija	<i>Pterocarpus marsupium</i>
7	Bhokar, Shelute, Lasora	<i>Cordia myxa</i>
8	Chandan, Sandal wood	<i>Santalum album</i>
9	Ghont, Ghatbor	<i>Zizyphus xylopyra</i>
10	Haldu, Hed	<i>Haldina cordifolia</i>
11	Karra, Hirda	<i>Terminalia chebula</i>
12	Khair	<i>Acacia catechu</i>
13	Karanji, Karanj	<i>Pongamia pinnata</i>
14	Kawit (Kaith), Kavath	<i>Feronia elephantum</i>
15	Moh, Mowhva, Moha	<i>Madhuca latifolia</i>
16	Palas	<i>Butea frondosa (syn. Butea monosperma)</i>
17	Sag, Sagwan (Teak)	<i>Tectona grandis</i>
18	Shisham (Rosewood)	<i>Dalbergia latifolia</i>
19	Sindi, Shindhi	<i>Phoenix sylvestris</i>
20	Khamar (Sewan), Shivan	<i>Gmelina arborea</i>
21	Dumer, Umbar	<i>Ficus recemosa</i>
22	Barbanyan, Vad	<i>Ficus bengalensis</i>
23	Gindol, Kulu, Kandol, Kadai	<i>Sterculia urens</i>
24	Surya, Jambha	<i>Xylia xylocarpa</i>

**Part-II**

Statement showing the species common to Vidarbha and Konkan regions.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Behera, Behada	<i>Terminalia bellirica</i>
2	Bhilawa, Biba	<i>Semicarpus anacardium</i>
3	Jamun, Jambhul	<i>Syzygium cumini</i>
4	Kusum (Koshimb)	<i>Schleichera oleosa</i>
5	Tinsa, Tiwas	<i>Ougeinia delbergioides</i> Syn. <i>Ougoinia oojensis</i>

## Part-III

Statement showing the species common to Vidarbha and Western Maharashtra regions including Marathwada region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Anjan	Hardwickia binata
2	Neem	Azadirachta indica
3	Pipal, Peempal	Ficus religiosa
4	Sitaphal	Annona squamosa
5	Tendu	Diospyros melanoxylon

## Part-IV

Statement showing the species common to Konkan and Western Maharashtra regions including Marathwada region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Bamboo	Dendrocalamus strictus
2	Behada	Terminalia bellerica
3	Bor	Ziziphus jujuba Syn. mauritiana
4	Char, Charoli	Buchnanania lanzan
5	Chinch	Tamarindus indica
6	Dhaman	Grevia tiliaefolia
7	Dhavda	Anogeissus latifolia
8	Dikemali	Gardenia lucida
9	Kalam, Kalamb	Mitragyna parviflora
10	Pandhara khair, Kanti, Khair (son/ pandhara)	Acacia feruginea
11	Sawar	Bombax malabarica/ ceiba Syn. Salmalia malabarica.

## Part-V

Statement showing the species exclusively in Vidarbha region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Achar, Char	Buchanania lanzan
2	Babul	Acacia arabica
3	Bamboos	
4	Bhirra	Chloroxylon swietenia
5	Imali	Tamarindus indica
6	Kadam	Anthocephalus cadamba
7	Palms	
8	Rohan	Soymida fabrifuga
9	Semal	Bombax malabaricum
10	Toon	Cedrela toona

Part VI

Statement showing the species exclusively in Konkan region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Ashi, Ai	Moringa tinctoria
2	Apta	Bauhinia racemosa
3	Asana	Bridelia retusa
4	Bhor-Jambul	Ammania baccifera
5	Bava, Bhava	Cassia fistula
6	Chera	Erinocarpus nimmognus
7	Fanas	Artocarpus integrifolia
8	Kaju	Anacardium occidentale
9	Kharshing	Stereospermum xylocarpum
10	Khavas	Sterculia colorata
11	Kokam, Ratambi	Garcinia indica
12	Kura	Ixora parviflora (Syn. Ixora arborea)
13	Lokhandi	Ixora nigricans
14	Mangrove species locally known as <i>kharfuti</i> or <i>khazan</i> or <i>Tiwar</i> or <i>Kandal</i>	(i) <i>Acanthus ilicifolius</i> - Shore purslane (ii) <i>Acrostichum aureum</i> - Mangrove fern (iii) <i>Aegiceras corniculatum</i> - River mangrove. (iv) <i>Avicennia marina</i> - Grey mangrove (v) <i>Avicennia officinalis</i> - Grey mangrove (vi) <i>Bruguiera cylindrica</i> - Orange mangrove (vii) <i>Bruguiera gymnorhiza</i> - Broad leaf orange mangrove (viii) <i>Ceriops tagal</i> - Spur mangrove (ix) <i>Cynometra iripa</i> - Wrinkled Pod mangrove (x) <i>Dolichandrone spathacea</i> - Mangrove Trumpet Tree (xi) <i>Excoecaria agallocha</i> - Milky mangrove (xii) <i>Heritiera littoralis</i> - Looking Grass mangrove (xiii) <i>Kandelia candel</i> (xiv) <i>Lumnitzera racemosa</i> (xv) <i>Rhizophora apiculata</i> - Red mangrove (xvi) <i>Rhizophora mucronata</i> - Red mangrove (xvii) <i>Sonneratia alba</i> - Mangrove apple (xviii) <i>Sonneratia apetala</i> - Mangrove Apple (xix) <i>Sonneratia caseolaris</i> (xx) <i>Xylocarpus granatum</i> - Cannonball mangrove.
15	Mokha	Schrebera swietenoides
16	Nana	Lagerstroemia microcarpa

(1)	(2)	(3)
17	Nandruk	<i>Ficus retusa</i>
18	Pangara	<i>Erythrina indica</i>
19	Phasi	Syn. <i>Murraya paniculata</i>
20	Raktarohida	<i>Dalbergia paniculata</i>
21	Ritha	<i>Maba nigrescens</i>
22	Shemal	<i>Sapindus emarginata</i>
23	Shenkhair	<i>Odina wodier</i> Syn. <i>Lannea coromandelica</i>
24	Shendri or Kamala	<i>Acacia siamiae</i> Syn. <i>Linnea coromandelica</i>
25	Tembhurni, Tendu	<i>Mellotus philippinensis</i>
26	Tetu	<i>Diospyros melanoxylon</i>
27	Toddy plant	<i>Oroxylum indicum</i> <i>Borassus flabellifer</i>

## Part-VII

Statement showing the species exclusively in Western Maharashtra including Marathwada region.

Sr. No.	Local name	Botanical name
(1)	(2)	(3)
1	Bhendi	<i>Thespesia populanea</i>
2	Gorakh chinch	<i>Adansonia digitata</i>
3	Hingan	<i>Balanites roxburghii</i>
4	Hiwar	<i>Acacia leucophloea</i>
5	Kashid	<i>Cassia siamea</i>
6	Kajarba, nirmali	<i>Strychnos potatorum</i>
7	Kanchan	<i>Bauhinia malabarica</i>
8	Khair (lal)	<i>Acacia chundra</i>
9	Kinhi	<i>Albizia procera</i>
10	Kumbha	<i>Careya arborea</i>
11	Lokhandi	<i>Ixora nigricans</i>
12	Medsing	<i>Dolichandrone falcata</i>
13	Maharukh	<i>Ailanthus excelsa</i>
14	Murmati	<i>Acacia emburnea</i>
15	Pangara, Mandar	<i>Erythrina indica</i>
16	Ritha	<i>Sapindus smarginata</i>
17	Salai	<i>Boswellia serrata</i>
18	Shammi, Soundal	<i>Prosopis spicigera</i>
19	Vedi Babhul	<i>Prosopis juliflora</i>



subject to the conditions as follows :—

*Conditions*

1. This license shall remain in force for the period commencing on ..... and ending on the .....
2. The licensee may erect and operate machinery of the following description required for cutting or converting of timber in the saw mill :

Sr. No.	Description of machine (kind of saw <i>i.e.</i> horizontal, vertical, circular, other machinery)	Size	Number
(1)	(2)	(3)	(4)

3. The licensee shall not alter the location of the saw mill without obtaining the prior written permission of the Deputy Conservator of Forest concerned.
4. The licensee shall maintain such registers and submit such periodical returns as may be directed by the Deputy Conservator of Forest within whose jurisdiction the saw mill is located.
5. The licensee shall ensure that —
  - (a) the site of the saw mill including the yards for storage of round timber, sawn timber and waste wood is enclosed within a fence with proper gates.
  - (b) all the round timber, sawn timber and wood waste is properly stacked according to the instructions that may be issued from time to time by the supervisory staff so as to facilitate verification.
  - (c) timber for sawing or conversion is not accepted unless it bears property mark and is covered by a forest transit pass or other documentary evidence such as a cash receipt, tax invoice etc.
  - (d) timber which does not confirm to the requirement of clause (c) is not accepted for conversion and intimation in respect of such timber is forthwith given to the supervisory Forest Guard or the nearest Forest-officer.
  - (e) the saw mill as well as the timber stored within the premises of the saw mill shall remain available for inspection at all times by any officer of the Forest Department or by any member of the supervisory staff appointed for this purpose.
  - (f) the license and the registers maintained under condition 4 above are produced for inspection on demand by any authority aforesaid.

(g) the saw mill shall not be operated between sunset and sunrise without a valid written permission from the Licensing Authority. However, in case the saw mill licensee feels that the saw mill is required to be operated during this period in order to complete customer's urgent work or for any other reason, then he shall apply in advance in writing to the Licensing Authority and obtain his advance written permission. He shall also note the time and date of operating the saw mill during the said period in the Remarks Column of the Register to be maintained in the saw mill :

Provided that, for the saw mills situated within the limits of any Municipal Corporation or Municipality, it will be sufficient for the licensee to give advance information to the concerned Range Forest Officer and the Licensing Authority in respect of the dates and the timings during which he intends to operate the saw mill between sunset and sunrise.

6. The licence shall be transferable in terms of the provisions contained in clause (c) of sub-rule (4) of rule 53 of Maharashtra Forest Rules, 2014.

Dated : .....  
Place : .....



(Name and signature)  
Deputy Conservator of Forest  
..... Forest Division.

Name, age, address and Telephone No. of the nominee of licensee, if any,

Dated : .....  
Place : .....

(Name and signature)  
Deputy Conservator of Forest  
..... Forest Division.

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

SANJEEV GAUR,  
Joint Secretary to Government



**Ease of Doing Business –  
Guidelines for Tree Felling  
and Transit Permission**

**Government of Maharashtra  
Revenue and Forest Department  
Government Circular No.: DIPP/TFTP/CR NO.21/ F-6  
Mantralaya, Mumbai- 400 032**

**Date: 27th April, 2017**

**Read with :-**

- 1) Development Commissioner (Industries) Letter No.DI/DC(I)/DIPP/ 2015/ B-10059  
Dated 8.10.2015
- 2) Revenue and Forest Department's Letter No.FLD-2015/C.R.316/F-10  
Dated 16.10.2015
- 3) Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State,  
Nagpur's Letter No.Desk-25/Baithak/C.R.137/ 390/ 2015-16 Date 29.10.2015 and  
Dated 14.03.2017
- 4) Development Commissioner (Industries)'s Letter No.DI/DC(I)/DIPP-340/2016)  
A-2538 dated 16.11.2015 and 21.03.2016
- 5) Development Commissioner (Industries) Letter No.DI/DC(I)/MAITRI/ 2016/A-1173  
dated 22.11.2016
- 6) Revenue and Forest Department's Letter No.TRS-01/2017/C.R.21/F-6  
Dated 9.2.2017

**Introduction -**

1. **Ease of Doing Business** - The guidelines for simplification of process for Tree-felling Permission and Transit Permission under the provisions of relevant Acts and Rules is being issued herewith. These guidelines shall be called Ease of Doing Business-Guidelines for Tree Felling and Transit Permission.
2. The Government of Maharashtra has been taking a number of measures to

promote rapid industrialization of the State with a view to accelerate economic growth coupled with employment generation. Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, Government of India, has communicated a Reform Action Plan on Ease of Doing Business and informed that the States will be ranked based on the measures taken to operationalize the Reform Action Plan. One of the important reforms relates to the ease with which permission for felling of trees is accorded while establishing new industry in order to facilitate "Ease of Doing Business" in Maharashtra. The Reform Action Plan has identified certain issues relating to tree-felling permission that relates to the Forest Department.

In the State of Maharashtra tree felling permission (i.e. excluding urban areas) is the issued by the tree authority i.e. Range Forest Officer under "The Maharashtra Felling of Trees (Regulation) Act, 1964. The tree felling permission is required only in case of tree species mentioned in the schedule in the Act. The number of species for which felling permission is required are 15 species \* which are - 1) Tamarindus chebula(Hirda) 2) Teak (Tectona grandis) 3) Madhuca latifolia (Mahua, Moha) 4) Mangifer indica (Mango)(excluding grafted mango) 5) Acacia catechu(Khair) 6) Sandal (Santalum album) 7) Pterocarpus marsupium (Bija) 8) Adiana Cordifolia (Haldu) 9) Ougenia dalbergoidus (Tiwas), 10) Terminalia tomentosa (Ain) 11) Terminalia paniculata (kinjal), 12) Hardwiclia binata (Anjan) 13) Sygegium cumini (Jambhul) 14) Mangroove Species and 15) Amruta (Narkya) (Notopodytes nimmoniana/Notopodytes foetida)

Explanation -For the purposes of this entry, "Mangrove" includes *Rhizophora mucronata* (Lamk), *Rhizophora apiculata* (Biam), *Ceriops candolleana* (Ara), *Kandelia rheedei* (Wight), *Bruguiera gymnorhiza* (Lamk), *Lumnitzera recemosa* (Willd), *Sonneratia apetala* (Buch Ham), *Sonneratia acida* (Dinn), *Avicenia officinalis* (Linn), *Avicenia marina* (Linn), *Acanthus ilicifolius*, *Aegiceras majus* and *Salvadora persica* (Linn).]

\* For Sindhudurg District following additional included 7 species are in the schedule 1) Dalbergia latifolia 2) Gmelina arborea 3) Lagerstroemia lanceolata 4) Terminalia belerica 5) Strychnes nuxvomica 6) Eugenia zeylanica 7) Terminalia arjuna

3. After careful consideration, all issues relating to felling of trees and transit permission that are essential for the establishment of industrial units, which are situated in lands that are Private land and not notified as Reserve Forest, Protected Forest or

recorded as unclassified forest, identified forest, Mangrove forest, Zudpi Jungle etc. in Government record the Government hereby issues following guidelines. These guidelines, however, do not in any way affect the Statutory Acts, Rules and Regulations relating to the management of trees on non-forest lands, but are expected to provide clarity and uniformity and simplify the procedure for tree-felling and transit permission.

### **Tree Felling Permission:-**

4. The detailed procedure covering all applicable steps from submission of application to approval of application online is available on Department's website ([www.mahaforest.nic.in](http://www.mahaforest.nic.in)).

The Form of Application is as follows:-

5. The sample filled format of Application is as below which is to be submitted to tree officer.

<b>FORM I</b>
<b><u>Application Register No. : 2015/ABAB/21/110</u></b>
<b>Application for permission under section 3(1A) of the Maharashtra Felling of Trees (Regulation) Act 1964</b>
To, The Tree Officer RFO -----
At. Post ----- Ta ----- Dist -----
E-mail:
Name of the applicant:
Occupation:
Residence/Contact Address:
Mobile No.: E-mail:

I request that I may be permitted to fell the tree/ trees specified in the column No. (3) of the table hereto, which is/are standing on the land described in column 1 and 2 of that table for the purpose specified below. I have enclosed the required documents.

\*The tree/trees which I desire to fell \*is/are dead/diseased/windfallen has/have silviculturally matured/constitutes/constitute an obstruction to efficient agriculture.I desire to fell tree/trees for utilising its/their wood for:

**PROFORMA**

Particulars of Location		Particulars of land			Particulars of the trees (scheduled trees)		
District		Survey No	Part/Sub Part No	Area	Species	No. of trees existing on the land	No. of trees to be thinned/ felled
Taluka							
Village							
		Total area of the Land					

**Date:**

**Place: village name**

**Signature  
(Name of applicants)**

\* To be struck off, if not applicable

! To be retained where the tree/trees sought to be felled is or not dead, diseased, windfallen or silviculturally mature or does not or do not constitute an obstruction to efficient cultivation.

(Disclaimer: The mere submission of the application doesn't ensure that it has been accepted by the department as complete in all respects. A separate acknowledgement shall be intimated to the applicant, when application is found complete in all respect.)

Attached Documents:

6. Checklist of documents required for felling of trees under Maharashtra Felling of Trees (Regulation) Act, 1964 along with Application.
  - i. A copy of 7/12 from Talathi indicating details of Trees.
  - ii. If the owner is more than one as per 7/12, then consent letter of each owner with Photographs from Setu.
  - iii. Village form No. 8-A from Talathi.
  - iv. A copy of Record of Rights, Mutation Register from Tahasildar.
  - v. Map of related Survey No. (Settlement / Re-measurement/consolidation map) and in case the survey number is adjoining to Govt land, certified land from Tahsildar.
  - vi. Boundary Certificate indicating names of adjoining Land owners and the Survey Nos. from Talathi.
  - vii. Certificate from Tahsildar/NaibTahsildar regarding ownership of land and trees in case of Class I Land owner (Bhogwatdar-I) and from SDO/ Tahsildar in case of Class-II Land owner (Bhogwatdar-II).
  - viii. Caste Certificate from Tahsildar/NaibTahsildar, if the applicant belongs to scheduled tribe, the certificate is to be from SDO, Revenue.
  - ix. Details of trees as per Survey No.10. Permission from Collector in case of trees within 30 meters of the extreme edge of the bank or any water course, spring or tank.\*

x. Permission from Collector in case if the tree growth in the uncultivable land is less in proposition to 20 trees per acre.\*

xi. Undertaking to plant trees as specified by tree officer.

\*As per the Maharashtra Land Revenue (Regulation of right to trees etc.) Rules 1967  
(Note: If the authorised officer to issue the certificate is different than indicated above, then certificate from such authorised officer of the concerned department need to be attached.)

7) Clear timelines are notified as follows:-

S.No.	Particulars	Time Limit
1	<p>Issuing Acknowledgement to the Applicant:</p> <p>Verification of application and accompanying documents to ascertain completeness of the application as indicated at the Website and major issues given below:</p> <p>a) To ascertain the ownership of the application over land and Trees. If the applicant is Bhogawatdar-II, whether the certificate from appropriate authority is attached.</p> <p>b) If the caste of applicant is scheduled Tribe, whether the certificate from appropriate authority is attached.</p> <p>c) To ascertain the location and shape of the survey number same as per settlement, re-measurement and consolidation maps provided by the applicant.</p> <p>d) The said Survey number is not a part of notified Reserve forests/protected forests/zudpi jungle/unclassed forests/ acquired private forests /identified forests.</p> <p>e) Whether the applicant's land is adjoining to Govt. land, if so survey map by TILR attached or not.</p>	7 days
2	<p>Tree Officer will arrange for forest survey when the applicant's land is adjoining to Govt. forest land for verification of boundary through TILR map provided by the applicant and other relevant documents. He will also arrange for joint survey (forest surveyor and TILR) if required. The concerned Round Officer shall be present at the time of survey.</p>	15 days
3	<p>Tree officer will send all the case papers to concerned Round Officer for document verification and field inspection.</p> <p>The Round Officer shall –</p> <p>a) Verify the details mentioned in the application, 7/12 extract and attached documents.</p> <p>b) Check boundary of Survey number as per map provided by the applicant and ensure that the trees required to be felled are within the Survey number and belongs to occupants only and no other trees are included.</p>	8 days

	<p>c) Verify the list of trees species-wise, girth-class wise, as given in the application and correct the same, if necessary, and also record the status of the trees – dead, dying, diseased, silviculturally matured etc.</p> <p>d) Verify whether permission is obtained from District Collector for felling of trees within 30 meters of extreme edge of the bank of any watercourse.</p> <p>e) Verify whether permission obtained from District Collector, in case, if the tree growth in the uncultivable land is less in proportion to 20 trees per acre.</p> <p>f) Collect NOC from adjoining land owners as per boundary certificate.</p> <p>g) Verify the consent letter of remaining occupants mentioned in 7/12 for felling of trees.</p> <p>h) Drawing the Panchanama, regarding the above observations and submit report alongwith recommendation to the Tree Officer.</p>	
4	Submission of report by Round Officer to the Tree Officer	2 days
5	Based on the observations/recommendations of Round Officer, the Tree Officer will call objections from public if any, by way of issuing Advertisement (Jahirnama) in Gram Panchayats. Enquire into the objections received and process the application accordingly.	15 days
6	<p>Field inspection and related enquiries by Tree Officer.</p> <p>(a) The Tree Officer on the basis of report received from the Round Officer and available documents and after field inspection and making necessary enquiry will ensure that the trees to be felled belong to occupant and no other trees are included.</p> <p>(b) The Tree Officer will decide the species-wise number of trees permitted to be felled after inspecting status of trees, as per Maharashtra Felling of Trees (Regulation) Act and Rules made there under.</p> <p>(c) The tree officer may also decide the number of trees to be planted by the applicant, if necessary, in the ensuing rainy season</p>	10 days
7	Communication of decision by the tree officer to the applicant	3 days
	Total time required	60 days

**P.S. :- For industrial purpose- Proposal shall be expedited and tree felling permission shall be granted within 30 days period as a special case.**

8) The Tree Felling Permission document can be viewed and downloaded online by any third party using the Application ID Number.

**9) Procedure for grant of Tree-felling Permission - Method of Application:**

Any person/owners of land parcel situated in rural areas, desiring to fell trees belonging to species specified in schedule of the Act can make online application.

**Online Application:** The Government of Maharashtra has included this service to the citizen in "Right to Services Act 2015". The official website of Maharashtra Forest Department [www.mahaforest.gov.in](http://www.mahaforest.gov.in) offers a link to RTS at its main page. Once the user has navigated to the RTS page, it lists various services offered by Forest Department to the citizen notified under "RTS Act 2015". The user has to select appropriate link to apply online. He is also expected to submit documents required as attachment. Once he has successfully submitted his application along with required attachments, he is allotted a **Application ID**, which helps him in tracking status of his application at the same website. The application and attachments are then expected to be submitted to Tree Officer in hard copy by post or person.

**Fees:** Presently, there is no fee prescribed for the service.

10) **Replanting requirement:**

As per section 3(1B) of the Maharashtra Felling of Trees (Regulation) Act, 1964; the permission to fell trees shall be granted subject to the condition that the applicant shall plant equal number of trees of the same or any other species as the Tree Officer may direct, on the same site or other suitable place in the vicinity in the ensuing plantation season.

11) **Penal Provisions:-** For tree species mentioned in the Schedule under Maharashtra Felling of Trees (Regulation) Act, 1964 prior felling permission from tree officer will be required. If such trees are felled without prior permission, the same will be an offence under the Maharashtra Felling of Trees (Regulation) Act 1964 and the offender will be liable for punishment under the provisions of Maharashtra Felling of Trees (Regulation) Act/Rules and Maharashtra Forest Rules 2014.

**Risk Assessment and Tree Species to which Felling Permission required:-**

Under Maharashtra Felling of Trees (Regulation) Act 1964, the tree species mentioned in the Schedule of act are classified based on risk factor and accordingly only following 15 species \* of tree will require felling permission of tree officer in rural areas which are 1) *Tamarindus chebula* (Hirda) 2) *Teak (Tectona grandis)* 3) *Madhuca latifolia* (Mahua, Moha) 4) *Mangifera indica* (Mango) (excluding grafted mango) 5) *Acacia catechu* (Khair) 6) *Sandal (Santalum album)* 7) *Pterocarpus marsupium* (Bija) 8) *Adiana Cordifolia* (Haldu) 9) *Ougenia dalbergoidus* (Tiwas), 10) *Terminalia tomentosa* (Ain) 11) *Terminalia paniculata* (kinjal), 12) *Hardwiclia binata* (Anjan) 13) *Sygegium cumini* (Jambhul) 14)

*Mangroove Species and 15) Amruta (Narkya) (Notopodytes nimmoniana/Notopodytes foetida)*

Explanation.-For the purposes of this entry, "Mangrove" includes *Rhizophora mucronata (Lamk)*, *Rhizophora apiculata (Biam)*, *Ceriops candolleana (Ara)*, *Kandelia rheedei (Wight)*, *Bruguiera gymnorhiza(Lamk)*, *Lumnitzera recemosa (Willd)*, *Sonneratia apetala (Buch Ham)*, *Sonneratia acida (Dinn)*, *Avicenta officinalis(Linn)*, *Avicenia marina (Linn)*, *Acanthus ilicifolius*, *Aegiceras majus and Salvadora persica (Linn).].*

\* For Sindhudurg District following additional included 7 species are in the schedule  
1) *Dalbergia latifolia* 2) *Gmelina arboria* 3) *Lagerstroemia lanceolata* 4) *Terminalia belerica* 5) *Strychnes nuxvomica* 6) *Euginia zeylanica* 7) *Terminalia arjuna*

12) **Inspection Norms:-**Considering the value & important of the species Vis-a, Vis-its risk importance following will be the inspection norms for Range Forest Officer & Forester. The Range Forest Officer will select the Forester randomly to carry out inspection.

❖ **Inspection of schedule trees of industrial plots.**

- The Forester will inspect 100 % trees in the plot & Range Forest Officer will inspect 50% of the trees to be felled.
- Trees inspection is to be carried out randomly by Range Forest Officer.
- If the area is more than 2 ha. then Assistant Conservator of Forests/ Sub Divisional Forest Officer will also carry out inspection of 10 % of trees.
- The trees to be inspected by R.F.O. & Sub-Divisional Forest Office will be finalized by random generation method.

14. **Inspection report to be up-loaded within 24 Hrs. from inspection-**

The inspecting officer shall complete inspection & submit and up-load inspection report immediately within 24 hours of inspection.

15. **Tree Felling Permission:-**On the receipt of the inspection report from the above authorities, the Tree Officer will accord tree felling permission and up load the order of felling within 3 days.

16. **Deemed Permission-** If the Tree Officer fails to accord/reject tree felling permission within 60 days than it is presumed that deemed felling permission is given to the applicant.
17. **Appeal to the Collector if the felling permission rejected-** If the Tree Officer rejects the application for the felling the trees duly recording the reasons, the applicant can file an appeal within a period of 15 days to the Collector having jurisdiction over the area through application from the date of receipt of the order & the Collector shall after giving reasonable opportunity of being heard may pass such order as he may deem fit & the order of the Collector shall be final & binding.
18. **Final Approval Certificate and Third Party verification and certificates of last two years:-** All tree felling permissions along with the inspection reports shall be up loaded on the web site of the department. These can be downloaded by the applicant for the applications. These certificates shall be available in public domain for viewing for the third party verification. For the year 2015 and 2016 the Felling permissions and Inspection Certificates related to industrial use are to be up loaded immediately and copies of rest of the permissions shall be uploaded before 30.6.2017
19. **Transit Pass Permission:-** After obtaining permission for felling of tree from the competent authority, the applicant will take up tree felling and submit application to the Range Forest Officer having the jurisdiction for issue of Transit Permit under Maharashtra Forest Rules 2014 for transport of the felled material.
20. **Procedure, Documents and Period required for Transit Pass Permission:-**
- ❖ Transit Pass User should go to [mahaforest.gov.in](http://mahaforest.gov.in) website. Find Important Links in right side of home page. Then user has to click on **RTS Public Services** icon.
  - ❖ After click on the RTS Public Services next screen will appear. On that screen user can see the link of Registration for Transit Pass Link.
  - ❖ On clicking on Transit Pass Registration form will open user has to enter all the information and then click on **Submit** button.
- Following information is needed to submit the form:-
- Individual or Organization

- Firm Name (if Organization has selected)
- Firm Address (if Organization has selected)
- Applicant Name (This name should be printed in Transit Pass & Challan )
- Applicant Address
- District
- Taluka
- Pin code
- Email id (Enter valid E-mail address for user activation)
- Mobile No
- Aadhar Card/Voter ID/Pan Card/License No/Bank Passbook/Document any other legally valid registration no to be uploaded
- File Upload
- Username (To login into Transit Pass Application)
- Password

When all the information is submitted user can receive the Activation Link on his/her given E-mail address. User should login to his/her E-mail to see the Activation Link.

After clicking on the Activation Link next screen will appear.

- After clicking on Login button, user should select login as a **Transit Pass User**
- After login user shall see the below User Panel Screen. In the left menu of user panel Transit Pass Application can view the following menus.
- Password  Change Password
- Log Information  Permission Order
- TP Request  TP Application
- Status  Application Status

### **In Password menu**

- ❖ User can change his/her password as shown.
- ❖ User should select "Tree Felling Permission From" user can select by Forest/Tree Officer, Revenue Authority/District Collector, Municipal/Tree Authority or Any Other Valid Authority Issuing Transit Pass as shown.

Following information is needed to submit the above form

- Select tree felling permission from
  - Upload order no
  - Select Order/Legal Authentic Document
  - Logs Detail upload
- ❖ After submitting the form below list will be generated.

User needs to enter the following fields

- Tree No (Optional)
- Log No
- Select Species
- Length in (cm)
- Girth in (cm)
- Volume
- Remark

**Note:** User needs to verify header information prior to enter the log details as per the log sheet document uploaded. Once logs are added in the list user can Freeze the log sheet by clicking on **Freeze Log Sheet** button.

Once data is freeze user cannot edit the data and new logs cannot be added against that order number ever. So user should check all the information before clicking on **Freeze Log Sheet** button.

### **In TP Request menu**

➤ User has to add the following two types of information.

- Produce Location Detail
  - ✓ a. District
  - ✓ b. Taluka
  - ✓ c. Mauza/Nagar/Village
  - ✓ d. Survey No.
  - ✓ e. Gut No.
  - ✓ f. Jurisdiction Office (under the Forest Range Office)

**and**

➤ B. Transportation Information

- ✓ a. Origin of Produce (Source Address)
- ✓ b. Destination Full Address
- ✓ c. Approximate route of Transit (Like Source-Location1-Location2-Destination)
- ✓ d. Remark

➤ Once data has added, User should click on **Add Log** button.

- Once user clicks on **Add log** button user needs to select Order number then click on search button on the screen which will appear.
- After searching for order number logs details will be shown against that order then user can add the same.
- If user has entered wrong data against the given application, user can delete the same with delete button by clicking on **Delete** button.

Once Transit Pass Log details are added user can then click on **Apply Application for TP** button to apply for Transit Pass.

User can see the underlined line as **This TP Application Marked to Division Office for issuing Transit Pass order to concerned Range Office**, it means that application has sent to the respective Division office.

### **In Status Menu**

User can view the status of the application by clicking on Status **Application Status** as shown on the screen.

If user wants to see the Transit Pass Application detail, he/she should click on **View Application** link as shown in above screen. After clicking on the link a screen will appear, so user can easily monitor his/her application status

21. For issuing transit passes the Divisional Forest Officer/Range Forest Officer concern shall follow the provisions under Maharashtra Forest Rules 2014 & orders issued by Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur from time to time.

#### **22. Inspection report to be up-loaded within 24 Hrs. from inspection-**

The inspecting officer shall complete inspection & submit and up-load inspection report related to transit permit immediately within 24 hours of inspection of material which is to be transported.

23. The transit pass order is to be issued within 30 days from the date of receipt of application from the applicant.

24. All transit permissions along with the inspection reports shall be up loaded on the

website of the Department which can be downloaded by the applicant for their applications for the year 2015 and 2016 the transit permission and inspection reports related to industrial use are to be uploaded immediately and copies of rest of the permissions to shall be uploaded before 30.06.2017 All these certificates shall be available in public domain for verifying by the 3rd party.

25. These guidelines are also applicable to regular tree felling permissions and transit permission issued by the empowered authorities of the Forest Department.

The Principal Chief Conservator of Forests (Head of Forest Force) is empowered herewith to amend and issue revisions in the guidelines if and when necessary unless it involves any issue which needs sanction from State Govt.

This Government resolution of Maharashtra Government is available at the website [www.maharashtra.gov.in](http://www.maharashtra.gov.in). Reference no. for this is 201704271324498819. This order has been signed digitally.

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

**Sujay Dodal**

Digitally signed by Sujay Dodal  
DN: c=IN, o=Government Of Maharashtra,  
ou=Revenue and Forest Department,  
postalCode=400032, st=Maharashtra,  
2.5.4.20=353112ee0fa479f99bedae88f651d09fdb142  
df5fbce9c004f7ee06d8b9baf, cn=Sujay Dodal  
Date: 2017.04.27 13:26:04 +05'30'

**(Sujay Dodal)**

Joint Secretary (Forests)  
Government of Maharashtra

Copy to:

- 1) Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur.
- 2) Principal Secretary (Industries), Mantralaya, Mumbai for information.
- 3) Principal Chief Conservator of Forests (Wildlife), Maharashtra State, Nagpur
- 4) Principal Chief Conservator of Forests (Production and Management), Maharashtra State, Nagpur.
- 5) Principal Chief Conservator of Forests (Social Forestry), Maharashtra State, Pune.
- 6) Additional Principal Chief Conservator of Forests (Protection), Maharashtra State, Nagpur.

- 7) Additional Principal Chief Conservator of Forests (ALL) , Maharashtra State, Nagpur
- 8) Development Commissioner, Industries Department New Admin. Bldg. for information.
- 9) Chief Conservator of Forests (Forest Regulation) Nagpur
- 10) Chief Conservator of Forests (Territorial) (All)
- 11) Chief Conservator of Forests (Wildlife) (All)
- 12) Chief Conservator of Forests (Functional) (All)
- 13) Deputy Conservator of Forests (All)
- 14) Conservator of Forests (All)
- 15) Deputy Conservator of Forests (All)
- 16) Divisional Forest Officers (All)
- 17) Order file.

Annexure related to Article - 2.04

Maharashtra Forest Rules, 2014

३०

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, फेब्रुवारी २६, २०१४/फाल्गुन १७, शके १९३५

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai 400 032, dated 25th February, 2014

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. TRS-09/2013/CR-193/F-6.—In exercise of the powers conferred by sections 26, 32, 41, 42, 51 and 76 of the Indian Forest Act, 1927 (XVI of 1927) and of all other powers enabling it in this behalf, and in supersession of the Bombay Forest Rules, 1942, Bombay Protected Forests (Vidarbha Region) Rules, 1958 and the Maharashtra Protected Forests (Marathwada, Konkan and Western Maharashtra) Rules, 1998 made in this behalf, the Government of Maharashtra hereby makes the following rules :—

CHAPTER- I

PRELIMINARY

1. *Short title and extent.*—(1) These rules shall be called the Maharashtra Forest Rules, 2014.  
(2) They shall apply to the entire State of Maharashtra.
2. *Definitions.*— 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) "Deputy Conservator of Forests" means and includes a Deputy Conservator of Forests, Divisional Forest Officer in charge of a Forest Division, Sub-Divisional Forest Officer in charge of an Independent Forest Sub-Divisions;
  - (c) "Chief Conservator of Forests", "Deputy Conservator of Forests" and "Range Forest Officer" means, respectively, the "Divisional Commissioner", "Collector" and "Tahsildar" with respect to the reserved or protected forests under the management of the Revenue Department, in whose jurisdiction such forests lie;
  - (d) "forest-privilege" means any favour, not being a right, and subject to withdrawal by the State Government anytime, granted to permanent residents of any village by the State Government with regard to pasture or forest-produce in a reserved or protected forest of the village in which they reside or in the neighbourhood to meet their *bona fide* livelihood needs, based on forest produce;
  - (e) "Schedule" means the Schedule appended with these rules;
  - (f) "section" means a section of this Act;
  - (g) "State Government" and "Government" means the Government of Maharashtra;
  - (h) "weapon" includes ammunition, bows and arrows, explosives, fire arms, hooks, knives, poison, snares and traps and any instrument or apparatus or substance capable of anaesthetizing, decoying, destroying, wounding or killing a wild animal;
  - (i) "wild animal" means all creatures living in or found in reserved or protected forests, and includes bats, birds, fish, reptiles, amphibians, insects, spiders and all kind of aquatic and wetland fauna;
  - (j) "Working Plan" includes Management Plan or Working Scheme which is a document of technical nature approved by the State Government or the Central Government or a Competent Authority appointed by the State Government or the Central Government, as the case may be, laying the prescriptions for the scientific management of specified forest area; and
  - (k) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

## CHAPTER-II

### PROTECTION OF RESERVED AND PROTECTED FOREST FROM FIRE

#### A. Reserved Forests

[Section 26 (1)(b)]

3. *Kindling etc. of fire on roads or paths adjoining or passing through reserved forests prohibited.*—Except at such places as may from time to time be notified by the Deputy Conservator of Forests, no person shall kindle any fire or leave any fire burning upon any public or private road or path which adjoins or passes through a reserved forest but does not form part of such forest.

4. *Precautions to be taken in making ash-manure near a reserved forest.*—No person shall ignite materials for making ash-manure in any field within two hundred meters from the boundary of a reserved forest, unless,—

(i) there is, between such boundary and the spot on which such materials are ignited, a space, at least twelve meters in width, which is clear of vegetation capable of carrying fire from such spot to the forest; and

(ii) such other precautions like employing watchers etc. are taken as are reasonably necessary to prevent fire from spreading to the forest.

5. *Kindling of fire within 200 meters from a reserved forest prohibited.*—Except for the purposes of making ash-manure, no fire shall be kindled elsewhere than in a place used as a human dwelling or in premises appertaining to such dwelling within a distance of two hundred meters from the boundary of a reserved forest without the previous written permission of a Forest-officer not lower in rank than a Range Forest Officer.

6. *Precautions to be taken in kindling fire beyond 200 meters from a reserved forest.*—No person shall kindle any fire or leave any fire burning at any place which is at a distance greater than two hundred meters from the boundary of a reserved forest but from which the fire may, by natural means spread to the forest, unless he takes precautions by clearing a fire path not less than twelve meters in width between such place and such boundary or by employing watchers or otherwise to prevent the fire from so spreading.

#### B. Protected Forests

[Section 32 (h)]

7. *Precautions to be taken in kindling fire beyond the boundary of a protected forest.*—No person shall kindle any fire or leave any fire burning,— at any place beyond the boundary of a protected forest without taking all reasonable precautions to prevent its spreading to any timber lying in such forests or to any tree reserved under clause (a) of section 30, whether standing, fallen, or felled, or to any portion of such forest closed under clause (b) of the said section 30, or in respect of which exercise of any right of pasture or to forest-produce is suspended under section 33.

#### C. Exclusion of rainy season from applicability of these rules

8. *Partial operation of rules in rainy season.*—Nothing in the rules in this Chapter shall operate during the period commencing on the 15th June and ending on the 31st October.

## CHAPTER-III

### HUNTING AND SHOOTING ETC. IN RESERVED AND PROTECTED FORESTS

[Sections 26 (1)(i), 32(j) and 76 (d)]

9. *Acts prohibited in reserved and protected forests.*—(1) The following acts are prohibited in all reserved and protected forests :—

(a) the poisoning or polluting of land, rivers, tank or other waters, the explosion of dynamite or other explosives therein or elsewhere, and the setting of cruires or basket traps for the purpose of killing or catching fish or for any other purpose;

(b) tracking for the purpose of discovering the lie of wild animals;

(c) the setting of spring guns, snares, traps or any other such device;

(d) connecting wire with electric transmission lines for any purpose whatsoever;

- (e) the driving, bating, poisoning, catching, wounding or killing of any wild animal and every attempt to do so;
- (f) damaging or disturbing the eggs, nests or hives of wild animals;
- (g) disturbing, poisoning or interfering in any manner whatsoever with the carcass of any wild animal, domesticated animal or cattle;
- (h) possessing any class of insecticides, pesticides, inorganic manure or any weapon except in course of discharge of official duty;
- (i) trespassing with or permitting to trespass dog or any other domesticated or trained animal capable of frightening, driving, wounding or killing any wild animal;
- (2) Nothing in this rule shall be deemed to prohibit any act done by permission in writing of the Deputy Conservator of Forests concerned.
- (3) While exercising the powers vested in the Forest-officer under section 66, if it is not possible for him to chase away or capture the dog or any other domesticated or trained animal referred to in clause (i) of sub-rule (1) out of the limits of such forest without delay, it shall be lawful for him to kill or cause such trespassing animal to be killed or trapped and removed from forest, by using all means at his disposal at that time, whether or not, said trespassing animal has frightened, driven away, wounded or killed any wild animal within such forest or outside.

## CHAPTER IV

## ENJOYMENT OF RIGHTS AND PRIVILEGES IN RESERVED FORESTS

[Sections 26 (2) (a) and 76 (d)]

10. *Regulations for exercise of forest-rights in reserved forests.*— No right shall be exercised in a reserved forest except in accordance with the provisions hereinafter provided in this rule :—

(1) The persons specified in the register mentioned in sub-rule (8) and members of their households shall be entitled, subject to the conditions stated therein against their names :—

(a) to cut for the purpose of fulfillment of *bona fide* livelihood needs of self and family including requirement for construction or repair of their huts, and making agriculture implements for their own use only, all kinds of trees except Teak, blackwood, *anjan*, *khair*, *tiwas*, *babul*, *mahua*, *charoli*, *narkya*, mango and mangrove species mentioned at in Sr. No. 14 in part VI of Schedule D;

(b) to collect, for firewood for their own use only, dead-wood of all kinds except teak, *tiwas*, *khair* and all species found in mangroves;

(c) subject to the provisions contained in Chapter II of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997, to gather, for all purposes, such of the forest-produce as shown against their names in the register, specified in Schedule C;

(d) to graze their own cattle not exceeding the number shown against their names in the register.

(2) All rights in respect of forest-produce and pasture shall be exercised only in such reserved forest or part thereof in respect of which they are continued under the Act, or recognised under any other law for the time being in force, except.—

(a) in such portion of the reserved forest as may be closed by the Deputy Conservator of Forests in consultation with the District Collector for the purpose of reproduction and improvement in accordance with the provisions of a Working Plan.

(b) during the period from the 15<sup>th</sup> June to the 15<sup>th</sup> October.

(3) While cutting of trees and removal of forest-produce from reserved forest the following shall be observed, namely :—

(a) no trees of any size growing within ten meters of either side of a road or twenty meters of either edge of bank of any water course shall be cut;

(b) no trees of any size growing on slopes of more than 20° (degrees) shall be cut;

- (c) no trees of any size belonging to species which produce edible fruits shall be cut;
- (d) all trees to be felled shall be cut flush with the ground;
- (e) no trees shall be girdled or pollarded;
- (f) in bamboo clumps, no culm under one year of age shall be cut, and in each clump atleast 8 culms over one year of age shall be retained;
- (g) all bamboo culms shall be cut within 80 cm. from ground level;
- (h) no root of any tree shall be dug up; or
- (i) except with the permission in writing by the Range Forest Officer duly authorized by the Deputy Conservator of Forests in this behalf, no forest- produce shall be removed from forest between sunset and sunrise.
- (4) Every right holder shall be supplied by the Forest Department with a Pass-Book in the form specified in Schedule A, bearing a serial number and showing his name with address, nature and extent of rights to which he is entitled annually or periodically including description of the reserved forest in terms of *gat* or survey number and compartment number or part thereof over which each right is exercisable.
- (5) Before going into the forest with a view to exercise his right, every holder of right shall obtain from the Range Forest Officer concerned or from a Forest-officer duly authorized by the Deputy Conservator of Forests in this behalf a permit in the form specified in Schedule B, which latter shall be bound to supply to him without payment of any fee or payment of such fee as may be specified by the State Government, from time to time.
- (6) The description of forest-produce and the quantity to be obtained in exercise of the said right in accordance with the permit under sub-rule (5) shall be entered in the Pass-Book supplied to the right holder under sub-rule (4) every time immediately at the time of issue of permit by the officer issuing the permit; and in no case, whatsoever, the total quantity of forest-produce actually brought from the forest shall exceed the quantity mentioned in the permit and the Pass-Book.
- (7) The transit of all forest-produce obtained under this rule in exercise of rights shall be regulated by the rules mentioned in Chapter VII.
- (8) A register in the form specified in Schedule C, shall be kept by the Deputy Conservator of Forests showing village-wise, the names of all the persons entitled to the enjoyment of the rights together with the name of father and spouse, caste, name of the community e.g. name of the Scheduled Caste, Scheduled Tribe or Other Traditional Forest Dweller etc. to which he belongs, nature and extent of rights, conditions, if any, imposed on the exercise of right, and description of the reserved forest specifying definitely, according to the boundary-marks erected or otherwise, the limit of the forest including *gat* or survey number and compartment number or part thereof over which the right is exercisable under these rules. Such register shall be corrected up to date atleast once in every twelve months.
- (9) The Collector on recommendation of the Deputy Conservator of Forests, notwithstanding any other action under the Act or these Rules that may be taken in this regard, may suspend for a period, not exceeding twelve months, the exercise of any right on being satisfied that it is being abused or is in violation of any of the provisions of this rule or that it leads to an offence under section 79.
- (10) The Pass-Book and Permit issued under sub-rule (4) and sub-rule (5), respectively, shall be non-transferable; any right holder, fraudulently transferring his Pass-Book or Permit to another person, shall be dealt with in accordance with sub-rule (9).

*Explanation.*—The rights to be exercised under this rule include the Community Forest Rights confirmed in Annexure - III of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, and incorporated in the relevant Government records including in the record of rights, and published in accordance with sub-rules (f) and (g) of rule 8, respectively, of these Rules.

11. *Rule 10 to apply to forest-privileges.*—A separate register in accordance with sub-rule (8) of rule 10 shall be maintained in respect of the persons enjoying any forest-privilege, and all the provisions contained in rule 10 shall, *mutatis mutandis*, apply to such forest-privileges.

12. *Bar on conferring of forest-privileges.*—No new forest-privilege except with the order of the State Government shall be conferred in a reserved forest.

#### CHAPTER V

##### PASTURING OF CATTLE IN RESERVED AND PROTECTED FORESTS

[Sections 26 (1) (d), 26 (2) (a), 32 (i) and 76 (d)]

13. *Pasturing of cattle in forests prohibited except in areas specially assigned and except under a permit.*—No person shall pasture cattle in a reserved or protected forest,—

(a) except within the areas assigned for such purpose by or under the orders of the Divisional Commissioner or the Chief Conservator of Forests, and

(b) without obtaining a permit from a Revenue or Forest-officer or a person duly authorized in that behalf by the Deputy Conservator of Forests which shall be granted without payment of fee or on payment of fee as may be specified by the State Government, from time to time, and except in accordance with the conditions subject to which such permit has been granted.

14. *Pasture by goats and sheep in reserved forests prohibited.*—(1) Except with the specific orders of the State Government issued in this behalf with due regards to the safety and the maintenance of forests in perpetuity, and subject to the conditions which may be imposed, no permit under rule 13 shall be granted for pasturing sheep in any reserved forest or portion thereof or any area notified under section 4 of the Act, unless the area has been earmarked by the State Government for the purpose and demarcated on the ground.

(2) No permit under rule 13 shall be granted for pasturing goat in any reserved forest or portion thereof or in any area notified under section 4 of the Act.

#### CHAPTER VI

##### REGULATION ETC. FOR FELLING OF TREES IN PROTECTED FORESTS

[Sections 32 and 76 (d)]

15. *Non-Application of this Chapter.*—Nothing in this Chapter shall apply to forest-produce on an occupied area of village in a protected forest.

16. In this Chapter unless the context otherwise requires :—

(1) "Closed" means the portion of a protected forest that may be declared closed by the State Government under section 30;

(2) "Protected Forest" means the tract of land declared to be Protected Forest in accordance with the provisions of section 29;

(3) "right" includes any right recognised by law and recorded in Government records in accordance with the procedure laid down in relevant laws for the time being in force.

(4) In respect of Protected Forests in charge of Revenue Department, for the purposes of this Chapter, Deputy Conservator of Forests shall be read as Collector and Range Forest Officer shall be read as Tahsildar.

17. *Part of Protected Forest to be set aside for exercise of rights and privileges and for management.*—The Deputy Conservator of Forests in consultation with the Collector, and in case of the Protected Forests in charge of Revenue Department, the Collector shall, from time to time, set aside :—

(1) the areas of suitable size in a protected forest containing forest-produce for the exercise of rights and privileges by the right and privilege holders of that village of which such protected forest forms part thereof, or in the neighbourhood, and

(2) a compact areas capable of producing timber and other forest produce of importance for management by the State Government.

18. *Cutting of trees for manufacture of charcoal prohibited.*—No trees of any species whatsoever shall be cut, removed or burnt in any protected forest for the purpose of manufacturing charcoal, except with the prior permission in writing of the Deputy Conservator of Forests.

19. *Cutting trees without permission prohibited.*—Subject to the provision of rules 20 and 21, no trees of the species mentioned in Schedule D shall be cut without the prior permission in writing of the Deputy Conservator of Forests.

20. *Cutting of any tree prohibited in certain cases.*—No trees in a protected forest,—

(1) of any size growing within ten meters of either side of a road or twenty meters of either edge of bank of any water course therein shall be cut :

Provided that, no such permission shall be necessary for cutting small branches up to 5 centimeter in diameter at the cut end of *babul* and other thorny trees or thorny shrubs;

(2) of any size growing on slopes of more than 20° (degrees) therein shall be cut;

(3) of any size belonging to species which produce edible fruits shall be cut;

(4) of the species included in the Schedule D shall be cut except where it is mature, over mature, dead, injured beyond recovery or otherwise silviculturally available.

*Explanation.*—Silviculturally available trees means trees available for felling in pursuance of any recognised silvicultural operation for making conditions favourable in the forest for reproduction of tree species of choice or for the adequate growth of the remaining trees or the forest crop, or both.

21. *Felling of trees.*— In a protected forest—

(1) all trees felled shall be cut flush with the ground;

(2) no tree shall be girdled or pollarded;

(3) subject to the provisions of rule 17, in an area in which trees have been marked in accordance with the provisions of a Working Plan for felling in the following working season, all such trees marked, and in other areas, trees not being trees which are reserved under section 30 or included in Schedule D, may be lopped for the purpose of obtaining *rab* or *manara*, provided that the main leading shoot (*shenda*) of each tree so lopped shall be left uncut;

(4) (a) in bamboo clumps, no culm under one year of age shall be cut, and in each clump atleast eight culms over one year of age shall be retained;

(b) all bamboo culms shall be cut within 30 cm. from ground level;

(5) except with the permission in writing by the Range Forest Officer duly authorized by the Deputy Conservator of Forests in this behalf, no root of any tree shall be dug up;

(6) except with the permission in writing by the Range Forest Officer duly authorized by the Deputy Conservator of Forests in this behalf, no forest produce shall be removed from forest between sunset and sunrise.

22. *Regulation of forest-produce in transit.*— The transit of all forest-produce obtained in accordance with the provisions of this Chapter shall be regulated by the rules mentioned in Chapter VII.

23. *Removal of forest-produce not to exceed permitted quantity and is subject to availability.*— The Deputy Conservator of Forests in consultation with the Collector, shall by order declare a protected forest to be open to persons of the village in which the protected forest is situated or in the neighbourhood for the purpose of exercising their rights and privileges. Thereafter, such persons residing in such village subject to the provisions of section 161 to 167 of Chapter X of the Maharashtra Land Revenue Code, 1966 or of any other law for the time being in force, cut and remove for their own use only (and not for sale, barter or gift) such forest-produce not exceeding such quantity as is set out in the *Nistar Patrak* prepared under section 161 of the Maharashtra Land Revenue Code, 1966 or in Annexure-III of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 and incorporated in the relevant Government records including record of rights or the reduced quantity as may be determined by the Deputy Conservator of Forests in consultation with the Collector, when the total quantity of the forest-produce available, as assessed annually in advance by him, is not enough to meet the full requirements of such persons.

24. *Setting fire prohibited.*—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 forest-produce laying in such forest whether standing, fallen, felled or otherwise found therein.

25. *Right and privilege holders to extinguish and prevent occurrence of forest fires.*—All persons, who are permitted to remove forest-produce according to these rules shall inform the nearest Forest-officer of the occurrence of any fire, and shall themselves take steps, whether or not so required by any Forest-officer:—(a) to extinguish any forest fire of which he has knowledge, and (b) to prevent by any lawful means in his power any fire in the vicinity of such forest from spreading to such forest.

26. *Sale or barter of forest produce prohibited.*—No forest-produce obtained from a protected forest as a matter of privilege shall either be sold or bartered away.

27. *Provision with regard to cutting and removing grass.*—Any person permanently residing in any village may, from the protected forest of the village in which he resides cut and remove grass for his own cattle, sheep and goats without license or permit or payment of any fee: Provided that, the State Government may, at any time, withdraw this concession.

28. *Closure of area under reproduction.*—Except for removal of grass by head-loads, all plantations or the areas which are otherwise brought under reproduction in a protected forest shall be declared closed for a period of ten years which may extend to twenty years from the first day of April of the year in which the plantation is proposed to be done or the area is proposed to be brought under reproduction in any other manner.

29. *Restriction on pasturing by goats and sheep.*—Except with the specific orders of the State Government and subject to conditions which may be imposed, pasturing by sheep and goats shall be prohibited outside the area earmarked for the purpose.

30. *Breaking of land prohibited.*—The breaking of land for whatsoever purpose shall be prohibited in any protected forest.

## CHAPTER VII

### TRANSIT OF FOREST PRODUCE

#### [Section 41]

##### A. Forest Passes.

31. *Regulation of transit of forest-produce by means of passes.*—(1) No forest-produce shall be moved into or from or within any District of the State except as hereinafter provided without a pass from some officer or person duly authorized by or under these rules to issue such pass, or otherwise than in accordance with the conditions of such pass or by any route or to any destination other than the route or destination specified in such pass :

Provided that, no pass shall be required for the removal,—

(a) except to a bunder, landing place, or railway station—

(i) of any forest-produce which is being removed for his private consumption by a person in exercise of a forest-privilege, or of a right recognised under the Act or any other law for the time being in force, within the limits of a village in which it is produced,

(ii) of any forest-produce which is being removed, for his private consumption to meet *bona fide* livelihood needs by a person in exercise of a forest-privilege, or of a right recognised under the Act or any other law for the time being in force, from a reserved forest not falling within the limits of any village into the limits of a village in which he permanently resides, if accompanied by the permit supplied to him under sub-rule (5) of rule 10.

(iii) of any forest-produce which is obtained from lands not belonging to Government and the same is being removed within the limits of the village in which it was produced, provided that, prior intimation in writing is given to the Range Forest Officer concerned,

(iv) of twigs, leaves, brushwood and grass intended solely for conversion into ash-manure, or

(v) of such small branches as are given from departmental cuttings solely for private consumption.

(b) of branch-wood not exceeding ten centimeters in girth at the thickest part to be used as firewood, grass or leaves, the property of one person or the joint property of two or more persons which is conveyed in quantities not exceeding one head-load once in twenty-four hours unless it be brought to a bunder, landing place or railway station or to any areas to which the State Government may from time to time declare by notification in the *Official Gazette*, that this exemption shall not extend.

(c) of any timber, which is sawn on all its sides by machine in a saw mill lawfully under operation, is accompanied by a cash memo, receipt, tax invoice or any other document issued by the owner of that saw mill or his authorised agent having the name of the said saw mill as well as its licence number clearly printed on it and contains description of the timber including name of species and size-wise quantity that is being removed together with the name and complete address of the person to whom the timber is being sent, date and place of issue, name and signature of the said saw mill owner or his authorised agent, as the case may be; and where such sawn timber being so removed exceeds two meters in length with the sum of width and thickness exceeding fifteen centimeters, bears identification code which is specific to that saw mill and has been allotted by the Deputy Conservator of Forests concerned or property mark duly registered under rule 47 in his office, as the case may be, for the purpose.

(d) of any forest-produce which is the property of the State Government and is being moved under the authority of the Government; or

(e) of such forest-produce as may be exempted by the State Government from the operation of the rules in this Chapter by notification in the *Official Gazette*.

(2) In respect of any forest-produce for which no pass is required under sub-rule (1), at the option of the owner of the forest-produce or the owner of the saw mill where the timber is sawn, as the case may be, forest pass may be issued in accordance with the provisions of this Chapter.

*Explanation.*—For the purpose of this rule, the expression,— (1) "Limits of a village" means the limits of a village as defined and notified under the Maharashtra Land Revenue Code, 1966. (2) "Village" includes a town or city and all the land falling in a village, town or city. (3) "Property of the State Government" includes the property of the Forest Development Corporation of Maharashtra Limited.

32. *Officer and person to issue passes.*—(1) Following officers and persons shall have power to issue passes under these rules, namely :—

#### **Officers.**

(a) The Chief Conservator of Forests, the Deputy Conservator of Forests, the Assistant Conservator of Forests or any other officer as may be authorized in this behalf, in writing, by the Chief Conservator of Forests or the Deputy Conservator of Forests shall have power to issue passes under these rules :

Provided that, the passes in respect of timber or any other forest-produce derived from the following species, namely :—

- (i) *Acacia catechu* (*khair* tree),
- (ii) *Dalbergia latifolia* (Rosewood tree),
- (iii) Mangrove Species,
- (iv) *Narkya* (*Amrita* tree),
- (v) *Santalum album* (*sandal* tree), and

(vi) Red sanders (*Rakt chandan*), shall be issued under the seal and signature of the concerned Assistant Conservator of Forests.

(b) The passes in respect of timber exceeding eight cubic meters or small wood exceeding twenty cubic meters of stacked volume of the following species, namely :—

- (i) *Adina cardifolia* (*Haldu*),
- (ii) *Artocarpus integrifolia* (Jack fruit),
- (iii) *Hardwickia binata* (*Anjan*),

- (iv) *Madhuca laifolia* (*Mahua*),
- (v) *Mangifera indica* (*Amba*),
- (vi) *Ougeinia dalbergioidies* (*Tivas*),
- (vii) *Pterocarpus marsupium* (*Bija*),
- (viii) *Syzigium cumini* (*Jambhal*),
- (ix) *Tamarindus indica* (*Chinch*),
- (x) *Tectona grandis* (*Teak*),
- (xi) *Terminalia chebula* (*Hirda*),
- (xii) *Terminalia paniculata* (*Kinjhal or Kindal*),
- (xiii) *Terminalia tomentosa* (*Ain or saja*), shall not be issued without prior approval

of an officer not below the rank of Assistant Conservator of Forests.

*Explanation.*—The expression "small wood" means all timber not exceeding twenty-five centimeters girth at the thickest part and two meters length.

(c) The passes in respect of any species of bamboo exceeding One Notional Ton shall not be issued without prior approval of the concerned Assistant Conservator of Forests duly authorised in this behalf by the Chief Conservator of Forests or the Deputy Conservator of Forests.

*Explanation.*— The expression "One Notional Ton" means as many numbers of pieces of bamboo whose sum of the lengths is equal to two thousand running meters.

#### Other persons.

(d) for forest-produce owned by any person, such person or his agent, if so authorized in writing by the Chief Conservator of Forests, or by Deputy Conservator of Forests specially empowered in this behalf in writing by the Chief Conservator of forests, provided that, such authorization shall specify the period during which it shall remain in force :

Provided that, the Chief Conservator of Forests may, in consultation with the Commissioner of Excise, require that for *mahua* flowers to be removed from any specified area, passes shall be issued only by the local Excise-officer not below the rank of a Sub-Inspector.

(2) Any authorization may at any time be cancelled by the officer granting it or by his official superior.

33. *Passes what to contain.*—(1) Every forest pass issued under rule 32 shall specify—

- (a) the name of the person to whom such pass is granted;
- (b) the quantity and description of forest-produce covered by it;
- (c) in the case of timber or any forest-produce referred to in clauses (a) and (b) of sub-rule (1) of rule 32, the name of the village and survey number in which it was produced;
- (d) the places from and to which such forest-produce is to be conveyed;
- (e) the route by which such forest-produce is to be conveyed, and
- (f) the period of time for which the pass is to be in force, which shall be calculated as follows:—

The day of issue plus in the case of transport by a motor vehicle, a day for transit to any point up to one hundred and twenty kilometers or fraction thereof, and in the case of any other form of transport, a day for transit to any point up to twenty-four kilometers from the village of origin plus an additional day for every additional twenty-four kilometers or fraction thereof: Provided that, in the case of transport of forest-produce by floating in such rivers or portions thereof as the State Government may, by general or special order specify in this behalf, the time for transit on any such rivers or portions thereof shall be calculated at the rate of one day for every eight kilometers or fraction thereof :

Provided further that, the person in charge of the forest-produce in transit, when directed, shall stop and report at every such forest check post which he has to pass, in order that the forest-produce may be examined. (2) The colour and form of each pass and the sum to be paid in respect of each book of forest passes will be such as may be specified by the Principal Chief Conservator of Forests (Head of the Forest Force) with the previous sanction of the State Government.

34. *Separate passes for each load.*—No forest pass shall ordinarily cover more than one load whether such load be carried by a person, an animal or in a vehicle. However, the Deputy Conservator of Forests, subject to the approval of the Chief Conservator of Forests, may, whenever he deems fit, order that one pass may cover any number of head-loads or animal loads not exceeding fifty and any number of cart loads not exceeding ten for journeys not exceeding twenty-four kilometers from and to the same places and undertaken at one and the same time.

35. *Pass not to be tampered with.*—No alteration shall be made in anything printed or written on any forest pass except in the matter of route and period and this may only be done by an authorized officer for sufficient reason to be mentioned in the pass.

#### B. Passes issued by private persons.

36. *Books of blank passes to be supplied to persons authorized to issue them.*—(1) When the Chief Conservator of Forests or any duly empowered Deputy Conservator of Forests authorizes in respect of a forest-produce owned by any person or the agent of any such person under clause (d) of sub-rule (1) of rule 32 to issue forest passes, he shall furnish such person from time to time with authenticated books of blank passes.

(2) The said person to whom such book is supplied shall pay the sum, if any, fixed under sub-rule (2) of rule 33.

(3) No person who has been authorized to issue passes shall issue passes otherwise than in accordance with the conditions of his authorization.

(4) No such person shall charge any fee for any pass issued.

(5) Counterfoils of all used passes shall be returned to the officer from whom the book of passes was received and no fresh Pass Book shall be supplied until the counterfoils of all passes previously used have been so returned.

(6) Any person or the agent of any person who has been authorized to issue forest passes under clause (d) of sub-rule (1) of rule 32 shall be bound if called upon by any Forest-officer to produce for inspection or to give up the counterfoils of all passes which have been issued by such person or agent.

(7) In the event of any authority given under clause (d) of sub-rule (1) of rule 32 being at any time cancelled under sub-rule (2) of the said rule or on the expiry of the period specified in such authority, the person whose authority is so cancelled or the person, the period of whose authority has so expired, as the case may be, shall forthwith return to the officer who gave the authority every unused book of forest passes and the unused portion of any such book in his possession, together with the counterfoils of used passes, if any, which he has not already returned. Thereafter, the said person shall be entitled to receive a refund of the amount paid by him in respect of every such unused book but no refund shall be allowed in respect of any portion of such book.

(8) No forest pass issued by any person or by the agent of any person authorized under clause (d) of sub-rules (1) of rule 32 to issue forest passes shall have any validity,—

(i) if such pass is not prepared on a blank form supplied for this purpose under sub-rule (1) of rule 36, or

(ii) if the same is issued after receipt by such person of an order cancelling the authority to issue such passes, or

(iii) if the same is issued by such person after the expiry of the period specified in the authority given for the issue of such passes.

#### C. Forest-produce moved into the State otherwise than by sea.

37. *Pass of other States.*—All forest-produce moved into the State of Maharashtra otherwise than by sea from other States shall be covered by a pass of that State registered under rule 38, and in case of timber exceeding the dimensions mentioned in rule 47 and of scented sandalwood or any wood of such other species of any size as may be notified by the State Government in *Official Gazette*, from time to time (hereinafter referred to as the "notified species"), bear a property mark of that State registered under rule 38.

38. *Form, etc. of passes of other States must be registered in the office of Chief Conservator of Forests.*—Every pass of other States must be in a form which, and must be signed by an official whose designation, have been registered in the office of the Deputy Conservator of Forests of the Division into which it is sought to move forest-produce thereunder. Every property mark of that State must be of a description which has been registered in the said office :

Provided that, at the request of an officer of any State, not below the rank of a Deputy Conservator of Forests, the forest-produce of that State may be allowed to be moved into the State of Maharashtra,—

(a) if such forest-produce is being moved in the State of Maharashtra is covered by a pass of the concerned State, signed by a contractor or his agent whose specimen signature is registered in the office of the Deputy Conservator of Forests in charge of the Division into which the forest-produce is sought to be moved into ;

(b) if the office-stamp of such officer (being an officer authorized by the State Government of the concerned State to issue books of such passes to contractors for moving the forest-produce into other State), affixed to or imprinted on the pass under which the forest-produce is sought to be imported; and

(c) if the timber falling within rule 47 or where timber is sawn and exceeds two meters in length with the sum of width and thickness exceeding fifteen centimeters, bears property mark duly registered which is specific to that person or saw mill and has been registered in the office of the Deputy Conservator of Forests concerned under rule 47 for the purpose, and scented sandalwood or wood of such other notified species of any dimension, bears a distinguishable private property mark of the owner of such timber or scented sandalwood or any wood of notified species (being a property mark, description of which has been registered in the office of the Deputy Conservator of Forests in charge of the Division into which the forest-produce is sought to be moved into).

39. *Deputy Conservator of Forests may refuse to register signature.*—In cases under the proviso to rule 38, the Deputy Conservator of Forests may, for reasons to be recorded in writing, refuse to register the specimen signature of any contractor or his agent.

40. *Forest-produce moving into State of Maharashtra may be conveyed to first depot without a pass under proviso to rule 38.*—Any forest-produce moving into the State of Maharashtra may be conveyed within the limits of this State as far as the first depot established under rule 43 without pass issued under rule 32, and if it is covered by a pass of other State registered under rule 38, and if stacked or deposited in any place between such limits and such depot, the pass of other State covering the material shall at once be delivered at that depot.

41. *Chief Conservator of Forests may direct use of a transit mark for timber being moved into State of Maharashtra.*—If the Chief Conservator of Forests so directs, no timber exceeding the dimensions mentioned in rule 47 or scented sandalwood or any wood of notified species which has been moved into the State of Maharashtra as aforesaid shall be moved beyond such first depot without first having stamped upon it a Government transit mark of such description as the Chief Conservator of Forests shall specified.

#### D. Saving of recognized privileges.

42. *Saving of recognized privileges.*— Nothing in rules 31 to 41 (both inclusive) shall be deemed to require or to have required the possession of pass in cases where exemptions from such possession for enjoyment of certain privileges recognised by the State Government have been granted before the publication of these rules.

#### E. Forest Depots.

43. *Depots and their purpose.*— The Chief Conservator of Forests may establish at such places as he deems fit, depots to which forest-produce shall be taken—(a) for examination, previous to the grant of a pass in respect thereof under these rules; (b) for determining the amount of money, if any, payable on account thereof to Government; and for the payment of any money so found to be due; or (c) in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

44. *Situation of depots to be published.*— The Chief Conservator of Forests shall make known from time to time by notification in the *Official Gazette*, and locally in such manner as he deems fit, the name and situation of each depot in his Jurisdiction.

45. *Depot to be in charge of an officer.*— Each depot shall be in-charge of an officer appointed by or under the orders of the Chief Conservator of Forests without whose permission no forest-produce shall be brought into, stored at, or removed from the depot.

46. *Vessels conveying forest-produce by river to call a depot on banks.*— The person in charge of any vessel which carries forest-produce on a river on the banks of which one or more depots established under these rules are situated, shall call and stop his vessel at every

such depot which he has to pass, in order that the forest-produce may be examined, if necessary, under the provisions of rule 50 and the person in charge of such vessel shall not proceed with such vessel pass any such depot without the permission of the Forest-officer in charge of such depot.

#### F. Property and Transit Marks.

47. *Property and transit marks to be affixed to timber exceeding a certain size.*—Except when it is the property of Government, timber exceeding twenty-five centimeters in girth at the thickest part and two meters in length, and scented sandalwood or any wood of notified species of any dimensions shall not be moved from or within any District of the State of Maharashtra unless it bears a distinguishable private property mark of the owner of such timber of a description which has been registered in the office of the Deputy Conservator of Forests, and also if the Deputy Conservator of Forests so directs, unless it bears a Government transit mark of such description as, shall from time to time, be specified in this behalf by the said Deputy Conservator of Forests.

48. *Registration of forms of passes or marks.*—The Deputy Conservator of Forests shall upon receipt of an application for registration of any form or mark for the purpose of rule 38 or rule 47 inquire into the authenticity of the same and if he sees no objection, shall, on payment by the applicant of such fee specified by the State Government in this behalf, register such form or mark in his office. Every such registration shall hold good for a period of one year only, except in the case of forms and marks of other Governments, the registration of which shall hold good till they are modified or replaced by new forms or marks.

49. *Government marks not to be imitated or effaced.*—No person other than a Forest-officer, whose duty it is to use such marks, shall use any property marks for timber identical with, or nearly resembling, any Government transit mark, or any mark with which timber belonging to Government is marked; and no person shall, while any timber is in transit under a pass issued by any person or by the agent of any person authorized in this behalf under clause (d) of sub-rule (1) of rule 32, alter or efface any mark on the same.

#### G. Stoppage in transit.

50. *Forest-produce in transit may be stopped and examined by certain officer.*—(1) Forest-produce in transit may be stopped and examined at any place by any forest, police or revenue officer if such officer shall have reasonable grounds for suspecting that any money which is due to Government in respect thereof has not been paid, or that any forest offence has been or is being committed in respect thereof:

Provided that, no such officer shall vexatiously or unnecessarily delay the transit of any forest-produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such forest-produce, or cause the same to be unloaded for the purpose of examination.

(2) The person in charge of such forest-produce shall furnish to any such officer all the information which he is able to give regarding the same, and if he is removing the same under a pass shall produce such pass, on demand, for the inspection of such officer and shall not in any way prevent or resist the stoppage or examination of the said forest-produce by such officer.

#### H. Obstruction of channels.

51. *Prohibition of obstruction of channels or banks of rivers.*—No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of forest-produce or throw grass, brushwood, branches or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

52. *Measures to be taken for removal of obstructions.*—(1) Any Forest-officer not below the rank of a Range Forest Officer, may take such measures as he shall, at any time, deem to be emergently necessary for the prevention or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of forest-produce; but any such case which is not emergent shall be reported to the concerned Sub-Divisional Officer of the Revenue Department, who may, by written notice require the person whose act or negligence has caused or is likely to be caused the obstruction, to remove or take steps for preventing the same within a period to be mentioned in such notice, and, if such person fails to comply with such notice, may, himself cause such measures to be taken as he shall deem necessary.

(2) The cost reasonably incurred by a Forest-officer or by the concerned Sub-Divisional Officer of the Revenue Department under this rule shall be payable to the State Government by the person whose act or negligence has necessitated the same.

### L. Conversion of Timber within certain distance of Forests.

53. *Prohibiting conversion of timber within certain distance of forest.*—

(1) (i) Within the limits of any reserved or protected forests (whether in charge of the Forest or Revenue Department) or of any land in respect of which a notification under section 4 declaring that it has been decided to constitute such land a reserved forest has been issued, and within two kilometers of such limits, no person shall establish a saw pit for cutting or converting of timber or manufacture charcoal without the previous sanction in writing of the Range Forest Officer; or

(ii) Within the limits of any reserved or protected forests, or of any land referred to in clause (i) and within fifty kilometers of such limits, no person shall erect or operate any machinery or saw mill for cutting or converting of timber that includes its peeling and chipping, without obtaining a licence in that behalf.

(2) Any person desiring to establish a saw-pit or to manufacture charcoal under clause (i), or to erect or operate any machinery or saw-mill under clause (ii) of sub-rule (1) shall make an application in that behalf to the Range Forest Officer and Deputy Conservator of Forests, respectively :

Provided that, where within a period of one month from the date of the application the applicant fails to receive the sanction under clause (i) of sub-rule (1), the applicant may proceed to establish the saw-pit or to manufacture charcoal, but not so as to contravene any of the provisions of the Act or any rules made thereunder.

(3) (i) On receipt of an application under sub-rule (2) the Range Forest Officer, or as the case may be, the Deputy Conservator of Forests shall make such inquiry as he deems fit and after satisfying himself on the question whether or not there would be any objection to grant the sanction or licence applied for, having regard to safeguarding the timber in any reserved or protected forest or in any land referred to in sub-rule (1), may grant the sanction or licence in the form specified in Schedule E subject to the conditions set out therein or refuse to grant the sanction or licence :

Provided that, if the State Government is satisfied having regard to the facts and circumstances in any case or class of cases and the need for conservation of forests, that additional conditions are required to be included in any licence or class of licences, the State Government may, by order, direct that such additional conditions as may be specified in the order shall be included in the licence to be granted by the Deputy Conservator of Forests. (ii) The State Government may, for the reasons to be recorded, at any time direct the Deputy Conservator of Forests to grant new licence under this rule, in any case where it is satisfied that such grant of licence is necessary to remove the hardship to any applicant or in public interest.

(4) Every licence granted under this rule shall,—

(a) subject to the provisions contained in this rule regarding suspension or revocation, not remain valid beyond the 31st day of December next following the date of its issue, unless it is renewed;

(b) require renewal, after which the same shall remain valid till the 31st day of December next following the date of such renewal;

(c) be transferable,—

(i) by sale, mortgage, lease, exchange, gift or will;

(ii) by inheritance;

(iii) by partition or dissolution; and

(iv) by operation of law,

Subject to the condition that, description of the cutting or sawing machine shall not change, and the size and number shall not exceed the size and number mentioned in the licence as a result of such transfer :

Provided that, where the licence is transferred, the transferor or the transferee shall, on transfer of licence, forthwith inform the Deputy Conservator of Forest of such transfer in writing together with related documents of transfer and the fees

prescribed for such transfer under this rule; and the transferee shall, subject to the provisions contained in this rule regarding renewal, suspension or revocation, hold the licence for the period specified therein.

(d) The licensee may, at his option and at anytime, register name of an adult nominee in the licence who shall be responsible for the operation of saw mill in the event of his death or grave illness till such time, the transfer, subject to the condition stated in sub-clause (c) takes effect.

(e) In the event of partition, dissolution or otherwise, on the request of the licensee or as a consequence of a process of law, it shall be lawful for the Licensing Authority to split the original licence by issuing separate licences for one or more cutting or sawing machine, subject to the condition that description, size and total number of the cutting or sawing machines as mentioned in the original licence proposed to be split shall remain the same.

(5) The Deputy Conservator of Forests may, on application made to him renew the licence issued under sub-rule (3) with effect from the date of its expiry.

(6) (a) An application for renewal of a licence shall be made to the Deputy Conservator of Forests before the expiry of the validity of the licence but not earlier than one month including the date of expiry, and subject to the provisions of this rule, the licence shall be renewed by him without reasonable delay :

Provided that, failure on the part of licensee to make aforesaid application before the expiry of the validity of the licence will render him liable to be dealt with in accordance with section 68 for operating the cutting or sawing machine without a licence.

(b) After making the application for the renewal of licence before the expiry of its validity, the applicant or the licensee shall not be liable for any action unless an order is communicated to him under sub-rule (8) giving reasons in writing for refusal of the licence.

(c) No licence to erect or operate any machinery or saw mill under clause (ii) of sub-rule (1) shall be granted and no renewal of a licence issued under sub-rule (3) shall be done, unless the applicant or the licensee, as the case may be, pays the licence fee of one thousand rupees or the renewal fees at the rate of seven hundred and fifty rupees per cutting or sawing machine to be installed or installed in the saw mills. The licensee shall pay entire renewal fee in advance in one installment.

(d) No relocation of any cutting or sawing machine having a valid licence to any other location in the State shall be done except with the prior permission of the Deputy Conservator of Forests when the relocation is to be done within the Forest Division, Chief Conservator of Forests in-charge of the Circle when the relocation is within the Circle, and that of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur, when the relocation is to be done in another Circle :

Provided that, no relocation of a cutting or sawing machine shall be permitted to a place which is less than ten kilometers away from the boundary of a reserved or protected forest except where the saw mill is already located at a place which is less than ten kilometers away from the boundary of such forests and the relocation is being done within the limits of the same Municipal Corporation or Municipality, or within the limits of the same village.

*Explanation.*— For the purpose of this clause, the distance by road of nearest reserved or protected forest (other than area under lawful non-forestry use or under mangroves), measured at the time of according permission for the relocation of the saw mill, shall be taken into consideration.

(e) (i) Any person aggrieved by the decision taken under clause (d) by the Deputy Conservator of Forests may, within thirty days from the date of communication of such decision to him, appeal to the Chief Conservator of Forests and Chief Conservator of Forests shall, after giving an opportunity to the appellant and the Deputy Conservator of Forests of being heard, pass such order as he may deem fit and the same shall be final.

(ii) Any person aggrieved by the order of the Chief Conservator of Forests under clause (d) may, within thirty days from the date of communication of such decision to him, appeal to the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur, and who shall, after giving an opportunity to the appellant and the Chief Conservator of Forests of being heard, pass such order as he may deem fit, and the same shall be final.

(iii) Where Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur has taken the decision under clause (d), the person aggrieved may, within thirty days from the date of communication of the decision to him, appeal to the State Government which shall, after giving an opportunity to the appellant and the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, of being heard, pass such order as it may deem fit, and the same shall be final.

(f) Where it is shown to the satisfaction of the licensing authority that the original licence granted under sub-rule (3) has been lost, torn or defaced before the expiry of the period of such licence, a duplicate of such licence shall be granted to the licensee on payment of a fee of rupees seven hundred and fifty only.

(g) For the purposes below, the fees respectively mentioned against each of them shall be charged as follows :—

(1) for transfer of licence to another person	Rs. 3000 ;
(2) for the relocation of saw mill	Rs. 5000 ;
(3) for transfer of licence to another person together with relocation to other place	Rs. 7500.

(7) Notwithstanding anything contained in the foregoing sub-rules, the Deputy Conservator of Forests may, where he has reason to believe that a licensee is operating the saw mill in contravention of the provisions of these rules and the conditions of the licence or the licensee is indulging in activities prejudicial to the interests of forest conservancy, at any time, suspend the licence for a period not exceeding twelve months or revoke the licence granted under these rules without prejudice to any other action which may be or may have been taken under the Act or these rules for such contravention.

(8) Where a Deputy Conservator of Forests refuses to issue or renew, or suspends or revokes a licence granted under this rule, he shall do so by an order communicated to the applicant or the licensee, as the case may be, giving reasons in writing for such issuance, refusal, suspension or revocation:

Provided that, no order shall be passed without giving a reasonable opportunity to the applicant or the licensee, as the case may be, of being heard.

(9) Any person aggrieved by the order made under sub-rule (8), may, within thirty days from the date of communication of such order to him, appeal to the Chief Conservator of Forests, who shall decide the appeal after giving such person and the Deputy Conservator of Forests making the order, an opportunity of being heard and the decision of the Chief Conservator of Forests shall be final.

(10) Nothing contained in this rule shall apply,—

(a) to the ordinary operations of domestic carpentry or to carpentry units using hand saw or circular saw of not more than twelve inches diameter or any other tool which are not involved in sawing or processing of round timber exceeding twenty-five centimeters girth at the thickest part and undertake re-sawing operations of sawn timber for or without value addition;

(b) to conversion of bamboos;

(c) to secondary conversion that amounts to slicing of timber, already sawn in a saw-mill lawfully in operation under this rule, by using any tool, implement, or machine whether hand or power driven as an ancillary activity within the premises of that saw mill; or

(d) to erection or operation of any cutting or sawing machines, subject to prior intimation to the Deputy Conservator of Forests, for cutting or conversion of timber by a Department of Government of India or the State Government within the premises owned or controlled by it.

#### J. Exclusion of local areas from applicability of rules.

54. *Local areas to which rules are not applicable to be published.*— The State Government, may by notification in the *Official Gazette* exempt from the operation of the rules contained in this Chapter any local area specified in such notification.

## CHAPTER VIII

### CONVERSION OF TIMBER OF CERTAIN SPECIES

(Sections 41 and 76)

#### A. Special provisions for conversion of timber of sandalwood and timber of notified species.

55. *Cutting, conversion of sandalwood without permission prohibited.*— No cutting or fashioning of timber obtained from sandalwood trees or obtained from notified species, or conversion of the same into powder or oil or into any other form shall be done without prior permission of the Chief Conservator of Forests concerned.

56. *Mode of application for permission for conversion of sandalwood.*— An application for the grant of permission under rule 55 for conversion of sandalwood timber or that of notified species shall clearly show the source from which the sandalwood timber or the timber of notified species, as the case may be, has been derived and shall be accompanied by documents proving the applicant's title to the same.

57. *Enquiry to be made by Chief Conservator of Forests.*— On receipt of an application under rule 56, the Chief Conservator of Forests after making such inquiries as he deems necessary regarding the applicant's title to the sandalwood timber or the timber of notified species, as the case may be, shall, issue necessary permission if the timber is found to be belonging to the applicant.

58. *Conditions to be observed by applicant.*— The applicant shall be bound by the conditions contained in the permit issued under rule 57. Such permit shall specify *inter alia* the quantity of sandalwood or the timber of notified species to be converted, the name of the place or places where and the period within which the conversion shall be carried out.

59. *Private property marks to be registered by dealers in sandalwood and timber of other notified species.*— Dealers in sandalwood or in timber of any notified species who desire to sell the timber in wholesale or retail shall get private property marks registered as provided in the rules contained in Chapter VII.

60. *Return of permit.*— On expiry of the period entered in the permit issued under rules 57, it shall be returned to the Chief Conservator of Forests.

#### B. Conversion of timber other than sandalwood and that of notified species in saw-pits.

61. *Mode of application for conversion of timber other than sandalwood and timber of notified species.*— If the timber obtained from trees other than sandalwood and notified species is sought to be converted at a place to which the provisions of rule 53 are applicable, the applicant shall apply in writing for permission to the Range Forest Officer concerned, giving him the particulars as to the place, time and quantity of timber sought to be converted and such other particulars as may be required by that officer.

62. *Enquires to be made by Range Forest Officer and issue of sawing permit.*— On receipt of an application under rule 61, the Range Forest Officer shall make such enquiry regarding the timber to be converted and the place where the saw-pit is to be erected and on satisfying himself as to the source and ownership of the timber to be converted is not illegally obtained from the forests, he shall issue a sawing permit to the applicant.

63. *Conditions to be observed by applicant.*— The applicant on receipt of the sawing permit shall be bound by the conditions contained therein. Such permit shall specify *inter alia* the quantity of timber to be sawn, name of the applicant to whom the permit is given, the place where the saw-pit is to be erected and the period within which the timber is to be converted.

64. *Return of sawing permit.*— On expiry of the period entered in the sawing permit issued under rule 62 the applicant shall return the same to the Range Forest Officer.

*Explanation.*— In this Chapter the term "notified species" refers to the same species that are notified under rule 37 by the State Government.

## CHAPTER IX

## DRIFT AND STRANDED TIMBER

(Section 51)

65. *Collection of drift and stranded timber and disposal thereafter.*— (1) Any person may collect timber of any of the descriptions set forth in section 45 and, pending the bringing of the same to the proper depot for the reception of drift-timber, may keep the same in his own custody, but he shall report his having done so within twenty four hours to the nearest Forest-officer.

(2) The Forest-officer in charge of the range in which the timber has been found shall, pending completion of the proceedings under sections 45 to 47, take possession of the timber and unless in his opinion the probable proceeds of the sale of timber are not likely to exceed the cost incurred on collecting it together with the probable cost of conveying it to a depot appointed for the reception of drift timber, he shall convey the timber to such depot.

66. *Registration of boats for salvaging and collecting timber.*— Any person may register in the office of the Chief Conservator of Forests one or more boats for use in salvaging and collecting timber on payment of a fee of one hundred rupees for each boat. Such registration shall hold good for the period of one year only but may be renewed from year to year.

67. *Person collecting timber entitled to recompense.*— Every person whether a Forest-officer or not, who collects such timber, shall, regard being had to the amount spent and efforts made by him for such collection be entitled to receive a recompense,—

(1) not exceeding 50 per cent. of the amount realized by the Government by sale of such timber after deducting the cost, if any, incurred by the Government for such sale and for storage, if the timber collected proves to be the Government property; and

(2) not exceeding 50 per cent. of the estimated value, if the timber collected proves to be the property of any person other than the Government.

The amount of such recompense and estimated value shall be determined and paid,—

(a) where such amount does not exceed fifty thousand rupees by such officer, not below the rank of a Deputy Conservator of Forests, as the State Government may authorize in this behalf, and

(b) in any other case, by the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State.

68. *When collected timber belongs to private person such persons to pay all costs.*— If the timber collected shall be proved to be the property of any person other than the State Government, such person shall be liable to pay to the State Government under section 50 of the Act the following amounts that is to say :—

(1) on account of salvaging and collecting, the actual amount of recompense paid to the person who collected it;

(2) on account of moving, the actual cost incurred in moving it to the depot for the reception of drift timber;

(3) on account of storing, such fees as shall, from time to time be fixed by the Chief Conservator of Forests with the prior sanction of the Principal Chief Conservator of Forests (Head of Forest Force) for the storing of timber at such depot.

69. *No person other than authorized Forest-officer to mark timber.*— No person other than Forest-officer authorized in this behalf by the Chief Conservator of Forests shall mark any timber to which the rules in this Chapter apply.

## CHAPTER X

### POWERS AND DUTIES OF FOREST OFFICER AND REVENUE OFFICER.

[Section 76 (a)]

70. *Principal Chief Conservator of Forests (Head of Forest Force), his powers and duties.*—  
(1) The Principal Chief Conservator of Forests (Head of Forest Force) shall be the head of the Forest Department and the technical advisor to the State Government in all matters relating to forest and Wild Life.

(2) He is empowered to deal on his own authority with technical questions such as the operation of sanctioned working plans, fire protection and silvicultural operations generally, and with matters regarding which powers have been specifically delegated to him.

(3) In regard to all technical and professional matters he will be the controlling authority over the Principal Chief Conservators of Forests, Additional Principal Chief Conservators of Forests, and Chief Conservators of Forests and he shall be an advisor on policy matters for the State Government and provider of guidance on forestry matters to the Divisional Commissioners, as the case may be.

71. *Powers of Chief Conservator of Forests.*— Subject to various provisions of these rules and subject to the instructions issued by the Principal Chief Conservator of Forests (Head of Forest Force) from time to time, each Chief Conservator of Forests in his own Circle shall be responsible for directing all technical forestry operations.

72. *Chief Conservators of Forests to control Forests-officers.*— Except in so far as is otherwise contained in the orders of the State Government, the departmental control over all Forests-officers in a Circle vests in the Chief Conservators of Forests of that Circle subject to the control of the Principal Chief Conservator of Forests (Head of Forest Force).

73. *Procedure regarding departmental communications.*— In matters relating to departmental finance or to appointment, transfer or leave of establishment, and those mentioned in rule 70, as matters to be dealt with by the Principal Chief Conservator of Forests (Head of Forest Force) on his own authority, the Chief Conservators of Forests shall address all communications to the Principal Chief Conservator of Forests (Head of Forest Force).

74. *Deputy Conservator of Forests.*— All Assistant Conservators of Forests and subordinate personnel shall, in all administrative and technical matters, work under the Deputy Conservator of Forests subject to the general power of control vested in the Chief Conservator of Forests and the Principal Chief Conservator of Forests (Head of Forest Force).

75. *Powers of Collector and Deputy Conservator of Forests regarding local supply, public rights, pastures, etc.*— (1) In all matter relating to supply of forest-produce including grass for the domestic and agricultural requirements of the villagers, grazing and the rights and privileges of the people in or in respect of forests, orders shall be issued by the Deputy Conservator of Forests in consultation with the Collector concerned.

(2) The management and control of the pastures and fodder reserves handed over to the Revenue Department vests exclusively in the Collector subject to the orders of the Divisional Commissioner and of the State Government. In this respect, the Chief Conservator of Forests and the Deputy Conservator of Forests are to act in the capacity of consultative officers advising and giving their opinions on all questions of a technical character that may be referred to them by any of the said authorities.

76. *Forest compartment not to be closed except under the orders of the Collector.*— No forest compartment shall be closed for planting or reboisement or for punitive purposes, except under the order or with the approval of the Collector concerned.

This rule shall not apply to the closure in accordance with the provisions of a Working Plan in respect of such compartments where no rights exist.

77. *Certain cases to be informed to Collector.*— Subject to any instructions which may be given by the Government in this behalf, the Collector shall be kept informed by the Deputy Conservator of Forests on following subjects as and when necessary :—

- (i) Sanction of Working Plans,
- (ii) Forest settlements,
- (iii) Constitution of Reserve Forests and Protected Forests,
- (iv) Rights and privileges and fixation of grazing fees,
- (v) Closure of forest areas in respect of grazing or other privileges,
- (vi) Annual Administration Report,
- (vii) Recovery of forest revenue or outstanding under section 82, and of penalties due under bond under section 85 of the Act,
- (viii) Supply of fire-arms,
- (ix) Civil suits,
- (x) Thefts of Government money,
- (xi) Assistance of Police and Revenue officers in enforcing the provisions of the Act.

78. *Order of Forest-officer to village-officer to be ordinarily sent through Tahsildar.*— Orders by Forest-officers to village-officer shall ordinarily be sent through the Tahsildar to whom the village-officers are subordinate. In case of exigency, the orders may be sent directly to the village-officer and the copy of the same may be sent to the Tahsildar concerned.

79. *Forest guards not to leave beat for report to Revenue or police officer.*— No revenue or police officer shall call a forest guard off his beat, nor shall a forest guard leave his beat in order to report himself to such officer.

80. *Action to be taken when felling of a compartment is delayed beyond due time.*— (1) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would, according to regular rotation, be due, the Deputy Conservator of Forests shall, subject to the orders of the Chief Conservator of Forests and the Principal Chief Conservator of Forests (Head of Forest Force) as regards deviations from sanctioned Working Plans, and in consultation with the Collector when necessary under rule 75, make arrangements for meeting the requirements of villagers in the locality.

(2) For such purpose the villagers may, if necessary, and if no other arrangement is practicable, be permitted to enter the compartment the felling whereof has been so delayed and lop for themselves under the supervision of a forest subordinate appointed for the purpose by the Deputy Conservator of Forests, the material to which, they would have been entitled to under normal circumstances.

## CHAPTER XI

### CONTACTS

[(Sections 76 (d) and 85)]

81. *Persons entering into contract with Forest-officers execute written instrument to perform contract and to pay expenses in case of breach.*— Whoever enters into any contract with any Forest-officer acting on behalf of the Governor of Maharashtra, shall, if so required by such Forest-officer, bind himself by a written instrument to perform such contract and to pay to such Forest-officer acting on behalf of the Governor of Maharashtra the expenses necessary for or incurred in the execution of any work or thing to be done which he has bound himself but has failed to do.

*Explanation.*— A person, who makes a written tender for a contract, or who signs the conditions of an auction sale at which he is a bidder, such tender or conditions of sale being on or in a form furnished by a Forest-officer for that purpose, whereby he—

(a) binds himself to perform the contract for which he tenders or bids, in the event of his tender or bid being accepted, or

(b) binds himself not to withdraw his tender or bid during the time that may lapse before its acceptance or refusal is communicated to him, shall be deemed to have been required by such Forest-officer to bind himself as aforesaid, and

(i) in case (a), on the acceptance of his tender or bid, or

(ii) in case (b), on the making of his tender or bid,

to have bound himself accordingly, within the meaning of this rule and any such person need not enter into a separate written instrument, for the purpose, unless specially so required by the Forest-officer with whom he contracts.

## CHAPTER XII

### PENALTIES AND REWARDS

[Sections 42, 51 and 76 (b)]

82. *Penalties for breach of certain rules.*— (1) Whoever contravenes the provisions of rules 10, 31, 35, 36 (3) to (7), 37, 40, 41, 45 to 47, 49, 50 (2), 51, 53, 58, 60, 61, 63 to 65 or 69 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

(2) The penalties double of those mentioned in sub-rule (1) may be inflicted in cases, as may be applicable, where the offence is committed after sunset and before sunrise and also in cases where it is committed after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence.

83. *Rewards out of fines and confiscations.*— A Chief Conservator of Forests or a Deputy Conservator of Forests empowered by the Chief Conservator of Forests in this behalf, and in the case of reserved or protected forests under the management of the Revenue Department, the Collector of the district may authorize payment by way of reward of such sum as he deems fit out of the fund recovered or the proceeds of property confiscated under the Act, to any person by whose assistance the conviction was obtained or the property liable to confiscation discovered :

Provided that, except in any case where the Magistrate otherwise directs, the aggregate amount of rewards paid under this rule shall not exceed one-half of the net proceeds of the fine or confiscation.

84. *Saving.*—Subject to provisions contained in these rules regarding suspension or revocation, the saw mill licenses renewed under the previous Rules superseded by these rules, shall continue to remain legally valid for the period they have been already renewed.

**SCHEDULE A**

[See rule 10(4)]

**Maharashtra Forest Department****PASS BOOK OF RIGHTS OR PRIVILEGES\*****In Reserved Forests**

Passport size photo duly attested by Chairman or Secretary of Joint Forest Management Committee.
---

Pass Book No:—

Name of Forest Division :—

District :—

Name of the Right Holder :—

Taluka :—

(alongwith spouse if any)

Village :—

Right holder's ID No :—

Village Panchayat :—

Sr. No.	Compartment Number or Survey Number or Gat Number or in which Rights allowed	Type of forest-produce permitted to be collected and removed annually	Quantity or Number annually permitted	Date of collection	Quantity or Number collected from the forest area	Balance (4-6)	Initials of the authorized forest officer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

1. Above form shall be filled on the basis of the rights continued under clause (c) of sub-section (2) of section 15 of the Indian Forest Act, 1927 or confirmed in Annexure-III under rule 8 (b) with regard to title to Community Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Rules, 2007 or under any other law or privileges granted by the State Government. The exercise of these rights shall be subject to the conditions specified.

2. A copy of this Pass-Book shall be maintained as a register in the Division Office and shall be updated regularly.]

\* Strike off which is not applicable.

**SCHEDULE B**

[See rule 10(5)]

**Maharashtra Forest Department  
Permit to exercise Rights or Privileges\*  
In Reserved Forests.**

Name of Division :—

Name of Range :—

<b>(Forest Department Copy)</b> <b>[Rights or Privilege to be exercised subject to Rule 10]</b> <b>Name of the Right or Privilege holder :—</b> <b>ID No :—</b>				
Sr. No.	Compartment No. or Survey Number or Gat Number	Type of forest- produce allowed under this permit	Quantity or Number	Date
(1)	(2)	(3)	(4)	(5)
----- CUT HERE -----				
<b>(Right or Privilege holder's copy of permit)</b> <b>[Right or Privilege to be exercised subject to rule 10]</b> <b>Name of the Right or Privilege holder :—</b> <b>ID No :-</b>				
Sr. No.	Compartment No. or Survey Number or Gat Number	Type of forest- produce allowed under this permit	Quantity or Number	Date
(1)	(2)	(3)	(4)	(6)

Signature or Thumb impression  
of the Right or privilege holder

Signature of issuing.  
Forest-officer.

\* Strike off which is not applicable.

**SCHEDULE C**

[See rule 10(8)]

**(To be kept in Division Office)  
Maharashtra Forest Department  
Register of Rights or Privileges\*  
in Reserved Forests.**

Name of Division :—

Name of District:—

Name of Range :—

Name of Taluka:—

Name of Village:—

Name of Village Panchayat :—

Sr. No.	Right holder's ID Code	Name of Right holder alongwith name of father or spouse	Schedule Caste or Schedule Tribes, other Traditional Forest Dwellers or others	Nature of Rights	Survey Number or Gat Number or Compartment Number on which rights to be exercised (alongwith description of Boundaries)	Quantity annually permitted	Condition (if any)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

1. Separate registers shall be maintained for Rights as well as Privileges.
2. Updating of this statement shall be done at least once in a year.

\*Strike off which is not applicable

**SCHEDULE D**

(See rule 19)

**Part-I**

Statement showing the species for the entire State of Maharashtra.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Am, Amba, Mango	<i>Mangifera indica</i>
2	Kowha, Arjun Sadada	<i>Terminalia arjuna</i>
3	Awala, Awali, Aвали	<i>Phyllanthus emblica</i>
4	Ain, Sadada, Saja	<i>Terminalia alata</i>
5	Bel	<i>Aegle marmelos</i>
6	Bijasal, Bija	<i>Pterocarpus marsupium</i>
7	Bhokar, Shelute, Lascra	<i>Cordia myxa</i>
8	Chandan, Sandal wood	<i>Santalum album</i>
9	Ghont, Ghatbor	<i>Zizyphus xylopyra</i>
10	Haldu, Hed	<i>Haldina cordifolia</i>
11	Karra, Hirda	<i>Terminalia chebula</i>
12	Khair	<i>Acacia catechu</i>
13	Karanji, Keranj	<i>Pongamia pinnata</i>
14	Kawit (Kaith), Kavath	<i>Feronia elephantum.</i>
15	Moh, Mowhva, Moha	<i>Madhuca latifolia</i>
16	Palas	<i>Butea frondosa (syn. Butea monosperma)</i>
17	Sag, Sagwan (Toak)	<i>Tectona grandis</i>
18	Shisham (Rosewood)	<i>Dalbergia latifolia</i>
19	Sindi, Shindhi	<i>Phoenix sylvestris</i>
20	Khamar (Sewan), Shivan	<i>Gmelina arborea</i>
21	Dumer, Umbar	<i>Ficus recemosa</i>
22	Barbanyan, Vad	<i>Ficus bengalensis</i>
23	Gindol, Kulu, Kandol, Kadai	<i>Sterculia urens</i>
24	Surya, Jambha	<i>Xylia xylocarpa</i>

**Part-II**

Statement showing the species common to Vidarbha and Konkan regions.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Behera, Behada	<i>Terminalia bellirica</i>
2	Bhilawa, Biba	<i>Semicarpus anacardium</i>
3	Jamun, Jambhul	<i>Syzygium cumini</i>
4	Kueum (Koshimb)	<i>Schleichera oleosa</i>
5	Tinsa, Tiwas	<i>Ougeinia delbergioides</i> Syn. <i>Ougeinia oojensis</i>

## Part-III

Statement showing the species common to Vidarbha and Western Maharashtra regions including Marathwada region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Anjan	Hardwickia binata
2	Neeem	Azadirachta indica
3	Pipal, Pempal	Ficus religiosa
4	Sitaphal	Annona squamosa
5	Tendu	Diospyros melanoxylon

## Part-IV

Statement showing the species common to Konkan and Western Maharashtra regions including Marathwada region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Bamboo	Dendrocalamus strictus
2	Behada	Terminalia bellerica
3	Bor	Ziziphus jujuba Syn. mauritiana
4	Char, Charoli	Buchanania lanzan
5	Chinch	Tamarindus indica
6	Dhaman	Grevia tiliaefolia
7	Dhavda	Anogeissus latifolia
8	Dikemali	Gardenia lucida
9	Kalam, Kalamb	Mitragyna parviflora
10	Pandhara khair, Kanti, Khair (son/ pandhara)	Acacia feruginea
11	Sawar	Bombax malabarica/ ceiba Syn. Salmalia malabarica.

## Part-V

Statement showing the species exclusively in Vidarbha region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Achar, Char	Buchanania lanzan
2	Babul	Acacia arabica
3	Bamboos	
4	Bhirra	Chlorexylon swietenia
5	Imali	Tamarindus indica
6	Kadam	Anthocephalus cadamba
7	Palms	
8	Rohan	Soymida fabrifuga
9	Semal	Bombax malabaricum
10	Toon	Cedrela toona

Part-VI

Statement showing the species exclusively in Konkan region.

Sr. No. (1)	Local name (2)	Botanical name (3)
1	Ashi, Ai	Moringa tinctoria
2	Apta	Bauhinia racemosa
3	Asana	Bridelia retusa
4	Bhor-Jambul	Ammania baccifera
5	Bava, Bhava	Cassia fistula
6	Chera	Erinocarpus nimmogaus
7	Fanas	Artocarpus integrifolia.
8	Kaju	Anacardium occidentale
9	Kharsing	Stereospermum xylocarpum
10	Khavas	Sterculia colorata
11	Kokam, Ratambi	Garcinia indica
12	Kura	Ixora parviflora (Syn. Ixora arborea)
13	Lokhandi	Ixora nigricans
14	Mangrove species locally known as <i>kharfuti</i> or <i>khazan</i> or <i>Tiwar</i> or <i>Kandal</i>	(i) Acanthus ilicifolius- Shore purslane (ii) Acrostichum aureum-Mangrove fern (iii) Aegiceras corniculatum- River mangrove. (iv) Avicennia marina- Grey mangrove (v) Avicennia officinalis -Grey mangrove (vi) Bruguiera cylindrica -Orange mangrove (vii) Bruguiera gymnorrhiza -Broad leaf-orange mangrove (viii) Ceriops tagal -Spur mangrove (ix) Cynometra iripa -Wrinkled Pod mangrove (x) Dolichandrone spathacea -Mangrove Trumpet Tree (xi) Excoecaria agallocha-Milky mangrove (xii) Heritiera littoralis -Looking Grass mangrove (xiii) Kandelia candel (xiv) Lumnitzera racemosa (xv) Rhizophora apiculata -Red mangrove (xvi) Rhizophora mucronata- Red mangrove (xvii) Sonneratia alba -Mangrove apple (xviii) Sonneratia apetala -Mangrove Apple (xix) Sonneratia caseolaris (xx) Xylocarpus granatum -Cannonball mangrove.
15	Mokha	Schrebera swietenoides
16	Nana	Lagerstroemia microcarpa

(1)	(2)	(3)
17	Nandruk	<i>Ficus retusa</i>
18	Pangara	<i>Erythrina indica</i>
19	Phasi	Syn. <i>Murraya paniculata</i>
20	Raktarohida	<i>Dalbergia paniculata</i>
21	Ritha	<i>Maba nigrescens</i>
22	Shemal	<i>Sapindus emarginata</i>
23	Shenkhair	<i>Odina wodier</i> Syn. <i>Lannea coromandelica</i>
24	Shendri or Kamala	<i>Acacia siamia</i> Syn. <i>Linnea coromandelica</i>
25	Tembhurni, Tendu	<i>Melilotus philippinensis</i>
26	Tetu	<i>Diospyros melanoxylon</i>
27	Toddy plant	<i>Oroxylum indicum</i> <i>Bcrasus flabellifer</i>

## Part-VII

Statement showing the species exclusively in Western Maharashtra including Marathwada region.

Sr. No.	Local name	Botanical name
(1)	(2)	(3)
1	Bhendi	<i>Thespesia populanea</i>
2	Gorakh chinch	<i>Adansonia digitata</i>
3	Hingan	<i>Balanites roxburghii</i>
4	Hiwar	<i>Acacia leucophloea</i>
5	Kashid	<i>Cassia siamea</i>
6	Kajarba, nirmali	<i>Strychnos potatorum</i>
7	Kanchan	<i>Bauhinia malabarica</i>
8	Khair (lal)	<i>Acacia chundra</i>
9	Kinhi	<i>Albizia procera</i>
10	Kumbha	<i>Careya arborea</i>
11	Lokhandi	<i>Ixora nigricans</i>
12	Medsing	<i>Dolichandrone falcata</i>
13	Maharukh	<i>Ailanthus excelsa</i>
14	Murmati	<i>Acacia emburnea</i>
15	Pangara, Mandar	<i>Erythrina indica</i>
16	Ritha	<i>Sapindus smarginata</i>
17	Salai	<i>Boswellia serrata</i>
18	Shammi, Soundal	<i>Prosopis spicigera</i>
19	Vedi Babhul	<i>Prosopis juliflora</i>

**SCHEDULE 'E'**

(See Rule 53 of the Maharashtra Forest Rules, 2014)



License No. : .....

ID No. : .....

**LICENCE TO ERECT OR OPERATE MACHINERY OR SAW MILL FOR CUTTING OR CONVERTING TIMBER**

License is hereby granted to Shri / Smt. ....

(Full name in BLOCK LETTERS)

son / daughter / wife\* of .....

proprietor/partner/director/karta of HUF\* of .....

..... resident of

(write full residential address) .....

.....  
.....  
(hereinafter referred to as licensee) to erect machinery or operate saw mill for cutting and converting of timber at following address :—

(a) Address of the saw mill.—

(i) Name of the saw mill .....

(ii) Plot number or survey Number .....

(iii) Name of locality .....

(iv) Name of city / town / village .....

(v) Taluka and District with PIN Code .....

(vi) Telephone Nos. : Land line ..... Mobile .....

(b) The saw mill is surrounded by :

(i) To the East .....

(ii) To the West .....

(iii) To the South .....

(iv) To the North .....

\* Strike off which is not applicable

subject to the conditions as follows :—

*Conditions*

1. This license shall remain in force for the period commencing on ..... and ending on the .....
2. The licensee may erect and operate machinery of the following description required for cutting or converting of timber in the saw mill :

Sr. No.	Description of machine (kind of saw i.e. horizontal, vertical, circular, other machinery)	Size	Number
(1)	(2)	(3)	(4)

3. The licensee shall not alter the location of the saw mill without obtaining the prior written permission of the Deputy Conservator of Forest concerned.
4. The licensee shall maintain such registers and submit such periodical returns as may be directed by the Deputy Conservator of Forest within whose jurisdiction the saw mill is located.
5. The licensee shall ensure that —
  - (a) the site of the saw mill including the yards for storage of round timber, sawn timber and waste wood is enclosed within a fence with proper gates.
  - (b) all the round timber, sawn timber and wood waste is properly stacked according to the instructions that may be issued from time to time by the supervisory staff so as to facilitate verification.
  - (c) timber for sawing or conversion is not accepted unless it bears property mark and is covered by a forest transit pass or other documentary evidence such as a cash receipt, tax invoice etc.
  - (d) timber which does not conform to the requirement of clause (c) is not accepted for conversion and intimation in respect of such timber is forthwith given to the supervisory Forest Guard or the nearest Forest-officer.
  - (e) the saw mill as well as the timber stored within the premises of the saw mill shall remain available for inspection at all times by any officer of the Forest Department or by any member of the supervisory staff appointed for this purpose.
  - (f) the license and the registers maintained under condition 4 above are produced for inspection on demand by any authority aforesaid.

(g) the saw mill shall not be operated between sunset and sunrise without a valid written permission from the Licensing Authority. However, in case the saw mill licensee feels that the saw mill is required to be operated during this period in order to complete customer's urgent work or for any other reason, then he shall apply in advance in writing to the Licensing Authority and obtain his advance written permission. He shall also note the time and date of operating the saw mill during the said period in the Remarks Column of the Register to be maintained in the saw mill :

Provided that, for the saw mills situated within the limits of any Municipal Corporation or Municipality, it will be sufficient for the licensee to give advance information to the concerned Range Forest Officer and the Licensing Authority in respect of the dates and the timings during which he intends to operate the saw mill between sunset and sunrise.

6. The licence shall be transferable in terms of the provisions contained in clause (c) of sub-rule (4) of rule 53 of Maharashtra Forest Rules, 2014.

Dated : .....  
Place : .....



(Name and signature)  
Deputy Conservator of Forest  
..... Forest Division.

Name, age, address and Telephone No. of the nominee of licensee, if any,

Dated : .....  
Place : .....

(Name and signature)  
Deputy Conservator of Forest  
..... Forest Division.

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

**SANJEEV GAUR,**  
Joint Secretary to Government

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सत्यमेव जयते

GOVERNMENT OF MAHARASHTRA  
LAW AND JUDICIARY DEPARTMENT

# MAHARASHTRA ACT No. XXXIV OF 1964

## THE MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

*(As modified upto the 17th June 2013)*



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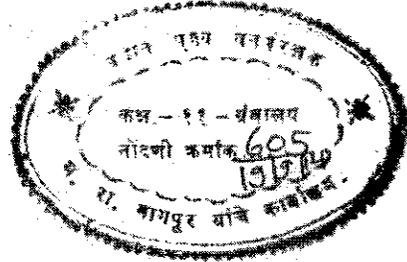
THE MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

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SCHEDULE.



MAHARASHTRA ACT No: XXXIV OF 1964,<sup>1</sup>

[THE MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964]

(This Act received the assent of the Governor on the 4th September 1964; assent was first published in the Maharashtra Government Gazette, Part-IV, on the 7th September 1964.)

Amended by Mah. 31 of 1967 (11-12-1967)\* Amended by Mah. 17 of 1987 (21-07-1987)\*

Amended by Mah. 19 of 1969 (14-04-1969)\* Amended by Mah. 26 of 1989 (07-08-1989)\*

Amended by Mah. 35 of 1999 (14-06-1999)\*.

An Act to make better provision for regulating the felling of certain trees in the State of Maharashtra, for the purpose of the preservation thereof.

WHEREAS, it is expedient to make better provision for regulating the felling of certain trees in the State of Maharashtra, for the purpose of the preservation thereof, and for the protection of the soil against erosion and to provide for matters connected therewith; It is hereby enacted in the Fifteenth Year of the Republic of India as follows, namely :—

1. (1) This Act may be called the Maharashtra Felling of Trees (Regulation) Act, 1964.

Short title and extent.

(2) It extends to the whole of the State of Maharashtra but excluding an urban area.

2. In this Act, unless the context otherwise requires,—

Definition.

<sup>2</sup>[(a-1) "artificial plantation" means planting of minimum 100 seedlings of tree species per hectare through artificial means or by human agency on any land not being the property of Government;]

Mah.  
XLI  
of  
1966.  
XVI  
of  
1927.

<sup>3</sup>[(a) "Code" means the Maharashtra Land Revenue Code, 1966;]

<sup>3</sup>[(b) "Collector" includes a Revenue Officer appointed by the State Government to exercise the powers and perform the functions of the Collector under this Act;]

<sup>3</sup>[(c) "Forest-Officer" means a Forest Officer within the meaning of the Indian Forest Act, 1927;]

<sup>4</sup>[

\* \* \* \* \*

(d) "Revenue Officer" means a Revenue Officer within the meaning of the <sup>3</sup>[Code];

(e) "to fell a tree" includes burning or cutting or lopping a tree to cause substantial damage or destruction thereto;

(f) "tree" means any tree specified in the Schedule; and the State Government may, by notification in the *Official Gazette*, add to or modify the Schedule, after considering the necessity for the protection of any variety of trees; and the provisions of subsection (2) of section 15 in so far as they relate to laying before, and modification by the State Legislature shall apply in relation to such notification as they apply in relation to any rule made under that section;

<sup>4</sup>[(f) "Tree Officer" means a 'Forest Officer' not below the rank of a Range Forest Officer;]

1. For Statement of Objects and Reasons, see *Maharashtra Government Gazette* 1964, Part V, p. 197.

\*This indicates the date of commencement of Act.

2. Clause (a-1) was inserted by Mah 35 of 1999, s. 2.

3. Clauses (a) and (b) were re-lettered as clauses (b) and (c) and before clause (b) as so re-lettered clause (a) was inserted by Mah. 17 of 1987, s. 2 (a).

4. Existing clause (c) was deleted, *ibid.*, s. 2 (b).

5. This word was substituted for the words "relevant Code", *ibid.*, s. 2 (c).

6. Clause (f) was inserted by Mah. 26 of 1989, s. 2.

(g) "Urban area" means the area within the limits of a municipality, municipal corporation, Municipal Committee, Town Committee, or notified area committee, or Cantonment constituted under any law for the time being in force; and includes a local area which is specified by the State Government in the *Official Gazette*, being an area which has a population of not less than five thousand and has not less than three-fourths of male workers engaged in non-agricultural pursuits;

(h) words and expressions used but not defined in this Act shall have the meanings, respectively, assigned to them in the <sup>1</sup>[Code.]

Restriction on felling of trees. 3. (1) Notwithstanding any custom, usage, or law for the time being in force, or the decree or order of a Court, or anything contained in any instrument to the contrary, no person shall fell any tree or cause such tree to be felled in any land, whether of his ownership or otherwise, except with the previous permission in writing of a <sup>2</sup>[Tree Officer] duly empowered by the State Government in that behalf <sup>3\*</sup>

<sup>4</sup>[(A) If any person wishes to fell a tree, he shall apply in writing to the <sup>5</sup>[Tree Officer] empowered under sub-section (1) for permission in that behalf.

(1B) The <sup>6</sup>[Tree Officer] on receipt of an application—

(a) shall acknowledge the application within seven days;

(b) may, after due enquiry, either grant or refuse the permission, applied for in accordance with the provisions of rules made under section 15 :

Provided that, no such permission shall be refused if the tree is dead, diseased or windfallen, or if it has silviculturally matured, <sup>7</sup>[or if it constitutes obstruction to traffic, or if it is substantially damaged or destroyed by fire, lightning, rain, or other natural causes,] or if it constitutes an obstruction to efficient cultivation :

<sup>8</sup>[Provided further that such permission shall be granted subject to the condition that the applicant shall plant equal number of trees of the same or any other species as the Tree Officer may direct on the same site or other suitable place in the vicinity in the ensuing planting season;]

<sup>9</sup>[(1Ba) Notwithstanding anything contained in sub-section (1B), but subject to the rules made under section 15 in this behalf, the Tree Officer shall not refuse the application made under sub-section (1A) for carrying out silvicultural operations like thinning or felling of trees scientifically for optimum growth of an artificial plantation.]

(1C) If the <sup>10</sup>[Tree Officer] fails to inform that applicant of his decision within <sup>9</sup>[sixty days] from the date of acknowledgement of the application, or from the date of receipt of the application, if the application is not acknowledged, the permission applied for shall be deemed to have been granted.]

(2) Any person aggrieved by an order of the <sup>11</sup>[Tree Officer] refusing to grant permission under <sup>10</sup>[sub-section (1B)] may, within thirty days of the receipt of such order, appeal to the Collector. Subject to such rules of procedure as may be prescribed, the Collector may, after giving such person a reasonable opportunity of being heard, pass such order on the appeal as he thinks just and proper.

1 This word was substituted for the words "relevant Code" by Mah. 17 of 1987, s. 2 (d).

2 These words were substituted for the words "Revenue Officer not below the rank of a Deputy Collector" by Mah. 26 of 1989, s. 3 (a).

3 The portion beginning with the words "and in accordance with the provisions of rules" and ending with the words "or if it constitutes an obstruction to efficient cultivation" was deleted by Mah. 31 of 1967, s. 2 (a).

4 Clauses (1A) to (1C) were inserted *ibid.*, s. 2 (b).

5 These words were substituted for words "Revenue Officer" by Mah. 26 of 1989, s. 3 (b), (c) (i), (d) (i) and (e) (i) respectively.

6 These words were inserted, *ibid.*, s. 3 (c) (ii).

7 The proviso was added, *ibid.*, s. 3 (c) (iii).

8 This sub-section was inserted by Mah. 35 of 1999, s. 3.

9 These words were substituted for the words "ninety days" by Mah. 26 of 1989, s. 3 (d) (ii).

10 These words, brackets, figures and letter were substituted for the words, brackets and figures "sub-section (1)", *ibid.*, 3 (e) (i).

<sup>1</sup>3A. (1) If in the opinion of the Tree Officer the number of trees in any land (other than the land falling in any permanent drought-prone area identified by the State Government) is not adequate according to the standards prescribed by rules made under section 15, the Tree Officer may, by order, after giving a reasonable opportunity to the owner or occupier of the land of being heard, require him to plant such trees or additional trees, as the case may be, at such places in the land as may be specified in the order; and the owner or occupier of the land shall comply with the order by planting such trees or additional trees in the ensuing planting season.

Power of Tree Officer to order planting of trees.

<sup>2</sup>[Provided that, nothing in sub-section (1) shall apply to an artificial plantation.]

(2) It shall be the duty of the owner or occupier of the land who is required by an order made under sub-section (1) to plant a tree or trees to ensure that they grow properly and are well preserved.

(3) Where the owner or occupier fails to comply with an order made under sub-section (1) the Tree Officer may, after giving a reasonable opportunity to such owner or occupier of making representation and without prejudice to any other action which may be taken against the defaulter under this Act take necessary action himself and recover the expenditure incurred therefor from the owner or occupier, as the case may be, after giving a notice of demand for the amount payable by him. If the amount is not paid within the time specified by the Tree Officer in the notice, it shall be recovered along with interest at six per cent per annum and other incidental expenses, if any.]

4. Any person who, <sup>3</sup>[without permission being granted or deemed to have been granted] to fell any tree, fells any such tree or causes it to be felled, shall be liable to such penalty not exceeding one thousand rupees as the <sup>4</sup>[Tree Officer] empowered under section 3 may, after holding an enquiry and giving such person an opportunity of being heard, deem fit to impose; and the <sup>5</sup>[Tree Officer] may further order that any such tree so felled (which is not the property of Government) shall be forfeited to the State Government <sup>6</sup>[along with the tools, boats, vehicles or other conveyances used in felling and removing any such tree.]

Penalty for felling trees in contravention of section 3.

5. (1) Every Revenue Officer, Forest Officer and Police Officer shall be bound—

(a) to give immediate information of any contravention of section 3 to the officer empowered under that section and of the intention or preparation to commit such contravention which may come to his knowledge;

(b) to take all reasonable measures in his power to prevent such contravention which he may know or have reason to believe is about or likely to be committed.

Contravention of section 3 to be reported by certain officers.

(2) Any Revenue Officer, not below the rank of an Aval Karkun or Naib-Tahsildar, Forest Officer not below the rank of a Range Forest Officer and Police Officer not below the rank of a Sub-Inspector may enter upon any land, where he has reason to believe that any tree has been or is being felled, in contravention of section 3 and seize such felled tree or any loppings thereof, together with its produce and tools, boats, <sup>7</sup>[vehicles and other conveyances] used in committing such contravention, place on such property a mark indicating that the same has been so seized and shall make a report of such seizure to the <sup>8</sup>[Tree Officer empowered] under section 3.

(3) Where any property is seized under sub-section (2), the officer seizing it, shall keep the property in his own custody, or in the custody of any of his subordinates, and shall be responsible for the due custody thereof:

<sup>1</sup> This section was inserted by Mah. 26 of 1989, s. 4.

<sup>2</sup> This proviso was added by Mah. 35 of 1999, s. 4.

<sup>3</sup> These words were substituted for the words "without obtaining permission" by Mah. 31 of 1967, s. 3.

<sup>4</sup> These words were substituted for words "Revenue Officer" by Mah. 26 of 1989, s. 5 (a).

<sup>5</sup> These words were added, *ibid.*, s. 5 (b).

<sup>6</sup> These words were substituted for the words "vehicle or cattle" *ibid.*, s. 6 (a) (i).

<sup>7</sup> These words were substituted for the words "Revenue Officer empowered", *ibid.*, s. 6 (a) (ii).

Provided that, where the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the officer seizing it may sell it at once :

Provided further that, where such property cannot conveniently be removed, the officer seizing it may, at the instance of the person interested in the property, leave it at the place where it has been seized in the charge of the person interested in the property or in the charge of any respectable person as will undertake to keep such property on his entering into a bond with one or more sureties in an amount not less than the value of the property, that he will take proper care of such property, and produce it when called for.

(4) If the property so seized is not ordered to be forfeited to the State Government under section 4, that property shall be returned to the person from whom it was seized.

(5) If any claim is set up by a third person to the property seized as aforesaid, the '[Tree Officer]' empowered under section 3 shall inquire into claim and may admit or reject it, after hearing such person in respect thereof.

Procedure in cases to be dealt with under this Act. [6. Subject to the provisions of this Act and the rules made thereunder, the provisions of Chapters XII and XIII of the Code shall apply in relation to cases dealt with under this Act as those provisions apply in relation to cases of unauthorised felling of trees dealt with under the Code.]

Award or penalty or confiscation not to interfere with other punishments. 7. The award of any penalty or confiscation of any property under this Act shall not prevent the inflicting of any punishment to which the person affected thereby is liable under any other law.

Inquiries and proceedings to be judicial proceedings. 8. All inquiries and proceedings before any '[Tree Officer]' shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Officers to be public servants. 9. The officers exercising powers or discharging any duties or functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Execution of order for payment of money. 10. Any sum the payment of which has been directed by any '[Tree Officer]' or State Government under this Act shall be recoverable from the person ordered to pay the same as an arrear of land revenue.

Bar of proceedings. 11. No suit or proceedings shall lie against the State Government or against any person empowered to exercise powers or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.

1 These words were substituted for the words "Revenue Officer" by Mah. 26 of 1989, s. 6 (b), s. 7 and s. 8, respectively.

2 This section was substituted for the original by Mah. 17 of 1987, s. 4.

12. Subject to such conditions (if any) as may be imposed, the State Government may, if it is necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any local area from all or any of the provisions of this Act. Exemption.

13. Nothing in section 3 shall apply to the felling of any tree for preventing damage to person or property or for abating any nuisance on one's own land. Savings.

14. The provisions of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating the felling of trees. Provision of this Act to be in addition to any other law for the time being in force.

15. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this section shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

#### SCHEDULE

[See section 2 (f)]

1. *Terminalia Chebula* (Hirda).
- [2. *Teak*]
- [3. *Madhuca Latifolia* (Mahua, Mhowra or Mahu)
4. *Tamarindus Indica* (Tamarind, Chinch or Imlil.)
- [5. *Mangifera Indica* (Mango)
6. *Artocarpus Integrifolia* (Jack)].
- [7. *Acacia Catechu* (Khair)]

1 Entry 2 was added *vide* G. N., R. & F. D., No. TRS. 1165/152115, dated the 19th January 1968.

2 Entries 3 and 4 were added *vide* G. N., R. & F. D., No. TRS 1069/17631/B, dated the 27th December 1969.

3. Entries 5 and 6 were substituted *vide* G. N., R. & F. D., No. TRS 1080/36954/929-G-7., dated the 9th January 1981.

4. Entry 7 was added *vide* G. N., R. & F. D., No. TRS 1169/187626-B, dated the 7th December 1970.

8. *Santalum* (Sandal).]
9. *Pterocarpus marsupium* (Bija).
10. *Adin cordofolia* (Haldu).
11. *Ougenia dalbergioides* (Tiwas).]
12. *Terminalia tomentosa* (Ain).]
13. *Terminalia Peniculata* (Kinjal or Kindal).]
14. *Hardwickia binata* (Anjan).
15. *Syzigium cumini* (Jambhal).]
16. Mangrove.

*Explanation.*—For the purposes of this entry, "Mangrove" includes *Rhizophora mucronata* (Lamk), *Rhizophora apiculata* (Blam), *Ceriops candolleana* (Ara), *Kandelia rheedei* (Wight), *Bruguiera gymnorhiza* (Lamk), *Lumnitzera racemosa* (Willd), *Sonneratia apetala* (Boch Ham), *Sonneratia acida* (Dinn), *Avicenia officinalis* (Linn), *Avicenia marina* (Linn), *Acanthus ilicifolius*, *Aegiceras majus* and *Salvadora persica* (Linn).]

- 1 Entry 8 was added *vide* G. N., R. & F. D., No. TRS. 1165/152115-B, dated the 15th May 1973.
- 2 Entries 9, 10 and 11 were added *vide* G. N., R. & F. D., No. TRS. 1165/152115-B, dated the 9th March 1974.
- 3 Entries 12, 13 and 16 were added *vide* G. N., R. & F. D., No. TRS. 10858/12399/G-7, dated the 28th January 1987.
- 4 Entries 14 and 15 were added *vide* G. N., R. & F. D., No. TRS. 1075/4962-G-6, dated the 16th January 1976.

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