



MAHARASHTRA FOREST MANUAL 2020

(Updated upto 30th September 2020)

ANNEXURE 4.22

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, मं ६, २०१०/वैशाख १६, शके १९३२

REVENUE AND FOREST DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 6th May 2010

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. SWM-1093/C. R. 331/F-6.—In exercise of the powers conferred by section 41 and clause (d) of section 76 of the Indian Forest Act, 1927, in its application to the State of Maharashtra and of all other powers enabling it in that behalf, the Government of Maharashtra hereby make the following rules further to amend the Bombay Forest Rules, 1942, namely :—

(1) These rules may be called the Bombay Forest (Amendment) Rules, 2010.

(2) In rule 88 of the Bombay Forest Rules, 1942, for the explanation part of sub-rule (10), the following explanation shall be substituted, namely :—

Explanation :—“For the purpose of this rule, the expression, “other similar works on a small scale” shall mean and include carpentry units which are not involved in sawing and/or processing of round timber but undertake re-sawing operations of sawn timber for carpentry works for making small wooden articles such as toys, photo-frames, boxes, small agricultural implements, bullock carts, household articles etc. taken up as a vocation in the form of cottage industry or a small scale industry using a circular saw of diameter 12” or below but shall not include other saw mills or other small scale industries”.

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

N. H. KAKODKAR,

Joint Secretary to Government.

ANNEXURE 4.23

NOTIFICATION

Revenue & Forests Department,
Mantralaya, Bombay - 400 032.

Dated the 5th March, 1960.

(11)

Indian Forest
Act, 1927 and
Bombay Transit
of Forest Produce
(Vidarbha Region
and Saurashtra and
Kutch areas) Rules,
1960.

NO. TRS 1090/CR-32/90/8-6.- In exercise of the 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 (c) of the proviso to rule 3 of the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960 and all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts transport of "Nilgiri trees (Eucalyptus species)" or parts thereof from the operation of the said rules.

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

A. V. GOKAK,
Secretary to Government.

ANNEXURE 4.24

NOTIFICATION

Revenue and Forests Department,
Mantralaya, Bombay-400 032,
Dated: the 21st June, 1990.

Klan Forest No. TRS.1090/UR 32/90 (1)/F-6.- In exercise of the
Rs. 1950 and
Bombay Forest powers conferred by sub-section (3) of section 41 of the
Act, 1942 Indian Forest Act, 1927 (XVI of 1927), in its application
to the State of Maharashtra read with clause (c) of the
proviso to rule 66 of the Bombay Forest Rules, 1942 and all
other powers enabling it in this behalf, the Government of
Maharashtra hereby exempts transport of "Babul (*Acacia
nilotica*), Subabul (*Leucaena leucoccephala*) and Prosopis
(*Prosopis juliflora*)" trees or parts thereof from the
operation of the said rules.

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

A.G. Raddi,
Joint Secretary to Government.

ANNEXURE 4.25

महाराष्ट्र शासन राजपत्र, असा., ऑक्टोबर २३, १९९७/कार्तिक १, शके १९१९ [भाग चार-अ]

REVENUE AND FORESTS DEPARTMENT.

Mantralaya, Mumbai 400 032, dated the 23rd October 1997

INDIAN FORESTS ACT, 1927 AND BOMBAY FOREST RULES, 1942.

No. TRS. 1095/CR-34/F-6.—In exercise of the 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 (c) of the Proviso to rule 66 of the Bombay Forest Rules, 1942; and all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts transport of "Ashok (*Polyalthia longifolia*), Drumstick (*Moringa Oleifera*), Sindi (*Phoenix Sylvestris*), Orange (*Citrusaurantium*), Chiku (*Achras Zapota*), Bhendi (*Thespesia Populnea*), Acacia (*Acacia manglum*) and Poplar (*Populus*) " trees or parts thereof from the operation of the said rules.

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

Dr. S. K. KHETARPAL,
Joint Secretary to Government.

ANNEXURE 4.26

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, ऑगस्ट ९, २०१२/श्रावण १८, शके १९३४

REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 9th August 2012

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. TRS-2009/C.R.69/F-9.— In exercise of the 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 (c) of proviso to rule 66 of Bombay Forests Rules, 1942 and all other powers enabling in this behalf, the Government of Maharashtra hereby exempt the *Dendro Calamus Strictus* and *Bambusa Bambos*, the forests species of bamboo and forests produce on private land from the operation of the rules in "Chapter VI — Transit of Forest Produce" of the said Rules, in the State of Maharashtra except in the areas of Amravati, Yawatmal, Gadchiroli, Bhandhara, Gondiya, Chandrapur, Nagpur, Thane, Nashik and Raigad Districts.

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

VIVEK KHANDEKAR,
Joint Secretary to the Government.

ON BEHALF OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, PRINTED AND PUBLISHED BY SHRI PARSHURAM JAGANNATH GOSAVI, PRINTED AT GOVERNMENT CENTRAL PRESS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004 AND PUBLISHED AT DIRECTORATE OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004, EDITOR: SHRI PARSHURAM JAGANNATH GOSAVI

ANNEXURE 4.27

महाराष्ट्र शासन राजपत्र भाग चार-अ, गुरुवार ते बुधवार,
नोव्हेंबर २९-डिसेंबर ५, २०१२/अग्रहायण ८-१४, शके १९३४

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 17th November 2012

NOTIFICATION

INDIAN FORESTS ACT, 1927, BOMBAY FORESTS RULES, 1942.

No. Sankirna. 2012/CR-118/F-9.— In exercise of the powers conferred by sub-section (3) of section 41 of the Indian Forests Act, 1927 (XVI of 1927); in its application to the State of Maharashtra read with clause (C) of the proviso to Rule 66 of the Bombay Forests Rules, 1942 and all other powers enabling in that behalf, the Government of Maharashtra hereby exempts the forests produce Lac, from the operation of the provisions contained in "Chapter VI—Transit of Forest Produce" of the said Rules, in the State of Maharashtra.

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

VIVEK KHANDEKAR,
Joint Secretary to Government.

ANNEXURE 4.28

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, मे २०, २०१३/वैशाख ३०, शके १९३५

REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 9th April 2013.

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. S-10/2012/CR. 226/F-3.—In exercise of the 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 (c) of the proviso to rule 66 of the Bombay Forest Rules, 1942, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts the "Casuarina equisetifolia" on non-forest lands from the operation of the rules in "Chapter VI-Transit of Forest Produce" of the said rules in the State of Maharashtra.

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

SANJEEV GAUR,
Joint Secretary to Government.

ANNEXURE 4.29

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, जून २५, २०१३/आषाढ ४, शके १९३५

REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032,
dated the 24th June 2013.

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. TRS. 2009/CR-67/F-9.—Whereas *vide* Government Notification, Revenue and Forests Department, No. TRS. 2009/CR-67/F-9, dated the 9th August 2012 (hereinafter referred to as "the said Notification") *Dendrocalamus strictus* and *Bambusa bambos* the forest species of bamboo and forest produce on private lands have been exempted from the operation of the rules regarding Transit of Forest Produce in Chapter VI of the Bombay Forest Rules, 1942 (hereinafter referred to as "the said Rules") in the State of Maharashtra except in the areas of Amravati, Yawatmal, Gadchiroli, Bhandara, Gondia, Chandrapur, Nagpur, Thane, Nashik and Raigad Districts ;

And whereas, the Government of Maharashtra considers it expedient also to exempt all the species of bamboo other than two species specified in the said Notification *viz* *Dendrocalamus strictus* and *Bambusa bambos* from the operation of the rules regarding Transit of Forest Produce contained in Chapter VI of the said Rules, on non-forest land in the State of Maharashtra ;

Now, therefore, in exercise of the 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 (c) of proviso to rule 66 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 other than *Dendrocalamus strictus* and *Bambusa bambos* from the operation of the rules regarding Transit of Forest Produce contained in Chapter VI of the said Rules, on non-forest lands in the State of Maharashtra.

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

DR. U. M. FAROOQUI,
Joint Secretary to Government.

ANNEXURE 4.30

RNI No. MAHBIL/2009/31733



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ

वर्ष १, अंक ३८]

शुक्रवार, जून ५, २०१५/ज्येष्ठ १५, शके १९३७

[पृष्ठ २, किंमत : रुपये १५.००

असाधारण क्रमांक ७६

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांब्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक ४ जून २०१५

अधिसूचना

भारतीय वन अधिनियम, १९२७.

क्रमांक टीआरएस/३०३/२०१५/प्र.क्र. ८१/फ-६.—महाराष्ट्र राज्यास लागू असलेल्या भारतीय वन अधिनियम, १९२७ (१९२७ चा १६) कलम ४१ च्या पोटकलम (३) तसेच महाराष्ट्र वन नियम, २०१४ याच्या नियम ३१ च्या खंड (ई) यानुसार प्रदान केलेल्या अधिकारांचा तसेच त्यास समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून, महाराष्ट्र शासन, याद्वारे, वनेतर जमिनीतील “रबर वूड” “(Hevea brasiliensis, Ficus elastica)” यास महाराष्ट्र राज्यातील उक्त नियमांच्या “प्रकरण सात-वनोपजाची वाहतूक” यामधील नियमाच्या अंमलबजावणीपासून सूट देत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

वीरेंद्र तिवारी,

मुख्य वनसंरक्षक (मंत्रालय).

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, जून ५, २०१५/ज्येष्ठ १५, शके १९३७

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 4th June 2015.

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. TRS. 303/2015/C.R.-81/F-6.—In exercise of the powers conferred by sub-section (3) of section 41 of Indian Forest Act, 1927 (XVI of 1927) in its application to the State of Maharashtra, read with clause (e) of proviso to rule 31 of the Maharashtra Forest Rules, 2014, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts "Rubber Wood" (*Hevea brasiliensis*, *Ficus elastica*) on non-forest Lands from the operation of the rules in "Chapter VII-Transit of Forest Produce" of the said Rules, in the State of Maharashtra.

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

VIRENDRA TIWARI,

Chief Conservator of Forests (Mantralaya).

ANNEXURE 4.31

RNI No. MAHBIL/2009/31733
Reg. No. MCS/173/2016-18



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ

वर्ष ३, अंक २३(३)]

गुरुवार, मार्च ३०, २०१७/चैत्र ९, शके १९३९

[पृष्ठ २, किंमत : रुपये १५.००

असाधारण क्रमांक २८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय,
मुंबई ४०० ०३२, दिनांक ३० मार्च २०१७.

अधिसूचना

भारतीय वन अधिनियम, १९२७.

क्रमांक गौणउ-२०१५/प्र.क्र. ३५३/फ-९.- महाराष्ट्र राज्यासाठी लागू भारतीय वन अधिनियम, १९२७ (१९२७ चा १६) च्या कलम-४१ च्या पोट-कलम (३) सह महाराष्ट्र वन नियमावली, २०१४ मधील नियम ३१ च्या उप नियम (१) मधील खंड (इ) खाली प्राप्त शक्ती आणि या संदर्भात प्राप्त इतर सर्व शक्तींचा वापर करून, महाराष्ट्र शासन याद्वारे “मोह फुले” या वन-उपजास उक्त नियमावलीतील वन-उपजाची बाह्यतुकीशी संबंधित लागू प्रकरण-VII मधील नियमांच्या अंमलबजावणी पासून सूट देत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रकाश महाजन,
शासनाचे सहसचिव.

(१)

भाग चार-अ-२८-१

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, मार्च ३०, २०१७/चैत्र ९, शके १९३९.

REVENUE AND FORESTS DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 30th March 2017.

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. Gounau-2015/C R 353/F-9.—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 Maharashtra Forest Rules, 2014 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts “Mahua Flowers” from the operations of the rules regarding transit of forest produce contained in Chapter VII of the said rules, in the State of Maharashtra.

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

PRAKASH MAHAJAN,
Joint Secretary to Government.

ANNEXURE 4.32

RNI No. MAHBIL/2009/31733
Reg. No. MCS/173/2016-18



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ

वर्ष ३, अंक ३०]

बुधवार, एप्रिल १२, २०१७/चैत्र २२, शके १९३९

[पृष्ठे २, किंमत : रुपये १५.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय,
मुंबई ४०० ०३२, दिनांक ११ एप्रिल २०१७.

अधिसूचना

भारतीय वन अधिनियम, १९२७.

क्रमांक बांबूसा-२०१७/प्र. क्र. ५९/फ-९.—ज्याअर्थी, शासन अधिसूचना महसूल व वन विभाग क्रमांक टीआरएस-२००९/प्र. क्र. ६७/फ-९, दिनांक २४ जून २०१३ अन्वये, महाराष्ट्र शासनाने राज्यातील वनेतर जमिनीवरील डॅन्ड्रोकेलमस स्ट्रिक्टस व बाम्बूसा बॅम्बोस (*Dendrocalamus Strictus and Bambusa Bambos*) यांच्या व्यतिरिक्त बांबूच्या सर्व प्रजातींना त्याबेळी प्रचलित असलेले मुंबई वन नियम, १९४२ चे प्रकरण VI मधील वन-उपजाची वाहतूक अंतर्गत नियमांच्या अंमलबजावणीतून सूट दिली होती ;

आणि ज्याअर्थी, महाराष्ट्र शासनाला बांबूच्या सर्व प्रजातींना संपूर्ण राज्यात महाराष्ट्र वन नियम, २०१४ (यात यापुढे ज्याचा निर्देश “उक्त नियम” असा करण्यात आला आहे) च्या प्रकरण VII मधील वन-उपजाची वाहतूक या संबंधातील नियमांच्या अंमलबजावणीतून सूट देणे समयोचित वाटते ;

त्याअर्थी, आता, महाराष्ट्र राज्यास लागू असलेल्या, भारतीय वन अधिनियम, १९२७ (१९२७ चा १६) च्या कलम ४१, पोट-कलम (३) तसेच उक्त नियमांतील नियम ३१ चे उप-नियम कलम (१) चे खंड (इ) याद्वारे प्रदान करण्यात आलेल्या अधिकारांचा आणि याबाबतीत समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून, महाराष्ट्र शासन, याद्वारे, महाराष्ट्र राज्यातील वनेतर जमिनीवरील बांबूच्या सर्व प्रजातींना, उक्त नियमांच्या प्रकरण VII यामध्ये अंतर्भूत वन-उपजाची वाहतूक या संबंधातील नियमांच्या अंमलबजावणीतून सूट देत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रकाश महाजन,
शासनाचे सहसचिव.

(१)

भाग चार-अ—३८-९

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, एप्रिल १२, २०१७/चैत्र २२, शके १९३९

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.

ANNEXURE 4.33

RNI No. MAHBIL /2009/31733
Reg. No. MCS/173/2016-18



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ४, अंक १४(३)]

गुरुवार, फेब्रुवारी १, २०१८/माघ १२, शके १९३९

[पृष्ठे २, किंमत : रुपये १५.००

असाधारण क्रमांक २८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमांन्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक १ फेब्रुवारी २०१८

अधिसूचना

भारतीय वन अधिनियम, १९२७.

क्रमांक टीआरएस/०१/२०१८/प्र. क्र. २७/फ-६.—महाराष्ट्र राज्यास लागू असलेल्या अधिनियम, भारतीय वन अधिनियम, १९२७ (१९२७ चा १६) कलम ४१ च्या पोट-कलम (३) तसेच महाराष्ट्र वन नियम, २०१४ याच्या नियम ३१ च्या खंड (ई) यानुसार प्रदान केलेल्या अधिकारांचा तसेच त्यास समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून, महाराष्ट्र शासन, याद्वारे, वनेतर जमिनीतील “ (१) सिल्वर ओक (Grevillea robusta) (२) मलबार नीम (Melia dubia) (३) इंडियन विलो (Salix alba) (४) मोसंबी (Citrus limetta) (५) पेरु (Psideum guajava) (६) महारुख (Ailanthus excelsa) ” यास महाराष्ट्र राज्यातील उक्त नियमांच्या “ प्रकरण सात-वनोपजाची वाहतूक ” यामधील नियमाच्या अंमलबजावणी पासून सूट देत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सुजय दोडल,

शासनाचे सहसचिव (वने).

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, फेब्रुवारी १, २०१८/माघ १२, शके १९३९

REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 1st February 2018

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. TRS/01/2018/C.R. 27/F-6.—In exercise of the 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 proviso to rule 31 of the Maharashtra Forest Rules, 2014 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts “ (1) Silver Oak (*Grevillea robusta*), (2) Malabar Neem (*Melia dubia*) (3) Indian Willow (*Salix alba*) (4) Sweet lime (*Citrus limetta*), (5) Guava (*Psidium guajava*), (6) Maharukh (*Ailanthus excelsa*) ” on non-forest lands from the operation of the rules in “ Chapter VII-Transit of Forest Produce ” of the said rules, in the State of Maharashtra.

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

SUJAY DODAL,
Joint Secretary to Government, (Forest).

ANNEXURE 4.34

भारतीय वनकायदा १९२७ खाली जप्त करून सरकारजमा केलेल्या मोटार वाहनांच्या हस्तांतरणाबाबत.

परिवहन आयुक्त यांचे कार्यालय,
मित्तल चेंबर्स, पहिला मजला,
नरिमन पॉईंट, मुंबई-४०० २१,
परिपत्रक क्रमांक: १४३८/एनएचएस-५३५३/का.२(अ)/जा.क्र.६२९५,
दिनांक:-२६, मार्च १९९०.

परिपत्रक

अवैरित्या जंगलतोड करून लाकूड सामानाची अनधिकृतरीत्या वाहतुक करित असताना, भारतीय वन कायदा १९२७ मधील तरतुदीनुसार वन संरक्षक अधिका-याने चोरटा माल वाहनासहित जप्त करून सरकारजमा केलेला असल्यास या कायद्याखाली सरकारजमा केलेले वाहन जरी ते अर्थसहाय्यीत असले तरी सुद्धा, बोजारहित असते. अशा प्रकरणी वाहन कोणाच्या नावे हस्तांतरित करावे, या बाबतीत मोटार वाहन विभागाची नोंदणी प्राधिकरणामध्ये मतभिन्नता दिसून येते. त्यामुळे त्या वाहनाचा मालकी हक्क नोंदणी प्राधिकरणाच्या अभिलेखात नोंदविण्यास दीर्घकाळ जातो, व कर विषयक बाबी निर्णित करण्यास दिरंगाई होत असते. अशा प्रकारची काही प्रकरणे नाशिक विभागात प्रलंबित असल्यामुळे त्यांनी मार्गदर्शन करण्याची विनंती केलेली आहे.

सरकारजमा झालेल्या मोटार वाहनांचा मालकी हक्क नोंदविण्याच्या प्रक्रीयेस सुसूत्रता आणण्यासाठी असे आदेश निर्गमित करण्यात येत आहेत की, भारतीय वन कायद्याखाली जप्त करून सरकार जमा केलेल्या वाहनाचे मालकी हक्क वन संरक्षण विभागाच्या सक्षम अधिका-याच्या नावे नोंद करावेत. या प्रकरणी वाहन अर्थसहाय्यीत असले तरी अर्थ सहाय्यकाच्या विरोधाचा अगर ना-हरकतीचा मुद्दा विचारात घेऊ नये. तसेच एखाद्या सरकार जमा झालेल्या वाहनांच्या बाबतीत मोटार वाहन कर थकित असेल तर अशा प्रकरणांत वन संरक्षक अधिका-यास ते वाहन विकावयाचे असल्यास होणा-या विक्रीच्या रक्कमेतून थकित मोटार वाहन कर भरण्यास अग्रक्रम असेल ही अट सक्षम वन संरक्षक अधिका-याच्या नावे हस्तांतर केलेल्या नोंदणी पुस्तिकेत नमुद करण्यात यावी.

सर्व प्रादेशिक परिवहन अधिकारी, उप प्रादेशिक परिवहन अधिकारी, सहायक प्रादेशिक परिवहन अधिकारी यांना विनंती करण्यात येते की, हे परिपत्रक त्यांनी त्यांच्या कार्यालयातील सर्व विभाग प्रमुखांच्या आणि कार्यकारी कर्मचा-यांच्या निदर्शनास आणावे.

स्वाक्षरी
[शा.को.सगणे]
परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

प्रति,

- १] सर्व प्रादेशिक परिवहन अधिकारी.
- २] सर्व उप प्रादेशिक परिवहन अधिकारी.
- ३] सर्व सहायक प्रादेशिक परिवहन अधिकारी.
- ४] परिवहन आयुक्त कार्यालयातील सर्व नियंत्रक अधिकारी व कार्यासन अधिकारी.
- ५] प्रत प्रादेशिक परिवहन अधिकारी, नाशिक यांना त्यांच्या क्रमांक: एनएचएस-५३५३/ कर प्रापका-नाशिक-९० च्या दिनांक १४.२.१९९० च्या पत्राच्या संदर्भात माहितीसाठी अग्रेषित.
- ६] प्रत उप वनसंरक्षक, पश्चिम भाग, नाशिक यांना त्यांच्या जा.क्र.कक्ष ५/ब/संकीर्ण/ ८०५७/सन ८९-९० च्या दिनांक २०.२.१९९० च्या वाहन क्रमांक: एएचएस-५३५३/ संबंधीच्या पत्राच्या संदर्भात अग्रेषित.

स्वाक्षरी
परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

भारतीय धनजायदा १९२७ चाली जस
 वस्तु सरकारच्या असेल्या मोटार वाहनांचे
 हस्तांतरणाबाबत.

परिषद आधुनिक यांचे कार्यालय,

भारत पोस्ट, पत्तिका मत्ता,

नरिमन पोस्ट, मुंबई- ४०० ०२१.

परिषद क्रमांक: १४०८/संस्थापना-५२५३/का. २(अ)/वा. क्र. ६२९५,

दिनांक:- २६, मार्च, १९२७.

प रि ष त्र क
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अधिकाऱ्यांच्या जमिनीवरील वस्तु सामानाची अनधिकृतारित्या वाहतूक करित
 अस्ताना, भारतीय धन : १९२७ मधील तरतुदीनुसार धन संरक्षण अधिकाऱ्याने
 पोस्टा भारत वाहतूकसहित वस्तु सरकारच्या कोणा अस्तानात या वापराबाबती
 सरकारच्या केलेले वापरा, तरी ते अर्थसहाय्यात असले तरी गुप्तता, गोपनीयता असे.
 अशा प्रकारची वाहन कोणाच्या नावे हस्तांतरित करावे, या बाबबत मोटार
 वाहन विभागाची नोंदणी प्राधिकरणातून घेतल्या जात आहे. त्यामुळे त्या
 वाहनाचा वातकी हक्क नोंदणी प्राधिकरणाच्या अधिकाराना नोंदविण्यात घेण्यात
 जातो. य कर विषय याची निर्णित करण्यास दिरंगाई होत असो. अशा
 प्रकारची काही प्रकारची वातकी विभागात नोंदित असल्यामुळे त्यांची मार्गदर्शन
 करण्याची धिक्कती येते ती आहे.

सरकारच्या कोणाच्या मोटार वाहनांचा वातकी हक्क नोंदविण्याच्या
 प्रक्रियेत सुत्रात आणण्यासाठी असे आदेश निर्गमित करण्यात येत आहेत की,
 भारतीय धन वापराबाबती जस करन सरकारच्या कोणाच्या वाहनाचे वातकी हक्क
 धन संरक्षण विभागाच्या सक्षम अधिकाऱ्याच्या नावे नोंद करावेत. या प्रकारची
 वाहन अर्थसहाय्यात असले तरी अर्थ सहाय्याच्या विरोधाचा अगर ना-सरकारीचा
 मुद्दा विचारात घेत नये. तोच शजाचा सरकारच्या कोणाच्या वाहनांच्या वातकीत
 मोटार वाहन कर धरित आहे तर अशा प्रकारात धन संरक्षण अधिकाऱ्यास ते
 वाहन विभागाचे असल्यास कोणा-वा विद्दीच्या रकमेनुसार नोंदित मोटार वाहन
 या भरण्यास अग्रगण्य आहे ती अट सध्या धन संरक्षण अधिकाऱ्याच्या नावे हस्तांतर
 त्या नोंदणी प्रक्रियेत नसत करण्यात यावी.

... २ ...
सर्व प्रादेशिक परिवहन अधिकारी, उप प्रादेशिक परिवहन अधिकारी,
सहायक प्रादेशिक परिवहन अधिकारी यांना दिली जाण्यात येईल, हे परिपत्रक
त्यांनी त्यांच्या कार्यालयातील सर्व विभाग प्रमुखांच्या आणि कार्यकारी कार्यवाह्यांच्या
निदर्शनास आणायचे.

२१/११/८९
[डॉ. को. सगणे]
परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

प्रति,

१) सर्व प्रादेशिक परिवहन अधिकारी.

२) सर्व उप प्रादेशिक परिवहन अधिकारी.

३) सर्व सहायक प्रादेशिक परिवहन अधिकारी.

४) परिवहन आयुक्त कार्यालयातील सर्व निबंधक अधिकारी व कार्यरत अधिकारी.

५) सर्व प्रादेशिक परिवहन अधिकारी, नाशिक यांना त्यांच्या क्रमांक: एएचएन-५३५३/

६) एनएन-१० च्या दिनांक १४.२.१९९० च्या पत्राच्या संदर्भात

७) मित्रपत्रांसाठी अग्रेषित.

८) सर्व उप निबंधक, पश्चिम गंग, नाशिक यांना त्यांच्या जा.क्र. व.५/२००१/

२०५०/२९-९० च्या दिनांक २०.२.१९९० च्या पत्राच्या क्रमांक: एएचएन-५३५३

९) संदर्भात अग्रेषित.

२१/११/८९
परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

२३/११/९०

ANNEXURE 5.01

Disforestation Notification of Forest Lands not Reserved.

GOVERNMENT OF MAHARASHTRA,
Revenue and Forests Department,
Circular No.FLD 1071/53273-W,
Sachivalaya, Bombay-32, Dated: 18th September 1973.

READ :- Letter No.LND/PG/137/66-67/7229/70-71 dated 10th March 1971.

CIRCULAR :-

It has been brought to the notice of Government by the Chief Conservator of Forests, that according to Note 53 below Section 27 of the Indian Forest Act, 1927 in Bombay Forest Manual (Volume II), it is not necessary for Government to publish a formal notification under section 27, when lands which were merely notified under section 4, are to be excluded from Forest. Section 5 of the Indian Forest Act, 1927 is specifically applicable to the lands notified under section 4 irrespective of further settlement proceedings. According to section 5, after the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the State or some person in whom such right was vested when the notification was issued ; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the provincial Government in this behalf. Breaches of section 5 are made punishable under section 26(1) (a).

In view of this, though lands are to be excluded from Forest they will continue to remain as lands notified under section 4 and hence provisions of section 5 will also be applicable to such lands. A point has, therefore, arisen whether it is necessary to denotify the areas proposed to be excluded from section 4 and whether the Note 53 below section 27 needs any modification.

2. After detailed examination of this point, Government is advised as under:-

Note 53 under section 27 in the Forest Manual by Shri Koppikar states that it is not necessary for Government to publish a formal notification under section 27 when lands were merely notified under section 4 are to be excluded for forest. This note appears to have as its basis Government Resolution, Revenue Department No.6028 dated the 25th July 1885. In para 2 of that Government Resolution it has been stated that "as lands were merely notified under section 4 of the Indian Forest Act, 1878, as proposed to be constituted as reserved forests the sanction of the Government of India is neither required for their exclusion from Forest, nor is it necessary for Government to publish any formal notification directing their disforestation."

In Mahendralal Vs. State of Uttar Pradesh (A.I.R.1963 S.C. 1019), after notification under section 4 was issued, the Government of Uttar Pradesh by an executive order issued to all Conservator of Forests, Divisional Forest Officers, District Forests Officers, stated that a number of representations had been made to the Government by claimants of lands situated in the areas of private forests, and that the Governor after careful consideration had decided that all such lands was included in any of the notifications under section 4 it should be deemed to have been excluded from that notification. The Supreme Court held that since a notification under section 4 is required to be published in the Gazette and unless it is so published it is of no effect, and since the order in question was never published and it was a mere departmental instructions of Government to its officers, it could not amount to excluding anything from the notification issued under section 4. It, therefore, follows that if any lands are to be excluded from the notification under section 4, it will have to be done by like notification cancelling or superseding the earlier notification and by publishing that notification in the Official Gazette. Section 27 applies only to cases where forests have been declared as reserved forests under section 20.



ANNEXURE 5.02

2

BOMBAY GOVT. GAZETTE, JANUARY 1, 1959: PAUSA 11, 1880

[PART I SUPPLT.]

Bombay, 19th December 1958.

INDIAN FOREST ACT, 1927 (XVI OF 1927).

No. FLD-4657-103064-E.—In exercise of the powers conferred by section 32 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay hereby makes the following rules, namely:—

Rules

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

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

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

2. In these rules, unless the context otherwise requires,—

(a) "protected forest" means an ex-proprietary forest vested in the State Government under the provisions of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals and Alienated Lands) Act, 1950 (M. P. Act I of 1951), and declared to be a protected forest within the meaning of section 29;

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

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

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

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

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

5. Subject to the provisions of rule 6, no trees of the species falling under clauses (a) and (b) of this rule shall be cut, without the previous permission in writing of the Divisional Forest Officer—

(a) Achar (*Buchanania lanzan*), Am (*Mangifera indica*), Anjan (*Hardwickia binata*), Babul (*Acacia arabica*), Bamboos, Bel (*Aegle marmelos*), Bija sal (*Pterocarpus marsupium*), Chandan (*Santalum album*), Ghont (*Zizyphus xylopyra*), Gindol (Kulu) (*Sterculia urens*), Haldu (*Adina cordifolia*), Harra (*Terminalia chebula*), Kaduru (*Anthocephalus cadamba*), Karanji (*Pongamia glabra*), Kawit (Kaith) (*Feronia elephantum*), Khamar (Sewan) (*Gmelina arborea*), Kowha (*Terminalia arjuna*), Kusum (*Schleichera trijuga*), Mohwa (*Madhuca latifolia*), Neem (*Azadirachta indica*), Palas (*Butea frondosa*), Pipal (*Ficus religiosa*), Rohan (*Soyimida febrifuga*), Sag (Teak) (*Tectona grandis*), Saja (*Terminalia tomentosa*), Sal (*Shorea robusta*), Semal (*Bombax malabaricum*), Shisham (*Dalbergia latifolia*), Sitaphal (*Anona squamosa*), Tendu (*Diospyros melonoxylon*), Tinsa (*Gugenia dalbergioides*), Toon (*Cedrela toona*), Aonla (*Emblica officinalis*),

Bahera (*Terminalia belerica*), Barbanyan (*Ficus bangalensis*), Bhilwa (*Semicarpus anacardium*), Bhirra (*Chloroxylon swietenia*), Dumar (*Ficus glomerata*), Imli (Tamarind) (*Tamarindus indica*), Jamun (*Eugenia jambolana*), Khair (*Acacia catechu*), Lasora (*Sordia Myxa*), Palm (Sindhi) (*Phoenix sylvestris*), Suria (*Xylia xylocarpa*).

(b) Trees of any size growing within 33 feet of either side of a road or 66 feet of either bank of a water-course;

Provided that no such permission shall be necessary for cutting small branches up to 2" in diameter at the cut-end of babul and other thorny trees and thorny shrubs.

6. (1) No fruit tree or tree falling under clause (a) of rule 5 up to 9" in girth at breast height shall be cut.

(2) All trees felled shall be cut flush with the ground.

(3) No tree may be girdled or pollarded.

(4) (i) In bamboo clumps, no clumps under one year of age may be cut, and in each clump, at least 8 clumps over one year at age shall be retained.

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

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

(6) Except with the permission in writing of the Divisional Forest Officer, no forest produce shall be removed from a protected forest between sunset and sunrise.

(7) All forest produce removed from a protected forest shall be covered by a pass issued by the person duly authorised in that behalf, and may be examined by any Forest Officer at the *nakas* or places specified by the Divisional Forest Officer in that behalf.

(8) No *dehia* or *bewar* cultivation shall be permitted, except in areas specified by the Divisional Forest Officer.

7. (1) Subject to any restrictions which the Divisional Forest Officer may, by special or general order, impose in that behalf, every person holding land in the village, the village artisans and agricultural labourer shall be entitled to collect minor forest produce (other than *harra*, *lac*, *rusa* grass, *tendu* leaves and gum) and minor minerals, viz., grass, leaves of *mahul* and *teak*, *bakkhal*, edible roots and edible fruits and flowers; sand, clay and stones from the protected forest of the village.

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

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

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

9. The Divisional Forest Officer in consultation with the Collector shall by order declare a protected forest to be open to persons of any village or contiguous villages adjoining a protected forest for the purpose of exercising their rights of *nistar* and

thereupon any person residing in such village or villages may, subject to provisions of Chapter XVIII of the Madhya Pradesh Land Revenue Code, 1954, cut and remove for his own use only (and not for sale, barter or gift) any forest produce not exceeding such quantity as is set out in the *Nama Patra* or the reduced quantity as may be determined by the Divisional Forest Officer in consultation with the Collector, when the total quantity of the forest produce available is not enough to meet the full requirements of such persons.

10. (1) No person shall set fire to any portion of a protected forest, or shall set fire in the vicinity of a protected forest as to cause damage to any timber lying in such forest, or to any trees reserved under section 30 of the Indian Forest Act, 1927.

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

(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.

11. (1) The cultivators (including *malik-mak-buzas*), village artisans and labourers shall, subject to the provisions of sub-rule (2) and the provisions of Chapter XVIII of the Madhya Pradesh Land Revenue Code, 1954, be entitled to graze their cattle kept for agricultural purposes free of charge in a protected forest, as follows:—

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

(b) Agricultural artisans and labourers—4 cattle including one she-buffalo:

Provided that a calf under one year shall not be counted:

Provided further that all animals in excess of those specified in clauses (a) and (b) shall be charged at such rates as the State Government may from time to time sanction in this behalf.

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

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

(2) The list shall specify those forests which are closed:

(a) absolutely, for purposes of Forest management or as sanctuaries for the protection of game, other than carnivora,

(b) conditionally, subject to the issue of a permit in accordance with the rules made under section 76 (d) of the Indian Forest Act, 1927.

INDIAN FOREST ACT, 1927 (XVI OF 1927)

No. FLD-4657-103064-E.—In exercise of the powers conferred by section 30 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the Vidarbha Region of the State of Bombay, the Government of Bombay hereby—

(a) declares on and with effect from the 25th January 1959 the following classes of trees in the

protected forests in the Vidarbha area of the State of Bombay to be reserved namely:—

- (1) Achar (*Buchanania lanzan*).
- (2) Am (*Mangifera indica*).
- (3) Anjan (*Hardwickia barata*).
- (4) Babul (*Acacia arabica*).
- (5) Bambusa.
- (6) Bel (*Aegle marmelos*).
- (7) Bija sal (*Pterocarpus marsupium*).
- (8) Chandan (*Santalum album*).
- (9) Ghont (*Zizyphus xylopyra*).
- (10) Gindal (Kula) (*Sterculia urens*).
- (11) Haldi (*Awna cordifolia*).
- (12) Haria (*Terminalia chebulaj*).
- (13) Kadum (*Anthocephalus cadamba*).
- (14) Karanj (*Pongamia glabra*).
- (15) Kawit (Kaith) (*Feronia elephantum*).
- (16) Khamar (Sewan) (*Gmelina arborea*).
- (17) Kowha (*Terminalia arjuna*).
- (18) Kusunt (*Schleichera trijuga*).
- (19) Mohwa (*Madhuca latifolia*).
- (20) Neem (*Azadirachia indica*).
- (21) Palas (*Butea frondosa*).
- (22) Pipal (*Ficus religiosa*).
- (23) Rohan (*Soyimida febrifuga*).
- (24) Sag (Teak) (*Tectona grandis*).
- (25) Saja (*Terminalia tomentosa*).
- (26) Sal (*Shorea robusta*).
- (27) Scmal (*Bambax malabaricum*).
- (28) Shisham (*Dalbergia latifolia*).
- (29) Sthaphal (*Anona squamosa*).
- (30) Tendu (*Diospyros melanoxylon*).
- (31) Tinsa (*Ougenia dalbergioides*).
- (32) Toon (*Cedrela toona*).
- (33) Aonla (*Emblia officinalis*).
- (34) Bahera (*Terminalia bellerica*).
- (35) Bar-banyan (*Ficus bangalensis*).
- (36) Bhilawa (*Semicarpus anacardium*).
- (37) Bhirra (*Chloroxylon swietenia*).
- (38) Dumer (*Ficus glomerata*).
- (39) Imli (Tamarind) (*Tamarindus indica*).
- (40) Jamun (*Eugenia jambolana*).
- (41) Khair (*Acacia catechu*).
- (42) Lasora (*Cordia myxa*).
- (43) Palms (Sindhi) (*Phoenix sylvastris*).
- (44) Suria (*Xyla Xylolarpe*).

(b) declares—

(i) the portion of such protected forests lying within 66 feet of the edge of the bank of any water-course therein which holds an adequate supply of water up to 1st January to be closed for 30 years commencing on the date of this notification, and

(ii) the rights of private persons, if any over such portion to be suspended; and

(c) on and from the date specified in clause (a) prohibits in such protected forests—

- (1) the quarrying of stones;
- (2) the burning of lime or charcoal.

- (3) the subjection to any manufacturing process of any forest produce,
(4) the collection or removal of any forest produce, and
(5) breaking up or the clearing for cultivation, for building, for herding cattle or for any other purpose, of any land therein.

By order and in the name of the
Governor of Bombay,
R. B. VASAVADA,
Officer on Special Duty.

Veterinary Services, Remt Division, Amravati", the following shall be substituted, namely:—

"(2) Shri V. N. Sharma, Principal, Nagpur Veterinary College, Nagpur".

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

D. D. SATHE,
Secretary to Government.

EDUCATION DEPARTMENT

Old Secretariat, Bombay, 17th December 1958.

BOMBAY VETERINARY PRACTITIONERS ACT, 1953
(Bom. LXVIII of 1953).

No. BVP-1058-107961-D.—In exercise of the powers conferred by section 3 of the Bombay Veterinary Practitioners Act, 1953 (Bom. LXVIII of 1953), the Government of Bombay hereby nominates Shri V. N. Sharma, Principal, Nagpur Veterinary College, Nagpur, *vice* Shri G. G. Oka, deceased, as member of the Bombay Veterinary Council and for that purpose amends Government Notification, Agriculture and Forests Department, No. BVP-1057-168210-D, dated the 21st September 1957, as follows, namely:—

In the said notification in entry (c) for the sub-entry "(2) Shri G. G. Oka, Deputy Director of

Old Secretariat, Bombay, 19th December 1958.

No. UNF-2958.—Under clause (b) of sub-section (1) of section 20 of the Nagpur University Act, 1923, read with sub-paragraph 3 of statute 11 of the University, the Government of Bombay is pleased to sanction the admission of the Post-graduate Basic Training College, Amravati, to the privileges of the Nagpur University, in respect of the courses of instruction up to the M. Ed. standard, for a period of three years with effect from the academic year 1958-59.

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

P. J. CHINMULGUND,
Secretary to Government.

Miscellaneous Notifications: Appointments, etc., etc.

BY COMMISSIONER

LAND ACQUISITION ACT, 1894 (I of 1894).

District Buldana.

No. RB-WS-LAQ-491.—Whereas, it appears to me, that the land in the village of Umali in the Malkapur taluka of the Buldana district is needed or is likely to be needed for a public purpose, namely, for the construction of quarters for the Nalganga River Project Staff, notice is hereby given to all whom it may concern that in exercise of the powers conferred by section 4 of the Land Acquisition Act, 1894 (I of 1894), as amended by Act No. XXXVIII of 1923 (as applied to Berar), I have authorised the Executive Engineer, Nalganga Division, Malkapur, for the time being engaged on this undertaking, to enter upon and survey the land, and to do all other acts required for the proper execution of their work, as provided for or specified in the said section.

Under clause (c) of section 3 of the said Act, I hereby appoint the Special Land Acquisition Officer, Nalganga River Project, to perform the functions of a Collector under the said Act in respect of the said land:—

Schedule.

District	Taluka	Village	Description of the land and approximate area	Officer authorised under section 4 (2)	Description of public purpose
(1)	(2)	(3)	(4)	(5)	(6)
Buldana	Malkapur	Umali	Survey No. 209 Acres 5 Guntas 6 (more or less).	The Executive Engineer, Nalganga Division, Malkapur.	Construction of quarters for the Nalganga River Project staff.

LAND ACQUISITION ACT, 1894 (I of 1894).

District Nagpur.

No. RB-WS-LAQ-794.—Whereas by Revenue Department Notification No. LNG-1358-106835-H, dated the 8th August 1958, it was notified, under section 4 of the Land Acquisition Act, 1894 (I of 1894), as amended by Act No. XXXVIII of 1923, that the land in mouza Kelod in the Saoner taluka of the Nagpur district was needed or was likely to be needed for a public purpose, namely, for the construction of Police Building at Kelod:

It is hereby declared, under section 6 of the said Act, as amended, that I am satisfied that the said land is needed for the public purpose stated above.

The Sub-Divisional Officer, Saoner, is hereby directed under section 7 of the said Act to take order for the acquisition of the said land.

Under section 17 (1) of the said Act, I hereby direct that the possession of the said land may be taken on the expiration of fifteen days from the publication of the notice mentioned in section 9 (1) of the Act:—

Schedule.

District	Taluka	Village	Approximate area of the land	
(1)	(2)	(3)	Khasra No. (4)	Area (5)
Nagpur	Saoner	Kelod	35/2	3-38

The plan of the said land may be inspected at the office of the Sub-Divisional Officer, Saoner.

The 20th Dec. 1958.

ANNEXURE 5.03



भाग चार-अ] महाराष्ट्र शासन राजपत्र, असा., नोव्हेंबर २७, २००१/अग्रहायण ६, शके १९२३

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 27th November 2001

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. S. 30/97/CR-39/F3.—In exercise of the powers conferred by section 32 of the Indian Forest Act, 1927 (XVI of 1927) the Government of Maharashtra hereby makes the following rules namely :—

1. (A) These rules may be called the Maharashtra Protected Forests (Marathwada/Konkan and Western Maharashtra) Rules, 1998.

(B) These rules will extend to Konkan and Western Maharashtra including Marathwada region of Maharashtra State.

(C) Nothing in these rules shall apply to forest produce on an occupied area or village site.

2. In these rules, unless the context otherwise requires,—

(A) "Protected Forest" means an area declared as protected forests, within the meaning of section 29 of the Indian Forest Act, 1927.

(B) "right of nistar" means the right of inhabitants for a village/villages in the vicinity of protected Forests for removing there from forest produce for their own bonafide use either free or on payment as provided in the "Nistar Patrak" prepared under the provisions of section 161 to 167 of Chapter X of the Maharashtra Land Revenue Code, 1966.

(C) "Closure" means the areas where all rights and concessions are suspended for the period stipulated in section 30(b)

3. The Dy. Conservator of Forests/Sub Divisional Forest Officer of independent Sub Division shall from time to time set aside, in consultation with the Collector.

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

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

S. No. (1)	Local name of the Tree (2)	Botanical (Latin) Name (3)
43	Nana	Lagerstroemia microcarpa.
44	Nandruk	Ficus retusa.
45	Palas	Butea frondosa. (Syn. Butea monosperma).
46	Pandhara Khair (Kanti)	Acacia feruginea.
47	Pangara	Erythrina indica. (Syn. Murraya paniculata).
48	Phasi	Delbergia paniculata.
49	Raktarohida	Maba nigrescene.
50	Ritha	Sapindus emarginta.
51	Sag (Teak)	Tectona grandis.
52	Sawar	Bombax malabarica/Cieba. (Syn. Salmalia malabarica).
53	Shemat	Odina wodier (Syn. Lannea coromandelica).
54	Shenkhair	Acacia siamia. (Syn. Lannea coromandell).
55	Shendri or Kamala	Mellotus philippinensis.
56	Shindi	Phoenix sylvestrix.
57	Shivan	Gmelina arborea.
58	Shisham	Dalbegia latifolia.
59	Tembhurni	Diospyros melanoxylon.
60	Tiwas	Ougeinia delbergioides (Syn. Ougoinia Cojeinensis).
61	Tetu	Oroxylum indicum
62	Toddy plant	Borassus flabellifer.
63	Umbar	Ficus glomerata.
64	Vad	Ficus bengalensis.
65	Fanas	Artocarpus integrifolia.
66	Sandal Wood	Santalum album.

(ii) For Western Maharashtra, including Marathwada Region—

S. No. (1)	Vernacular Name (2)	Botanical Name (3)
1	Ain (Sadada)	<i>Terminalia tomentosa.</i>
2	Mango (Amba)	<i>Mangifera indica.</i>
3	Anjan	<i>Hardwickia binata.</i>
4	Arjun Sadada	<i>Terminalia arjuna.</i>
5	Awala	<i>Phyllanthus amblica</i> (Syn. <i>Embllica Officinalies</i>).
6	Bel	<i>Aegle marmelos.</i>
7	Behada	<i>Terminalia belerica.</i>
8	Bhendi	<i>Thespesia populanea.</i>
9	Bhokar (Shelute)	<i>Cordia myxa.</i>
10	Bor	<i>Zizyphus Jujuba.</i>
11	Bamboo	<i>Dendrocalamus strictus.</i>
12	Chandan	<i>Santalum album.</i>
13	Hirda	<i>Terminalia chebula.</i>
14	Hed (Haldu)	<i>Adina cardifolia.</i>
15	Bija	<i>Pterocarpus marsupium.</i>
16	Kadai	<i>Sterculia urens.</i>
17	Kalamb	<i>Stephegyne Parvifolia.</i>
18	Char Charoli	<i>Buchnanian latifolia.</i>
19	Chinch	<i>Tamarindus indica.</i>
20	Dhaman	<i>Gravia tiliaefolia.</i>
21	Dhavda	<i>Anogeissus latifolia.</i>
22	Dikemali	<i>Gardenia lucida.</i>
23	Ghatbor	<i>Zizyphus xylopyra.</i>
24	Gorakh Chinch	<i>Adansonian digitata.</i>
25	Hingan	<i>Balanities roxburghi.</i>
26	Hiwar	<i>Acacia leucophloea.</i>
27	Jambhul	<i>Syxygium cumini.</i>
28	Kashid	<i>Cassia siamea.</i>

S. No. (1)	Vernacular Name (2)	Botanical Name (3)
29	Kajarba, nirmali	Strychnos Potatorum.
30	Karanj	Pongamia pinnata.
31	Kanchan	Bauhinia malabarica.
32	Kavath	Feronia elephantum.
33	Khair (lal)	Acacia chundra.
34	Kinhi	Albizzia procera.
35	Khair	Aca-cia catechu.
36	Khair (Son/Pandhara)	Acacia feruginea.
37	Kumbha	Careya arborea.
38	Lokhandi	Ixora nigricans.
39	Medsing	Dolichandrone falcata.
40	Maharukh	Ailanthus excelsa.
41	Moha	Maduca indica.
42	Murmati	Acacia emburnea.
43	Neem	Azadirachata indica.
44	Palas	Butea monosperma.
45	Pangara, mandar	Erythrina indica.
46	Pimpal or Peempal	Ficus religiosa.
47	Sag (Teak)	Tectona grandis.
48	Salai	Boswellia serrata.
49	Sawar	Bombax malabarica/cieba.
50	Ritha	Sapindus emarginata.
51	Jamba	Xylia xylocigera.
52	Shammi, Soundad	Prosopis spicigera.
53	Shindi	Phoenix sylvestris.
54	Shivan	Gmelina arborea.
55	Sisso, Shisham	Dalbergia latifolia.
56	Setaphal	Annona squamosa.
57	Tendu	Diospyros melanoxylon.
58	Umbar	Ficus glomerata.
59	Vad	Ficus benegalensis.
60	Vedi Babhul	Prosopis juliflora.

(B) Trees of any size growing within 20 mtrs. of edge of the bank of any water course therein provided that no such permission shall be necessary for cutting small branches upto 5 cm. in diameter at the cut end of babul and other thorny trees or thorny shrubs.

6. (1) No fruit trees or tree falling under clause (a) of rule 5 upto 23 cm. Girth at breast height shall be cut.

(2) All trees felled shall be cut flush with the ground.

(3) No tree may be girdled or pollarded.

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

(ii) All bamboo clumps shall be cut within 30 cm. From ground level.

(5) Except with the permission of the Dy. Conservator of Forest/Sub-Divisional Forest Officer of independent Sub-Division in the case of palas, the roots of trees shall not be dug up.

(6) Except with the permission in writing by the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division, no forest produce shall be removed from a protected forest between sunset and sunrise.

(7) All forest produce removed from a protected forest shall be covered by a transit pass issued by the person duly authorised in that behalf and may be examined by the Forest Officer at the nakas or places specified by the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division in that behalf.

(8) (1) Subject to any restriction which the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division may by special or general order impose in that behalf, every person holding land in the village outside the Scheduled areas as prescribed in section 246 of Constitution of India, the village artisan and agricultural labour shall be entitled to collect minor forest produce (other than harra, lac, rusa, grass, tendu leaves and gum) and minor minerals viz. Grass, leaves of mahu and teak, bakkal, edible roots, and leaves of mahu and teak bakkal, edible roots and edible fruits and flowers from the protected forest of the village.

(2) Nothing in this rule shall debar a person from collecting harra, lac, rosha, grass, tendu leaves and gum and produce of mahua trees found in his own land adjacent to a protected forest.

(9) (1) No person shall as provided in rule 8 have a right to collect any lac, harra, rosha, grass, apta, tendu leaves and gum which are of commercial value.

(2) The right to collect lac, harra, rosha, grass, apta, tendu leaves and gum from the protected forest of the village shall save as otherwise provided in rule 8 be auctioned by the Dy. Conservator of Forest/ Sub-Divisional Forests Officers of independent Sub-Division.

10. (A) The Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division in consultation with the Collector, shall by order declare a protected forest to be open to persons of any village or contiguous villages adjoining a protected forest for the purpose of exercising their rights of nistar and there upon any person residing in such village or villages may subject to provision of section 161 to 167 of Chapter X of the Maharashtra Land Revenue Code, 1966 cut and remove for his own use only (and not for sale barter or gift) any forest produce not exceeding such quantity as is set out in the Nistar Patrak of the reduced quantity as may be determined by the Dy. Conservator of Forest/Sub-Divisional Forests Officers of independent Sub-Division in consultation with the Collector, when the total quantity of the forest produce available is not enough to meet the full requirements of such persons.

(1) No person shall set fire to any portion of a protected forest or shall set fire in the vicinity of a protected forest so as to cause damage to any timber, laying in such forest or to any trees reserved under section 30 of the Indian Forest Act, 1927.

(2) All persons, who are permitted to remove forest produce according to these rules shall inform the nearest forest officer of the occurrence of a fire and shall take steps, whether or not so required by the 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.

10. (B) No forest produce granted as nistar or concession or as a right shall either be sold or barter away.

11. (I) The Cultivators (including malik, makbuzas) village artisan and labourers shall subject to the provisions of section 163 and the provision of Chapter X of the Maharashtra Land Revenue Code, 1966 be entitled for removal of grass by headloads for stall feeding of such cattle kept for agricultural purpose free of charge in a protected forest as follows :—

(a) cultivators ... 2 plough units.

(b) Agricultural artisans and labourers :—

(i) 4 cattle including one she buffalo

(ii) Provided further that a calf under six months shall not be counted.

(iii) Provided further that animals in excess of those specified in clause (a) and (b) shall be charged as the State Government may from time to time sanction in this behalf.

Explanation :—

(1) Cattle units : The Cattle units should be computed as follows :—

(a) Adult buffalo ... 2 Units.

(b) Adult cow, bull or bullock ... 1 Unit.

(c) Buffalo calf under three years ...

of age at the commencement of

the Grazing year ...

1 Unit.

(d) Cow calf ...

$\frac{1}{2}$ Unit.

महाराष्ट्र शासन, राजपत्र, असा., नोव्हेंबर २७, २००१/अग्रहायण ६, शके १९२३. [भाग चार]

(2) Plough Unit ; Shall mean for cattle units computed as per details given in (1) above.

(II) No such person shall removed grass by headloads for stall feeding of his cattle in accordance with the provisions of sub-rule (1) except under a licence for headloads granted by a person duly authorised in that behalf and in accordance with the conditions thereof.

(12) All plantation raised on protected forest shall be declared closed for removal of grass by headloads and exercise of other rights/concessions for 10 years, provided, while closing under section 30(b) the enough area shall be kept assigned for the local population to exercise their rights/concessions.

(13) No further rights or concessions shall accrue to any individual or community, after the area has notified as protected forest under section 29.

(14) The breaking of soil for whatsoever purpose shall be strictly prohibited.

(15) Whatsoever violates the provision contained in section 10(b) of the above rules, shall on conviction be punished with imprisonment for a period not exceeding one year or a fine not exceeding Rs. 1,000 or both.

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

NAVIN KUMAR,
Principal Secretary to Government.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई

ANNEXURE 5.04

(3)

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महाराष्ट्र शासन राजपत्र भाग चार-अ, गुरुवार ते बुधवार,

सप्टेंबर २७-ऑक्टोबर ३, २०१२/आश्विन ५-११, शके १९३४

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Mumbai- 400032, dated 20th September 2012.

NOTIFICATION

INDIAN FOREST ACT, 1927.

No. S-10/2012/C.R. 123/F-3.— Whereas, in pursuance of the orders of the Hon'ble High Court of Judicature at Bombay, in Writ Petition No. 3246/2004, dated the 6th October 2005 and in exercise of the powers conferred by section 29 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra (hereinafter referred to as "the said Act"), the Divisional Commissioner, Konkan Division, has declared, *vide* Notafication, Nos. (1) RB/Desk-II/Forests/C.R. 2211A, dated the 12th January 2007 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 18th January 2007, at page 104), (2) RB/Desk-II/Forests/C.R. 2211B, dated the 12th January 2007 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 18th January 2007, at page 106), (3) RB/Desk-II/Forests/C.R. 2211C, dated the 12th January 2007 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 18th January 2007, at page 107 to 110), (4) RB/Desk-II/Forests/C.R. 2211/A-1, dated the 5th July 2008 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 7th July 2008, at page 203 to 207), (5) RB/Desk-II/Forests/C.R. 2211/B-1, dated the 5th July 2008 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 7th July 2008, at page 212 to 215), (6) RB/Desk-II/Forests/C.R. 2211/E, dated the 5th July 2008 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 7th July 2008, at page 219 to 220) and (7) RB/Desk-II/Forests/C.R. 2211/B-1, dated the 29th December 2009 (published in the *Maharashtra Government Gazette*, Part I Konkan Division Supplementary, Extraordinary, dated the 29th December 2009, at pages (1) and (2) of year 1 volume 40), certain areas under Mangroves cover in the Konkan Region of the State of Maharashtra as Protected Forests (hereinafter referred to as "the said protected forests") ;

And whereas, the Government of Maharashtra considers it expedient to declare certain classes of trees in the said protected forests to be

महाराष्ट्र शासन राजपत्र भाग चार-अ, गुरुवार ते बुधवार,
सप्टेंबर २७-ऑक्टोबर ३, २०१२/आश्विन ५-११, शके १९३४

2
११

reserved and to prohibit the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in the said protected forests ;

Now, therefore, in exercise of the powers conferred by clauses (a) and (c) of section 30 of the said Act and all other powers enabling it in that behalf, the Government of Maharashtra hereby,—

(a) declares the classes of trees mentioned in the Schedule appended hereto in the said protected forests to be reserved from the 20th September 2012.

(b) prohibits, from the date so fixed under clause (a) above, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose which includes dumping of debris, blockage of tidal flushing and all other activities detrimental to the survival and natural growth of the classes of trees mentioned in the Schedule appended hereto or to the conservation of biodiversity of any land in the said protected forests ;

Provided that, nothing in this notification shall affect or cause to affect any notification issued, from time to time, pertaining to the protected forests under any law.

Schedule

Serial No. (1)	Scientific Name of the tree (Mangrove) (2)
1	Aegiceras corniculatum (L.) Blanco
2	Avicennia alba Blume
3	Avicennia marina (Forssk.) Vierh
4	Avicennia officinalis L.
5	Bruguiera cylindrica (L.) Blume
6	Bruguiera gymnorhiza (L.) Lamk, ex Savigny
7	Bruguiera parviflora (Roxb.) Wight and Arn, ex Griff.
8	Ceriops tagal (Pers.) C. B. Robins.
9	Excoecaria agallocha L.

(1)	(2)
10	<i>Kandelia candel</i> (L.) Druce
11	<i>Lumnitzera racemosa</i> Willd.
12	<i>Rhizophora apiculata</i> Blume
13	<i>Rhizophora mucronata</i> L.
14	<i>Sonneratia alba</i> J. Sm.
15	<i>Sonneratia apetala</i> Buch-Ham.
16	<i>Sonneratia caseolaris</i> (L.) Engl.
17	<i>Xylocarpus granatum</i> Konig
18	<i>Acanthus ilicifolius</i> L.
19	<i>Acrostichum aureum</i> L.
20	<i>Cerbera odollam</i> Gaertner
Mangrove Associates	
21	<i>Barringtonia racemosa</i> (L.) Sprang.
22	<i>Calophyllum inophyllum</i> L.
23	<i>Cynometra ramiflora</i> L.
24	<i>Derris trifoliata</i> Lour.
25	<i>Pandanus odoratissimus</i> L. f.
26	<i>Phoenix paludosa</i> Roxb.
27	<i>Pongamia pinnata</i> (L.) Pierre
28	<i>Salvadora persica</i> L.
29	<i>Thespesia populnea</i> (L.) Solander ex Correa.

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

SANJEEV GAUR,

Joint Secretary to Government.

ANNEXURE 6.01

REVENUE AND FORESTS DEPARTMENT

Manatralaya, Mumbai 400 032, dated the 19th September, 2006.

NOTIFICATION

Code of Criminal Procedure, 1973

No. TRS-1095/C.R.112/F-6 – Whereas, the Government of Maharashtra, being aware of the threats to which the forests and protected areas of the State are prone to, have decided to provide the forest personnel of the State with fire arms;

And whereas, the Government of Maharashtra is conscious that the use of fire arms may expose the forest personnel to vexatious criminal proceedings;

Now, therefore in exercise of the powers conferred by sub-section (3) of section 197 of the Code of Criminal Procedure, 1973(2 of 1974), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby directs, that,--

- (a) the provisions of sub-section (2) of section 197 of the said Code, shall apply to the Forest Guards, Foresters, Range Forest Officers, Assistant Conservators of Forests, Deputy Conservators of Forests and Divisional Forest Officers, in the State of Maharashtra who are charged with the maintenance of public order relating to forest protection;
- (b) Wherever firing is resorted to by any forest personnel mentioned in clause (a) above, each such incident shall be enquired into by the Executive Magistrate of the locality; and any proceeding including instituting a criminal case or effecting an arrest can be initiated by the Police, only if it is held, as a result of the Magisterial Enquiry that the use of the fire arms has been unnecessary, unwarranted and excessive and such report has been accepted by the Government, after its examination.

By order and in the name of Governor of Maharashtra

NEELA SATYANARAYAN,
Principal Secretary to Government.

ANNEXURE 6.02

महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, फेब्रुवारी ७, १९९७ / माघ १८, शके १९१८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या

भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार - ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल
यांमध्ये प्रसिध्द केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक ३० जानेवारी, १९९७

महाराष्ट्र जमीन महसूल अधिनियम, १९६६.

क्रमांक पीडब्ल्यूआर.१९९६/प्रक्र.२९६/प्रक्र.१७/ल-२ - महाराष्ट्र जमीन महसूल अधिनियम, १९६६ (सन १९६६ चा महाराष्ट्र अधिनियम ४१) याचे कलम ३३०-अ द्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे असे निदेश देत आहे की, उक्त अधिनियमाची कलमे ५३, ५४, ५४-अ याखालील जिल्हाधिकार्याच्या अधिकारांचा वापर महाराष्ट्र शासनाच्या वन विभागाचे सहाय्यक वनसंरक्षक, उप विभागीय वन अधिकारी आणि उप वनसंरक्षक यांना त्यांच्या अधिकारितेतील शासनाची राखीव वने, संरक्षित वने म्हणून जाहीर केलेल्या जमिनींच्या व त्यांच्या ताब्यातील अन्य जमिनींच्या संबंधात करता येईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

अजित वर्टी
शासनाचे प्रधान सचिव

ANNEXURE 6.03

स्थाई आदेश

क्रमांक कक्ष-१८/दक्षता/प्रक्र २०४/२०००-०१/२१०

नागपूर-४४०००६, दिनांक १२ मे २००१

विषय :- आगीपासुन वनांचे संरक्षण करण्याबाबत

दरवर्षी वनक्षेत्रास लागणा-या आगीमुळे वनक्षेत्राची अपरिमित हानी होते, अशा आगीत उभे वृक्ष भुपृष्ठावरील वीया, गवत आणि पुर्नउत्पत्ती नाश पावते, वरीकरण क्षेत्रास लागणा-या आगीमुळे कित्येक वर्षांचे श्रम आणि पैसा नाश पावतो. विशेषकरून आगीमुळे सागवान वृक्षास पोळपणा निर्माण होवुन त्याचे मुल्य कमी होते व त्याचा परिणाम वाणिज्य तोट्यावर होतो. आगीमुळे उभ्या वृक्षांना इजा होवुन ते बुरशी व किटकांच्या प्रादुर्भावास बळी पडतात, लहान वन्यजीव आणि पक्ष तर नाश पावतात. स्थानिक आदिवासी व लोक जे त्यांच्या दैनंदिन निर्वाहाकरीता वनावर अवलंबुन आहेत त्यांचेसमोर आगीमध्ये जळणा-या जळानु, गवत, गौण वनोपजामुळे प्रतिकूल परिस्थिती उदभवते. वनक्षेत्र अवनत होवुन जमिनीतील सुक्ष्म जीव जंतु व हयुमस नष्ट होते. जमिनीची जल शोषण्याची व जंगल संगहाची क्षमता कमी होवुन जमिनीची धुप व पुरांचे प्रमाण वाढीस लागते, याचा विपरीत परिणाम जमिनीतील जल साच्यावर होतो. एकुणच वनक्षेत्रास लागणा-या आगीमुळे पर्यावरण संतुलन आणि वनाची परिस्थितीकीय प्रणाली विचलीत होते.

आगी हया नैसर्गिक आणि मानव निर्मित असतात, बहुतांश आगी हया मानव निर्मितच असतात मानव निर्मित आगीची प्रमुख कारणे अशी आहेत :-

स्वतःच्या निजी स्वार्थासाठी

मोहा फुले आणि तेंदुपत्ता संगहणांत सिमांतिक वाढ होण्यासाठी गावकरी/कंत्राटदार वनक्षेत्रास आगी लावतात.

सुड भावनेतुन

स्थानिक वनकर्मचारी जर अवैध वृक्षतोड व बेकायदेशिर वनचराईस प्रतिबंध करीत असेल तर त्याचा बदला घेण्यासाठी गावकरी अशी प्रथा अवलंबवितात.

निष्काळजीपणा

गावक-यांनी त्यांच्या वनालगतच्या शेतामध्ये शेतीची कामे करतेवेळी कचरा पेटवुन आगीकडे दुर्लक्ष करणे/वनातुन जाताना जळती बिडी/सिगारेट फेकणे/ कुपाचे काम झाल्यानंतर कुपातील मजुरांतर्फे काडीकचरा साफ न करण्यामुळे आगी लागतात.

अनुभव नसणा-या वनकर्मचा-याकडुन

आग प्रतिबंधक उपाययोजना, जाळ रेषा घेणे किंवा राख जाळणे जर अनुभव नसणा-या वनकर्मचा-यांनी केलीत तर अनियंत्रित आगी लागु शकतात.

चोरटी शिकार
वनक्षेत्रावरील अतिक्रमणे
वनक्षेत्रात आणि वनालगत कोळसा करणे
वनामध्ये भरपुर गवत येण्यासाठी
हयापुर्वी गावक-यांकडून वनक्षेत्रास आगी लावणे

आगीवर नियंत्रण ठेवण्यासाठी सबविण्यात येणारी कार्यप्रणाली सर्वकष राहुन त्यांत खालील बाबींचा समावेश असावा.

१. आग प्रकरणाची योग्य चौकशी होवुन निपटारा व्हावा.
२. आगीच्या घटनांना प्रतिबंध
३. वनकमचा-यांची कार्यक्षमता व जागरूकता उंचावणे.

अ) आगीबाबतचे गुन्हे हाताळणे

आगीबाबतची उपरोक्त संभाव्य कारणे वनअधिका-यांना ज्ञात असुनही ते आगीबाबत परिणामकारक प्रतिबंधात्मक उपाययोजना करीत नाहीत असे निदर्शनास आलेले आहे, आगीबाबतचे योग्य ते अभिलेख ठेवण्यात येत नाहीत. बहुतांश प्रकरणी आरोपी लापता-बेवारस अशा नोंदी घेवुन ही प्रकरणे वर्षानुवर्षे प्रलंबित ठेवण्यात येतात. आगीबाबतचे वनगुन्हे परिणामकारक हाताळण्याच्या दृष्टीने खालील सुचना कडक अंमलबजावणीसाठी जारी करण्यात येत आहेत.

१.०० परिक्षेत्र स्तरावरील गुन्हे रजिस्टरवरून मागील ५ वर्षातील आगीच्या घटनांचा तपशिल संकलित करण्यात यावा. याकरीता कनिष्ठ स्तरावरील वनकमचा-यांच्या दैनंदिनीच्या आणि वनालगतच्या गावातील स्थानिक जनतेशी चर्चा करून आधारभुत माहिती गोळा करण्यात यावी. अशा प्रकारे संकलित होणा-या माहितीच्या आधारे आगीच्या दृष्टीने अतिसंवेदनशिल/ संवेदनशिल आणि सर्वसाधारण वनक्षेत्र वर्गीकृत करण्यात यावे. अशा प्रकारचे निश्चित करण्यात आलेले वनक्षेत्र परिक्षेत्र स्तरावरील बिट नकाशात दर्शविण्यात यावे. जेणेकरून प्रत्येक वनकर्मचा-यास आग प्रणव क्षेत्राची स्पष्टपणे कल्पना येईल. त्यानुसार आगीच्या मोसमात अतिसंवेदनशिल आणि संवेदनशिल वनक्षेत्र वन अधिका-यांच्या नियंत्रणाखाली राहील जेणेकरून अशा क्षेत्रातील आगीचे एकही प्रकरण आवश्यक त्या नोंदीपासुन सुटणार नाही. उपलब्ध मंजूरी अनुदानाच्या आधारे आग प्रतिबंधक कामासाठी अतिसंवेदनशिल क्षेत्रासाठी प्रथम अग्रक्रम देण्यात यावा. त्यानंतर संवेदनशिल क्षेत्रासाठी अग्रक्रम देण्यात यावा.

२.०० १) वनक्षेत्रास आग लागलेली दिसतातच किंवा आगीबाबतची माहिती प्राप्त झाल्यास सर्व स्थानिक वनकर्मचा-यांनी पुरेसे मनुष्यबळ एकत्रित करून आगीच्या क्षेत्राकडे धाव घेवुन आग विझविण्याची कार्यवाही सत्वर करावी. आवश्यकता भासल्यास भारतीय वनअधिनियम १९२७ चे कलम ६६ आणि कलम ७९ अनुसार अंमलबजावणी करावी. आग लागलेले प्रत्येक क्षेत्र २४ तासांच्या आत किंवा आग आटोक्यात आल्यानंतर २४ तासापर्यंत बारकाईने तपासावे व आग पुन्हा भडकणार नाही याची खात्री करावी.

२) आग संपूर्णपणे विझविल्यानंतर आगीमुळे बाधित झालेल्या क्षेत्राचा सविस्तर असा पंचनामा तयार करण्यात यावा, त्यामध्ये बाधित क्षेत्र, कुप कर्मांक, वनखंड कर्मांक,

मालाची नुकसानी झाली असल्यास त्याचे विवरण व किंमत, नैसर्गिक किंवा कृत्रिम पुनर्निर्मितीच्या रोपांना इजा पोहोचली असल्यास त्याचे विवरण, वन्यजिवांची हानी किंवा इतर कारणासाठी नुकसानी झाली असल्यास त्याचे विवरण दर्शविण्यात यावे तसेच त्यामध्ये आगीचे संभाव्य कारण, आग किती वाजता लागली, किती वाजता विझपिवण्यात आली आणि आग विझविण्याच्या दृष्टीने कशा प्रकारे कार्यवाही करण्यात आली याचा स्पष्ट उल्लेख असावा. आगीबाबत प्रथम गुन्हा अहवाल तात्काळ जारी करून पर्यवेक्षण अधिका-यास त्वरीत अवगत करण्यात यावे.

३) प्रत्येक आगीबाबतचा पंचनामा जवळच्या पोलीस स्टेशनला चौकशीकरीता पाठविण्यात यावा मात्र, आगीबाबतची स्वतंत्र चौकशी वनअधिका-याद्वारा वेगळ्याने सुरू ठेवावी.

४) आगीबाबतचा अहवाल आणि पंचनामा प्राप्त होताच वनपाल किंवा त्यावरील वरिष्ठ वन अधिका-याने आगीमुळे बाधित झालेल्या क्षेत्राची तात्काळ तपासणी करून पंचनाम्यात दर्शविलेल्या बाबीची तपासणी करावी व आरोपीबाबत चौकशी सुरू करावी. बाधित क्षेत्राची व्याप्ती आणि नुकसानीचे स्वरूप लक्षात घेता क्षेत्राची तपासणी कशी करावी याबाबतचे निर्देश खालीलप्रमाणे आहेत.

अ) आगीमुळे जळालेले क्षेत्र २ हेक्टरपर्यंत असेल व नुकसानीची किंमत रुपये ५०००/- पर्यंत असेल तर अशा क्षेत्राची तपासणी संबंधित वनपाल किंवा त्यावरील अधिका-याने करून पंचनाम्याची तपासणी माहिती मिळाल्यापासुन ३ दिवसाचे आंत करावी व चौकशी पूर्ण करावी.

ब) जर जळीत क्षेत्र २ हेक्टरपेक्षा जास्त असेल व नुकसानीची किंमत रुपये ५०००/- पेक्षा जास्त असेल किंवा रोपवनात आग लागलेली असेल तर असे क्षेत्र कमीत कमी संबंधित वनपरिक्षेत्र अधिकारी दर्जाच्या अधिका-याने तपासुन पंचनाम्याची तपासणी करून चौकशीची कार्यवाही करावी.

क) जर नुकसानीची व्याप्ती रुपये १००००/- पेक्षा जास्त असेल व जळीत क्षेत्र ५ हेक्टरपेक्षा जास्त असेल तर अशा क्षेत्राची पाहणी उपवनसंरक्षकांनी स्वतः करावी अशा प्रकरणाची चौकशी संबंधित सहा, वनसंरक्षक हे करतील.

ड) आगीबाबतचे प्रत्येक प्रकरण, ज्यामध्ये नुकसानी रुपये ५०००/- पेक्षा जास्त आहे व जळीत क्षेत्र २ हेक्टर पेक्षा जास्त असेल किंवा काष्ठ आगारास आग लागलेली असल्यास अशा प्रत्येक प्रकरणाचा अहवाल वनपरिक्षेत्र अधिकारी हे सरळरित्या वनसंरक्षकांना सादर करतील, आगीचे स्वरूप व व्याप्ती लक्षात घेवुन वनसंरक्षक हे आगीची काही ठिकाणे स्वतः तपासणी करण्याबाबतचा निर्णय घेतील व आगीची इतर ठिकाणे तपासण्याकरीता वनसंरक्षक हे त्यांच्या अधिनस्त असलेल्या राजपत्रित वनअधिका-यांना नियुक्त करतील.

इ) प्रत्येक आगीच्या प्रकरणात, ज्यात नुकसानीची किंमत रु. ५००/- पेक्षा जास्त आहे, त्याचा अहवाल महालेखाकारांना सादर केला जाईल.

फ) आगीमध्ये जर वन्यजिवांची हानी निदर्शनास आली तर अशा घटनांचा तपशिल संबंधित वनपरिक्षेत्र अधिका-याने सरळरित्या मुख्य वनसंरक्षक (वन्यजिव) महाराष्ट्र राज्य, नागपूर यांना सादर करतील.

५) साधारणतः आगीबाबतच्या वनगुन्हे प्रकरणी आरोपीचा शोध घेणे अवघड आहे तरी आगीच्या मोसमांत अ—प्राधिकृत व्यक्तींना, अनोळखी व्यक्तींना वनक्षेत्रात प्रवेश करण्यास मज्जाव करावा. आगीबाबतच्या वनगुन्हे प्रकरणी आरोपी आढळून आल्यास त्यांचेविरुद्ध भारतीय वनअधिनियम १९२७ चे कलम २६ (१) (ब,क,ड,फ) आणि महाराष्ट्र (आगीपासुन वनाचे संरक्षण) नियम १९८२ किंवा भारतीय वनअधिनियम १९२७ चे कलम ३३ (१)(ड) च्या तरतुदीनुसार प्रथम श्रेणी न्याय दंडाधिकारी यांच्या न्यायालयात खटला दाखल करावा. अशी प्रकरणे न्यायालयात लढवितांना भारतीय वनअधिनियम १९२७ चे कलम ६५ (अ) अन्वये सदर गुन्हा हा अजामीनपत्र आहे असे माननीय न्यायालयाच्या निदर्शनास आणुन द्यावे.

३.०० जर वनकमचा—यांच्या निष्काळजीपणामुळे वनक्षेत्रात आग लागली असेल तर त्यांचेविरुद्ध शिस्तभंग विषयक कार्यवाही सुरू करण्यात यावी.

४.०० जर आग वनकामगार सहकारी संस्था किंवा तेंदु कंत्राटदार यांच्या अयोग्य कार्यपद्धतीमुळे आणि काडीकचरा साफ न केल्यामुळे लागल्याचे निदर्शनास आले तर त्यांचेविरुद्ध करारनाम्याच्या शर्तीनुसार दंडात्मक कार्यवाही काटेकोरपणे बजाविण्यात यावी.

५.०० प्रत्येक आगीच्या घटनांची नोंद ज्यामध्ये रूपये ५००/- पेक्षा नुकसान झाली आहे, उपरोक्त परिच्छेद क्रमांक (२) च्या तपशिलासह वनपरिक्षेत्र अधिका—याने वनखंड इतिहास मध्ये घेतलीच पाहिजे.

६.०० प्रत्येक आगीच्या घटनेचा मासिक संक्षिप्त अहवाल, सोबत जोडलेल्या प्रपत्रानुसार (प्रपत्र—१) प्रधान मुख्य वनसंरक्षक, म.श. नागपूर हयांना सादर करण्यात यावा.

ज्या प्रकरणी आरोपी आढळून आलेले नाहीत मात्र आगीमुळे झालेली नुकसानी निलेखित करणे आवश्यक आहे, अशी प्रकरणे सबळ खुलाशासह सक्षम अधिका—याकडे आगीच्या घटनेच्या दिनांकापासुन १ महिन्याच्या आंत सादर करण्यात यावी अशा प्रस्तावामध्ये खालील तपशिलाचा अंतर्भाव आवश्यक असावा.

- (अ) १) परिक्षेत्र, परिमंडळ, नियतक्षेत्र, कुप क्रमांक, वनखंड क्रमांक, जळीत क्षेत्र आणि वनक्षेत्राचा वैधानिक दर्जा.
- २) आगीच्या संदर्भात सदर क्षेत्र अतिसंवेदनशिल/संवेदनशिल/सर्वसाधारण आहे किंवा कसे.
- ३) बाधित क्षेत्राभोवती जाळ रेषा घेण्यात आल्या होत्या काय.
- ४) जाळ रेषांची तपासणी वरिष्ठ वन अधिका—यांनी केली होती काय ? असल्यास केंव्हा व कोणी केली.
- ५) फायर वॉचर नेमण्यात आले होते काय, केंव्हापासुन.
- ६) पोलीस स्टेशनला देण्यात आलेल्या तक्रारीची प्रत, पोलीसाकडील चौकशी अहवाल प्राप्त झाला असल्यास त्याची प्रत.

- ७) चालु आगीच्या मोसमांत बाधीत क्षेत्राचे निरीक्षण आग लागण्यापुर्वी व आग लागल्यानंतर ज्या वनअधिका-याने केले होते त्याचे नांव व पद.
- (ब) आगीबाबतची संभावित कारणे, आगीचा दिनांक व वेळ.
- (क) आग विझविण्याबाबत करण्यात आलेल्या उपाययोजना, आग पुर्णपणे केंव्हा विझविण्यात आली, दिनांक व वेळ.
- (ड) प्रथम गुनहा अहवाल क्रमांक, दिनांक
- (ई) आरोपी आढळून आल्यास त्याचे नांव व पत्ता, त्यांचेविरूद्ध करण्यात आलेल्या कार्यवाहीचा तपशिल, आरोपीस शोधण्यास पोलीसांची मदत घेण्यात आली होती काय.
- (फ) आग जर वनकर्मचा-यांच्या निष्काळजीपणामुळे, वनक्षेत्रात काम करणा-या वन कंत्राटदार किंवा वनकामगार सहकारी संस्थाव्दारे लागल्याचे आढळून आल्यास त्यांचेविरूद्ध केलेल्या कारवाईचा तपशिल.
- (ग) आगीमुळे झालेल्या नुकसानीचा तपशिल (सोबतच्या प्रपत्र-२ अनुसार नुकसानीचे निदान करावे).
- (ह) नुकसानी ज्या लेखा शिर्षाशी निगडीत आहे.
- ७.०० साधारणतः आढळून येते की, आपल्याविरूद्ध कारवाई होईल या भितीने आगीमुळे प्रत्यक्ष झालेल्या नुकसानीचा तपशिल स्थानिक वनकर्मचारी सादर करीत नाही, ही प्रथा बंद करण्यात यावी. मात्र उपवनसंरक्षकांनी आगीमुळे झालेल्या नुकसानीचा अचुक आढावा घ्यावा असा आढावा घेतेवेळी व्यवसायीक दृष्टीकोन ठेवावा.
- ८.०० वनगुन्ह्यांचा निपटारा करण्यास स्थाई आदेश क्रमांक ४२ अन्वये ७५ दिवसाचा कालावधी निर्धारित करण्यात आलेला आहे, आगीच्या वनगुन्हे प्रकरणी हाच कालावधी काटेकोरपणे पाळण्यात यावा.

ब) आगीच्या वनगुन्ह्यांना प्रतिबंध घालणे.

- १) आगीमुळे होणा-या नुकसानीच्या दृष्टीने जनतेला जागरूक करणे. :-

आगीमुळे जळ्यावु इंधनाचा नाश, गवत आणि गौण वनोपजाचा नाश आणि प्रचलित अधिनियमानुसार आरोपी विरूद्ध कारवाई करण्यास कोणत्या वैधानिक तरतुदी आहेत याची जाणीव स्थानिक जनतेला देवून त्याच्यामध्ये जागरूकता निर्माण करणे. हे कार्य स्थानिक वृत्तपत्रात जाहिरातीव्दारे, बाजाराच्या दिवशी घडी-पुस्तीकाचे वाटप, प्रमुख रस्त्यालगत उदबोधनपर फलक, ग्रामपंचायत आणि शाळेच्या भिंतीवर माहिती रेखाटून करणे शक्य आहे.

आगीवर प्रतिबंध आणि नियंत्रण आणण्याच्या दृष्टीने संयुक्त वनव्यवस्थापनाच्या समित्या आणि वनसंरक्षण समित्यांना सक्रियरित्या सहभागी करण्यात यावे, या कार्यात

वनालगत असणा—या गावातील जनतेला जे वनापासुन प्राप्त होणारे फायदे घेतात, सहभागी करून घेण्यात यावे. भारतीय वनअधिनियम १९२७ चे कलम ७९ च्या तरतुदी ग्रामस्थांच्या निदर्शनास आणुन देवुन त्याचा सक्रिय सहभाग प्राप्त करून घ्यावा.

- २) कार्यआयोजनेप्रमाणे वनक्षेत्राच्या बंद भागाचे सिमांकन ठळकपणे जमिनीवर करून घ्यावे. जेणेकरून ग्रामस्थ अजाणतेपणे बंद भागात प्रवेश करणार नाहीत. वनविभागाकरीता ३० नोव्हेंबर पर्यंत आग प्रतिबंधक योजना तयार करण्यात यावी. ज्यामध्ये वर्ग—१, २ आणि ३ च्या वनक्षेत्राकरीता आयोजितल्या जाणा—या उपाययोजना ठळकपणे नमुद कराव्यात. अशी योजना वनसंरक्षकांना सादर करण्यात यावी, सदर योजनेतील कोणत्या कामांना प्राधान्य द्यावे त्याची निश्चिती वनसंरक्षक निश्चित करतील व उपलब्ध मंजुर अनुदान व आगीच्या संदर्भात संवेदनशिल क्षेत्र लक्षात घेवुन सदर योजनेस मंजुरी देतील. आग प्रतिबंधक योजनामध्ये खालील मुद्यांचा अंतर्भाव असावा.

- i) दरवर्षी ३१ जानेवारीपर्यंत जाळ रेषा घेण्यात याव्यात व निरीक्षण मनोरे उभारण्यात यावेत, मात्र पुरेसे मंजुर अनुदान उपलब्ध नसल्यास अतिसंवेदनशिल आणि संवेदनशिल क्षेत्राचा प्रथम टप्प्यात समावेश करावा. नैसर्गिक जाळ रेषा जास्तीत जास्त उपयोगात आणाव्यात, वनक्षेत्राची लहान लहान विभागांत विभागणी करण्यासाठी अंतर्गत जाळरेषा घेण्यात याव्यात. कार्यआयोजनेप्रमाणे जाळरेषांचा आकार काटेकोरपणे ठेवण्यात यावा. सुलभ संदर्भाकरीता जाळरेषांचा आकार खालीलप्रमाणे नमुद करण्यात येत आहे.

४० मिटर रूंद	वनाची बाह्य सिमा, आगाराकरीता ई.
१० ते १३ मिटर रूंद	वनखंडाची सिमा
५ ते ६.५ मिटर रूंद	कुपाची सिमा
१.५ ते ३ मिटर रूंद	सैक्शन सिमा

जाळरेषेवरील गवत, लहान, झुडपांची कटाई डिसेंबर अखेरपर्यंत पूर्ण करावी, आणि साधारणतः एक आठवड्यानंतर जाळ रेषा जाळून घ्याव्यात हे कार्य कोणत्याही परिसिध्तीत १५ फेब्रुवारी नंतर हाती घेण्यात येवु नये.

- ii) अतिसंवेदनशिल क्षेत्रात उंच ठिकाणी निरीक्षण मनोरे व उंच झाडावर मचाणी उभारण्यात याव्यात, वनक्षेत्रातील पाणस्थळे शोधुन ठेवावीत जेणेकरून आवश्यकता भासल्यास अशा पाणस्थळांचा उपयोग होवु शकेल. पुष्कळशा वनविभागात बिनतारी संदेश यंत्रणा उभारण्यात आलेली आहे, नियंत्रक अधिका—यांनी अशा यंत्रणेची नियमित तपासणी करणे आवश्यक आहे जेथे अशी यंत्रणा उपलब्ध नाही अशा ठिकाणच्या जवळच्या दुरध्वनी केंद्राची माहिती कनिष्ठ स्तरवरील वनकर्मचा—यांना असावी. तसेच त्यांना वनपरिक्षेत्र/विभागीय कार्यालयाचे दुरध्वनी क्रमांक माहिती असावेत.

- iii) आग प्रतिबंधक उपाययोजनांचा आढावा विभागीय स्तरावर होणा—या वनपरिक्षेत्र अधिकारी यांच्या मासिक सभेत, दरवर्षी डिसेंबर ते जुन मध्ये होणा—या सभेत घेण्यात यावा.

- iv) कॅलेंडर वर्ष संपताच उपरोक्त परिच्छेद अ (१) अन्वये तपशिलाच्या आधारे वनक्षेत्रास लागणा—या आगीचा डाटा बेस तयार करण्यात यावा. आगीमुळे होणा—या नुकसानीचे चिकित्सक विश्लेषण करण्यात यावे व तसा अहवाल प्रधान मुख्य वनसंरक्षक, म.ग. नागपूर यांचेकडे सादर करावा.

(क) आगीबाबतच्या गुन्हे संदर्भात वैधानिक तरतुदी :-

आगीबाबतच्या गुन्ह्यासंदर्भात वनकर्मचा-यांना वैधानिक तरतुदीबाबत निटपणे प्रशिक्षित केले, तरी अशी प्रकरणे हाताळण्यामध्ये त्यांचे मनोधैर्य वाढू शकते. महाराष्ट्रामध्ये वनक्षेत्रास लागणा-या आगीच्या संदर्भात कोणते अधिनियम/नियम प्रचलित आहेत त्याची माहिती खालीलप्रमाणे आहे.

१. भारतीय वनअधिनियम १९२७, कलम २६ आणि ३३.
२. महाराष्ट्र (आगीपासून वनांचे संरक्षण) नियम १९८२
३. मुंबई वनसंहिता, खंड २, परिच्छेद १५२ ते १६५.
४. वन्यजिव (संरक्षण) अधिनियम १९७२, कलम ३०
५. महाराष्ट्र गौण वनोपज अधिनियम १९६९ मधील करारनाम्यातील प्रचलित शर्ती.

उपरोक्त अधिनियम आणि नियमांतर्गत असणा-या तरतुदी आगीच्या हंगामापूर्वी वनकर्मचा-यांच्या निदर्शनास कार्यशाळा, चर्चासत्रांद्वारे आणुन द्याव्यात.

(ड) विभागीय लाकूड आगाराकरीता सुचना :-

१. आगारवरील वनकर्मचा-यांना संदेश देवाण घेवाण पध्दतीची बिनतारी संदेश यंत्रणा, दुर्ध्वनीची सेवा (जवळचे दुर्ध्वनी केंद्र) अवगत असावी.
२. दोन मोठ्या गटांमध्ये पुरेशी जागा असावी.
३. आगारामध्ये अनाधिकृत व्यक्तींना प्रवेश देवू नये.
४. आगारामध्ये पाणी, रेती किंवा अग्निरोधक उपकरण उपलब्ध असावे.
५. आगारातील रस्त्याच्या बाजू, गटाजवळील क्षेत्र नियमितपणे साफ करावे. वाळलेला कचरा, पाने गोळा करून दूर फेकावीत.
६. धुम्रपान करू नये अशा आशयांचे फलक आगारामध्ये योग्य ठिकाणी लावण्यात यावेत.
७. आगीच्या मोसमापूर्वी विद्युत तारा, वायरींगचे जोड तपासावेत.

स्वा/-

मुख्य वनसंरक्षक (संरक्षण)
महाराष्ट्र राज्य, नागपूर

प्रपत्र - १

अ. क.	दिनांक व वेळ			आग ज्या क्षेत्रात लागली त्याचे वन परिक्षेत्र पातनश्रेणी वनखंड क. कुप क.	जळीत क्षेत्रा भोवती नियमा नुसार आग प्रती बंधक उपाय योजना घेण्यात आल्या होत्या किंवा कसे	आगीमुळे झालेली नुकसानी आणि अंदाजे किंमत	आगीचे संभाव्य कारण	आग विझविण्या साठी केलेल्या उपाय योजना	आरोपीचा शोध घेण्यासाठी करण्यात आलेले प्रयत्न
	आग लागण्याची	आग विझविण्याची	जळीत क्षेत्र (हे.)						
१	२	३	४	५	६	७	८	९	१०

प्रपत्र - २

आगीमुळे झालेल्या नुकसानीचा आणवा घेण्यासाठीचे प्रपत्र

अ. क.	आगीमुळे झालेली नुकसानी	गखीव वनक्षेत्र (रूपये)	संरक्षीत वनक्षेत्र (रूपये)	इतर वनक्षेत्रात (रूपये)
१	२	३	४	५
१	इमारती लाकुड (घ.मी.)			
२	जळ्यावु लाकुड (घ.मी.)			
३	बांबु (नग)			
४	गवत (क्विंटलमध्ये)			
५	रोपवने (हेक्टर)			
६	उभे वृक्ष (संख्या)			
७	नैसर्गिक पुनरुत्पत्ती (हेक्टरमध्ये)			
८	कुरण क्षेत्र (हेक्टरमध्ये)			
९	प्रजातीवर वन्यप्राणी (संख्या)			
१०	वनविभागाची साधन सामुग्री			
एकुण :-				

ANNEXURE 6.04

अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वनहक्कांनी मान्यता) अधिनियम-२००६ मधील तरतुदीनुसार गौण वनोपजांचा वाहतूक परवाना देण्याच्या व्यवस्थेत सुधारणा करण्याबाबत.

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन निर्णय क्रमांक : एस-१०/२०१३/प्र.क्र.८७/फ-३
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : ३० जुलै, २०१३.

वाचा :-

प्रधान मुख्य वनसंरक्षक यांचेकडील पत्र क्र.कक्ष-१२/जमीन/३/वहका/प्र.क्र.१/भाग-६/०७९/१२१३,
दिनांक ७.३.२०१३.

शासन निर्णय :-

अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वनहक्कांनी मान्यता) अधिनियम- २००६ च्या नियम २ (१) (ड) अनुसार गौण वनोपजांच्या संदर्भात वाहतूक परवाना देण्याबाबत व्यवस्थेत सुधारणा करणे अभिप्रेत असून सदरचा वाहतूक परवाना नियम ४ (१) (ई) अनुसार गठीत समिती किंवा ग्रामसभेने प्राधिकृत केलेल्या व्यक्तीद्वारे देण्याची तरतुद आहे.

२. त्यानुषंगाने प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांच्या संदर्भित पत्राद्वारे अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वनहक्कांनी मान्यता) अधिनियम- २००६ च्या कलम ३ (१) (सी) अंतर्गत मान्य वन हक्कांच्या अनुषंगाने गोळा केलेल्या गौण वनोपजांच्या वाहतूकीसाठी वाहतूक परवान्याचा नमुना मान्य करण्याबाबतचा प्रस्ताव शासनास प्राप्त झालेला आहे.

३. त्यानुसार संदर्भित पत्राद्वारे प्राप्त उक्त तरतुदींच्या अधीन राहून घावयाच्या वाहतूक परवान्याच्या नमुन्यास याद्वारे शासन मान्यता प्रदान करण्यात येत आहे.

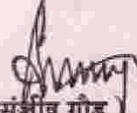
४. वाहतूक परवान्यासंदर्भातील कार्यप्रणाली पुढीलप्रमाणे राहील :-

- सदर निर्गत परवान्याचा रंग पिवळा असावा.
- याचे मुद्रण शासकीय मुद्रणालयातून करण्यात येईल.
- मुद्रीत होणाऱ्या वाहतूक परवान्याच्या प्रारुपात एकसूत्रता राहावी, यासाठी तिन्ही प्रतींवर वरच्या उजव्या बाजूस या शासन निर्णयाचा क्रमांक व दिनांक नमूद करणे आवश्यक राहील.
- शासकीय मुद्रणालयाकडून यावर (दर्शिल्याप्रमाणे) वॉटर मार्क अंकीत केल्या जाईल.
- सदर नमुना घडी पत्रक (३ घडीचे) पास चा राहील. त्यामध्ये स्थळप्रत, संबंधित बिट गार्डची प्रत, वाहतूककर्ताची प्रत याचा समावेश राहील.
- नमुन्याचे मागील बाजूस सदर नमुना कोणता गौणउपजासाठी लागू आहे, त्याची यादी व नमुनात माहिती भरण्यासाठी मार्गदर्शन चा समावेश राहील.
- वाहतूक पास जारी केल्यानंतर ४८ तासांच्या आत संबंधित ग्रामसभेकडून बिट गार्डची प्रत संबंधित बिट गार्डकडे देण्यात येईल.
- शासकीय मुद्रणालयाकडून मुद्रण झाल्यानंतर ५० पानाचे पुस्तकांचा पुरवठा मुख्य वनसंरक्षक (प्रा.) यांचे कार्यालयास करण्यात येईल व त्याची माहिती प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर कार्यालयास देण्यात येईल.
- विभागीय अधिकार्यांचे / उप वनसंरक्षकांचे कार्यालयीन शिक्षा घडीचे रेवेवर दोन ठिकाणी जेथे घडीची रेवा आहे तेथे दोन्ही बाजूस अर्धा-अर्धा अशा स्वरुपाचा चिन्हांकित केला जाईल

- (j) ग्रामसभाकडून संबंधित वन परिक्षेत्र अधिकारी यांचेकडे निर्गत परवाना पुस्तक ची मागणीप्रमाणे दिनामूल्य त्याचा पुरवठा करण्यात येईल. वनपरिक्षेत्र अधिकारी या निर्गत परवानाबाबत अभिलेख ठेवतील.
- (k) एक निर्गत परवाना पुस्तक संपल्यानंतर Counterfoll (स्थळग्रत) ची पुस्तक संबंधित वन कार्यालयास (जंथून प्राप्त झाले होते) परत करणे आवश्यक राहील.
- (l) अनुसूचित जमाती व इतर पारंपरिक वन नियासी (वनहक्कांनी मान्यता) अधिनियम- २००६ तसेच मुंबई वन नियमावली, १९४२ या दोन्ही नियमावलीतील तरतुदींची सांगड असावी, या दृष्टीने मुंबई वन नियमावली, १९४२ नियम ६७ (१) अनुसार संबंधित मुख्य वनसंरक्षक किंवा यथास्थितीत उप वनसंरक्षक व उप विभागीय वन अधिकारी स्तरावरून वाहतूक परवाना जारी करण्यासाठी संबंधित ग्रामसभेस प्राधिकृत करण्यात येईल.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने.

०/० सहपत्र : नमुन्याची प्रत.


(संजीव गोड)
सह सचिव (वन)

प्रति,

- १) अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२
- २) प्रधान सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई- ३२.
- ३) प्रधान सचिव, ग्राम विकास व जल संधारण विभाग, मंत्रालय, मुंबई-३२.
- ४) आयुक्त, वृहन्मुंबई महानगर पालिका, मुंबई.
- ५) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- ६) प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर.
- ७) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, बांद्रा-कुर्ला संकुल, मुंबई.
- ८) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई.
- ९) अपर प्रधान मुख्य वनसंरक्षक (केंद्रस्थ अधिकारी), महाराष्ट्र राज्य, नागपूर.
- १०) अपर प्रधान मुख्य वनसंरक्षक (संधारण), महाराष्ट्र राज्य, नागपूर.
- ११) अपर मुख्य वनसंरक्षक (वन्यजीव) पश्चिम, मुंबई.
- १२) पोलीस आयुक्त, मुंबई.
- १३) आयुक्त, ठाणे महानगर पालिका, ठाणे.
- १४) आयुक्त, आदिवासी विकास विभाग, नाशिक.
- १५) आयुक्त, कल्याण-डोंबिवली महानगर पालिका, कल्याण.
- १६) आयुक्त, नवी मुंबई महानगर पालिका, नवी मुंबई.
- १७) आयुक्त, मिरा-भाईंदर महानगर पालिका, भाईंदर.
- १८) आयुक्त, भिवंडी महानगर पालिका, भिवंडी.
- १९) आयुक्त, उल्हासनगर महानगर पालिका, उल्हासनगर.
- २०) व्यवस्थापकीय संचालक, सिडको, नवी मुंबई.
- २१) जिल्हाधिकारी, (सर्व).
- २२) मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
- २३) पोलीस अधिक्षक, (सर्व).
- २४) सर्व मुख्य वनसंरक्षक (प्रादेशिक) / सर्व वनसंरक्षक (प्रादेशिक)/ सर्व संबंधित उपवनसंरक्षक.
- २५) अपर आदिवासी आयुक्त, (सर्व).

साक्षर निर्दिष्ट

निर्गत परवाना (स्वच्छप्रत)

अनुपस्थित जमाती व इतर पारंपारिक वननिवासी (वन हक्कांची माग्यता)
अधिनियम २००६ चे कलम ३(१)(C) अंतर्गत मान्य वनहक्कांचे अनुपगमने मोळा
केलेल्या ग्रीनबेल्टपत्राचे वाहतूकीकरिता निर्गत परवाना

ग्रीन बेल्टपत्र	पुरतका क्रमांक	परवाना क्रमांक	दिनांक
१. जिल्हा	१. तालुका	१. गाव	
२. जिल्हास्तरीय समितीने वनहक्क मान्य केलेल्या क्रमांक व दिनांक			
३. ग्रामसमितीचे नाव			
४. जेवून घाल हलविण्यात येत आहे तो वस्तुस्थिती किंवा माग क्र. आणि पातळपेची किंवा गट किंवा अन्य घटक (नाम)			
५. वाहतूक पास देण्यासाठी ग्रामसमितीने प्राधिकृत केलेल्या व्यक्तीचे नाव			
६. ग्रीन बेल्टपत्राचे वर्गीकृत (खपडाचे नाव), वस्तु प्रकार, दर्जा, मोजमाप, संख्या / मग / वजन इत्यादी			
७. वाहतूकीचे साधन			
८. गाडीचा क्रमांक (अवस्थायी)			
९. वाहन चालकाचे नाव			
१०. जाग्याचे ठिकाण			
११. ग्रीन बेल्टपत्र वाहतूकीचा मार्ग			
१२. परवान्याची काळसमयता			

परवाना देणा-याची स्वाक्षरी व
ग्रामसमितीचे ठिकाण

साक्षर निर्दिष्ट

निर्गत परवाना (विट गटडीची प्रत)

अनुपस्थित जमाती व इतर पारंपारिक वननिवासी (वन हक्कांची माग्यता)
अधिनियम २००६ चे कलम ३(१)(C) अंतर्गत मान्य वनहक्कांचे अनुपगमने मोळा
केलेल्या ग्रीनबेल्टपत्राचे वाहतूकीकरिता निर्गत परवाना

ग्रीन बेल्टपत्र	पुरतका क्रमांक	परवाना क्रमांक	दिनांक
१. जिल्हा	१. तालुका	१. गाव	
२. जिल्हास्तरीय समितीने वनहक्क मान्य केलेल्या क्रमांक व दिनांक			
३. ग्रामसमितीचे नाव			
४. जेवून घाल हलविण्यात येत आहे तो वस्तुस्थिती किंवा माग क्र. आणि पातळपेची किंवा गट किंवा अन्य घटक (नाम)			
५. वाहतूक पास देण्यासाठी ग्रामसमितीने प्राधिकृत केलेल्या व्यक्तीचे नाव			
६. ग्रीन बेल्टपत्राचे वर्गीकृत (खपडाचे नाव), वस्तु प्रकार, दर्जा, मोजमाप, संख्या / मग / वजन इत्यादी			
७. वाहतूकीचे साधन			
८. गाडीचा क्रमांक (अवस्थायी)			
९. वाहन चालकाचे नाव			
१०. जाग्याचे ठिकाण			
११. ग्रीन बेल्टपत्र वाहतूकीचा मार्ग			
१२. परवान्याची काळसमयता			

परवाना देणा-याची स्वाक्षरी व
ग्रामसमितीचे ठिकाण

साक्षर निर्दिष्ट

निर्गत परवाना (वाहतूककर्ताची प्रत)

अनुपस्थित जमाती व इतर पारंपारिक वननिवासी (वन हक्कांची माग्यता)
अधिनियम २००६ चे कलम ३(१)(C) अंतर्गत मान्य वनहक्कांचे अनुपगमने मोळा
केलेल्या ग्रीनबेल्टपत्राचे वाहतूकीकरिता निर्गत परवाना

ग्रीन बेल्टपत्र	पुरतका क्रमांक	परवाना क्रमांक	दिनांक
१. जिल्हा	१. तालुका	१. गाव	
२. जिल्हास्तरीय समितीने वनहक्क मान्य केलेल्या क्रमांक व दिनांक			
३. ग्रामसमितीचे नाव			
४. जेवून घाल हलविण्यात येत आहे तो वस्तुस्थिती किंवा माग क्र. आणि पातळपेची किंवा गट किंवा अन्य घटक (नाम)			
५. वाहतूक पास देण्यासाठी ग्रामसमितीने प्राधिकृत केलेल्या व्यक्तीचे नाव			
६. ग्रीन बेल्टपत्राचे वर्गीकृत (खपडाचे नाव), वस्तु प्रकार, दर्जा, मोजमाप, संख्या / मग / वजन इत्यादी			
७. वाहतूकीचे साधन			
८. गाडीचा क्रमांक (अवस्थायी)			
९. वाहन चालकाचे नाव			
१०. जाग्याचे ठिकाण			
११. ग्रीन बेल्टपत्र वाहतूकीचा मार्ग			
१२. परवान्याची काळसमयता			

परवाना देणा-याची स्वाक्षरी व
ग्रामसमितीचे ठिकाण

अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वनहक्कांनी मान्यता) अधिनियम-२००६ मधील तरतुदीनुसार गौण वनोपजांचा वाहतूक परवाना देण्याच्या व्यवस्थेत सुधारणा करण्याबाबत,

महाराष्ट्र शासन

महसूल व वन विभाग,

शासन शुध्दीपत्रक क्रमांक : एस-१०/२०१३/प्र.क्र.८७/फ-३

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक : ३० ऑगस्ट, २०१४.

वाचा :-

१) प्रधान मुख्य वनसंरक्षक यांचेकडील पत्र क्र.कक्ष-१२/जमीन/३/वहका/प्र.क्र.१/भाग-

६/०७९/१२१३, दिनांक ७.३.२०१३.

२) शासन निर्णय समक्रमांक दिनांक ३० जुलै, २०१३.

शुध्दीपत्रक :-

शासनाच्या दिनांक ३० जुलै, २०१३ च्या शासन निर्णयान्वये अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वन हक्कांची मान्यता) अधिनियम, २००६ च्या कलम ३ (१) (सी) अंतर्गत मान्य हक्कांच्या अनुषंगाने गोळा केलेल्या गौण वनोपजांच्या वाहतूकीसाठी वाहतूक परवान्याच्या नमुन्यास मान्यता प्रदान करण्यात आली होती. सदर शासन निर्णयातील परिच्छेद ४ (क) मध्ये "एक निर्गत परवाना पुस्तक संपल्यानंतर Counterfoil (स्थळप्रत) ची पुस्तक संबंधीत वन कार्यालयास (जेथून प्राप्त झाले होते) परत करणे आवश्यक राहिल." असे नमूद करण्यात आले होते, मात्र असे केल्यास ग्रामसभेकडे निर्गत परवान्यासंदर्भात कोणतेही अभिलेख राहणार नाही. या कारणास्तव शासनाच्या दिनांक ३० जुलै, २०१३ शासन निर्णयान पुढीलप्रमाणे सुधारणा करण्यात येत आहे :-

परिच्छेद ४ (क) मध्ये असे नमूद केले आहे की, "मुद्रीत होणाऱ्या वाहतूक परवान्याच्या प्रारूपात एकसूत्रता राहावी, यासाठी तिन्ही प्रतींवर वरच्या उजव्या बाजूस या शासन निर्णयाचा क्रमांक व दिनांक नमूद करणे आवश्यक राहिल." त्याऐवजी "मुद्रीत होणाऱ्या वाहतूक परवान्याच्या प्रारूपात एकसूत्रता राहावी, यासाठी चारही प्रतींवर वरच्या उजव्या बाजूस या शासन निर्णयाचा क्रमांक व दिनांक नमूद करणे आवश्यक राहिल." असे वाचावे.

परिच्छेद ४ (क) मध्ये असे नमूद केले आहे की, "सदर नमुना घडी पत्रक (३ घडीचे) पास चा राहिल. त्यामध्ये स्थळप्रत, संबंधित बिट गार्डची प्रत, वाहतूककर्तांची प्रत याचा समावेश राहिल" त्याऐवजी "सदर नमुना घडी पत्रक (४ घडीचे) पासचा राहिल. त्यामध्ये स्थळप्रत, ग्राम सभेची प्रत, संबंधित बिट गार्डची प्रत, वाहतूककर्तांची प्रत याचा समावेश राहिल" असे वाचावे.

परिच्छेद ४ (i) मध्ये असे नमूद केले आहे की, "विभागीय अधिकाऱ्यांचे / उप वनसंरक्षकांचे कार्यालयीन शिक्का घडीचे रेषेवर दोन ठिकाणी जेथे घडीची रेषा आहे तेथे दोन्ही बाजूस अर्धा-अर्धा अशा स्वरूपाचा चिन्हांकित केला जाईल." त्याऐवजी "विभागीय अधिकाऱ्यांचे / उप वनसंरक्षकांचे कार्यालयीन शिक्का घडीचे रेषेवर तीन ठिकाणी जेथे घडीची रेषा आहे तेथे दोन्ही बाजूस अर्धा-अर्धा अशा स्वरूपाचा चिन्हांकित केला जाईल." असे वाचावे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने.

B. K. K. K.

(बीरेन्द्र तिवारी)

मुख्य वनसंरक्षक (मंत्रालय)

प्रति,

१) अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२

२) प्रधान सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२.

- ३) प्रधान सचिव, ग्राम विकास व जल संधारण विभाग, मंत्रालय, मुंबई -३२.
- ४) आयुक्त, बृहन्मुंबई महानगर पालिका, मुंबई.
- ५) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- ६) प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर.
- ७) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, बांद्रा-कुर्ली संकुल, मुंबई.
- ८) त्रिभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई.
- ९) अपर प्रधान मुख्य वनसंरक्षक (केंद्रस्थ अधिकारी), महाराष्ट्र राज्य, नागपूर.
- १०) अपर प्रधान मुख्य वनसंरक्षक (संधारण), महाराष्ट्र राज्य, नागपूर.
- ११) अपर मुख्य वनसंरक्षक (वन्यजीव) पश्चिम, मुंबई.
- १२) पोलीस आयुक्त, मुंबई.
- १३) आयुक्त, ठाणे महानगर पालिका, ठाणे.
- १४) आयुक्त, आदिवासी विकास विभाग, नाशिक.
- १५) आयुक्त, कल्याण-डोंबिवली महानगर पालिका, कल्याण.
- १६) आयुक्त, नवी मुंबई महानगर पालिका, नवी मुंबई.
- १७) आयुक्त, मिरा-भाईंदर महानगर पालिका, भाईंदर.
- १८) आयुक्त, भिवंडी महानगर पालिका, भिवंडी.
- १९) आयुक्त, उल्हासनगर महानगर पालिका, उल्हासनगर.
- २०) व्यवस्थापकीय संचालक, सिडको, नवी मुंबई.
- २१) जिल्हाधिकारी, (सर्व).
- २२) मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
- २३) पोलीस अधिक्षक, (सर्व).
- २४) सर्व मुख्य वनसंरक्षक (प्रादेशिक) / सर्व वनसंरक्षक (प्रादेशिक) / सर्व संबंधित उप वनसंरक्षक.
- २५) अपर आदिवासी आयुक्त, (सर्व).
- २६) फ-३ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई-३२. (निवडनस्ती).

ANNEXURE 6.05

वनोपजाच्या वाहतूकीवर वन संरक्षणाचे
दृष्टीने नियंत्रण रहावे म्हणून वनोपज वाहतूक
परवाना / वाहतूक चलान यांच्या सुधारित
प्रारुपास मान्यता प्रदान करणेबाबत..

महाराष्ट्र शासन

महसूल व वन विभाग

शासन निर्णय क्रमांक :- एस-३०/२०१५/प्र.क्र.५४६/फ-३

मंत्रालय, मुंबई ४०० ०३२,

दिनांक : ३० जानेवारी, २०१६

वाचा :-

प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) महाराष्ट्र राज्य, नागपूर यांचे पत्र क्र.-कक्ष-२५/
मालकी/TP/प्र.क्र.११९/(०४-०५)/३५/१५-१६, दिनांक २७.४.२०१५

प्रस्तावना :

वनोपजाच्या वाहतूकीवर वनसंरक्षणाचे दृष्टीने नियंत्रण रहावे म्हणून वनोपजाच्या वाहतूक पासेस संदर्भात यापूर्वी वापरात असलेले प्रपत्रे, नमुने, फॉर्मस इत्यादींचा आढावा घेवून त्यांचे पुनरुज्जीवन व सुलभीकरणाबाबतचा आढावा घेण्याकरिता व वाहतूक परवाना संदर्भात मा.सर्वोच्च न्यायालय यांनी दिनांक १८ मे, २००१ रोजी दिलेल्या निर्णयांची काटेकोरपणे अंमलबजावणी करण्याकरिता श्री.अ.ना.त्रिपाठी, उप सचिव (वने) यांचे अध्यक्षतेखाली शासन निर्णय क्रमांक एफओआर-१०९२/ १३०४७/प्र.क्र.६६/भाग-२/टि-२, दिनांक ३ जून, २००३ अन्वये शासनाने एक त्रिसदस्यीय समिती गठीत केली होती. सदर समितीने त्यांचे दिनांक ७ नोव्हेंबर, २००३ रोजीच्या बैठकीमध्ये काही शिफारशी केल्या. सदर शिफारशीवर अंमलबजावणी करण्यापूर्वी संरक्षणात्मक व प्रशासकीय दृष्ट्या संबंधित फॉर्मस, प्रपत्र व नमुने यात कोणताही दोष राहू नये, यासाठी प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे अध्यक्षतेखाली दिनांक ४.९.२००४ रोजी वरिष्ठ वन अधिकाऱ्यांची बैठक घेण्यात आली. सदर बैठकीत उपरोक्त शिफारशी संदर्भात खालीलप्रमाणे सुचविण्यात आले :-

१) दिनांक १२.०९.१९६० चे शासन पत्रात नमूद ६ प्रकारच्या नमुन्यांकरिता ६ रंगातील वाहतूक परवाने वापरण्यात यावेत व इनामदार पासेस करिता नारंगी रंगाचा परवाना असावा व याकरिता शासनाची परवानगी घेण्यात यावी.

२) वाहतूक परवान्याचे सर्व रकाने मराठी व इंग्रजी या दोन्ही भाषेत असावेत.

३) सुक्ष्म मुद्रण कागदावर "महाराष्ट्र शासन वन विभाग" "Government of Maharashtra, Forest Department" असा सुक्ष्म मुद्रणाचा मजकूर असावा.

सध्या शासन पत्र दिनांक १२ सप्टेंबर १९६० मध्ये विहित केलेले सहा नमुने उपयोगात येत नसून साधारणपणे दोन नमुन्यांमध्ये वाहतूक परवान्याचा वापर होत असल्याचे दिसून येते. वरील पार्श्वभूमी विचारात घेता, प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) महाराष्ट्र राज्य, नागपूर यांनी अशासकीय वनोपजाचे वाहतूकीकरिता एकच वाहतूक परवाना प्रस्तावित केला असून वाहतूक परवाना नमूना क्रमांक १९० मध्ये सुधारणा करून नमूना क्रमांक १९०-अ शासन मान्यतेकरिता सादर केला आहे. या व्यतिरिक्त, शासकीय वनोपजाचे वाहतूकीवर योग्य ते नियंत्रण ठेवण्यासाठी वनोपज वाहतूक चलानचा सुधारीत नमूना देखील संदर्भीय प्रस्तावान्वये शासन मान्यतेकरिता सादर केला आहे. सदर प्रस्तावास शासन मान्यता देण्याच्या विचाराधीन होते.

सदर प्रस्तावाचा साकल्याने विचार करुन शासन खालील प्रमाणे निर्णय घेत आहे :

शासन निर्णय:

१. शासकीय वनोपजाचे वाहतूकी करिता वनोपज वाहतूक चलान (Forest Produce Transit Challan - For Government Forest Produce) च्या सुधारीत नमून्यास (सहपत्र - I) शासन मान्यता प्रदान करण्यात येत आहे. वन्यप्राण्याची वाहतूक किंवा वन्य प्राण्यांच्या अवयवांच्या वाहतूकीकरिता राज्यात किंवा राज्याबाहेर सुध्दा उपरोक्त वाहतूक चलानचा उपयोग करण्यात येईल.
२. अशासकीय वनोपजाचे वाहतूकीकरिता वाहतूक परवाना (Forest Produce Transit Pass) नमूना क्रमांक १९० मध्ये सुधारणा करण्यात येत असून नमूना क्रमांक १९०- अ (सहपत्र - II) यास शासन मान्यता देण्यात येत आहे.
३. अशासकीय वनोपजाचे वाहतूक परवान्या सोबत जोडावयाचे वनोपज वाहतूक चलान (Forest Produce Transit Challan) च्या नमून्यास (सहपत्र - III) यास शासन मान्यता देण्यात येत आहे.
४. मा.सर्वोच्च न्यायालयाने निर्देशित केल्यानुसार वाहतूक परवाना जल चिन्हांकीत (Water Mark paper) कागदावर व सुक्ष्म मुद्रण कागदावर शासकीय मुद्रणालयात छापण्यात यावे. सुक्ष्म मुद्रण कागदावर "महाराष्ट्र शासन वन विभाग" "Government of Maharashtra, Forest Department" असा सुक्ष्म मुद्रणाचा मजकूर असावा. वाहतूक परवाना व चलान पांढऱ्या कागदावर काळ्या शाईने लिहीली जाईल व सुक्ष्म मुद्रण निळ्या शाईने करण्यात येईल.
५. सदर वाहतूक परवाना / चलान वर मशिनीद्वारे छापील अनुक्रमांक देण्यात यावे.
६. वनोपज वाहतूक चलानावरील छापील अनुक्रमांकाचा उल्लेख वनोपज वाहतूक परवान्यात करणे बंधनकारक राहील.
७. वाहतूक परवान्याचे सर्व रकाने मराठी व इंग्रजी या दोन्ही भाषेत असावेत.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१६०१३०१७३८३८३४१९ असा आहे. हा शासन निर्णय डिजिटल स्वाक्षरीने साक्षात्कृत करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

TIWARI VIRENDRA
RAMBAHAL

Digitally signed by TIWARI VIRENDRA RAMBAHAL
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(वीरेंद्र तिवारी)

मुख्य वनसंरक्षक (मंत्रालय)

प्रत :-

- १) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- २) प्रधान मुख्य वनसंरक्षक (वन्यजीव) / (उत्पादन व व्यवस्थापन), महाराष्ट्र राज्य, नागपूर.

पृष्ठ ३ पैकी २

- ३) प्रधान मुख्य वनसंरक्षक व महा संचालक, सामाजिक वनीकरण, पुणे.
- ४) प्रधान मुख्य वनसंरक्षक (संशोधन, शिक्षण व प्रशिक्षण), पुणे.
- ५) व्यवस्थापकीय संचालक, महाराष्ट्र वन विकास महामंडळ, नागपूर.
- ६) सर्व अपर प्रधान मुख्य वनसंरक्षक
- ७) सर्व मुख्य वनसंरक्षक (प्रादेशिक) / (वन्यजीव)
- ८) सर्व वनसंरक्षक (कार्य आयोजना) / (वन्यजीव)
- ९) सर्व जिल्हाधिकारी
- १०) सर्व जिल्हा पोलीस अधिक्षक
- ११) सर्व उप वनसंरक्षक / विभागीय वन अधिकारी / उप विभागीय वन अधिकारी
- १२) कार्यासन अधिकारी (फ-६ / फ-९), म.व.व.वि., मंत्रालय, मुंबई-३२.
- १३) निवडनस्ती, कार्यासन (फ-३), म.व.व.वि., मंत्रालय, मुंबई-३२.

शासन निर्णय क्र. एस-३०/२०१५/प्र.क्र.५४६/फ-३, दिनांक ३०.१.२०१६ सोबतचे सहपत्र क्र. १



महाराष्ट्र वन विभाग

महाराष्ट्र शासन, वन विभाग
Govt. of Maharashtra, Forest Department

वनोपज वाहतूक चलान Forest Produce Transit Challan
शासकीय वनोपजाकरिता For Government Forest Produce

भारतीय वन अधिनियम, १९२७ च्या कलम ४१ व महाराष्ट्र वन नियमावली, २०१४ च्या नियम ३१ यासाठी
See sec. 41 of the Indian Forest Act, 1927 and Rule 31 of the Maharashtra Forest Rules, 2014

वन्यजीव (संरक्षण) कायदा, १९७२ च्या वन्यजीव वाहतूकसाठी

For transport as per the Wildlife (Protection) Act, 1972

गोल मुद्रा Round Seal

वन - १९० ब
Forest - 190 B
चलान क्र. Challan No.

वन विभाग
Forest Div.

परिक्षेत्र
Range:

निर्यात दिनांक
Date of Issue

१. प्राधिकृत अधिकारी, त्यांचे आदेश क्र. व दिनांक / बिल क्र. व दिनांक (जेथे लागू असेल) Authorized Officer, order No. & Date / Bill No. & Date (if relevant)

२. वनोपजाचे स्रोत Origin of forest produce कक्ष व कुल/अंगार/ठिकाणाचा तपशील Compartment & Coupe/Depot/ Place

४. कोठे जाणार (पूर्ण पत्ता)
Destination (full address)

६. वाहनचालकाचे नाव व संपर्क क्र.
Driver's Name and contact no.

३. वाहनाचे प्रकार व नोंदणी क्र. Vehicle Type & Registration No.

५. वाहतुकीचा मार्ग
Route of transit

७. चालकाचे परवाना क्र.
Driving License No.

ज. क्र. Sr. No.	वनोपजाचा तपशील Description of forest produce (प्रजाती, वैज्ञानिक नाव, प्रत, काट, मग व इतर. Species, scientific name, grade, lot, log, etc.)	कुलडिपोतील ओळख क्र. Coupe Depot ID Number	लांबी Length (मी. Mtr.) मोजमाप - Measurement	वेडी/वेडी girth /width (से. मी. cm) मोजमाप - Measurement	परिमाण Quantity	युनिट म.मी./ कि.ग्र./गं. Unit cu.mt/ kg./ Nos. थरा remarks	तफावत असल्यास नवीन मोजमाप नमुद करावे Record new measurement in case of difference व थरा & Remarks
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आकडे अंग्रजीत वापरणे.
एकूण लॉग / नमूने

Total logs/
items

एकूण Total:

फरक असलेले नमूनांची संख्या
Number of items having
difference in measurement

ठिकाण Place
दिनांक Date

वाहतूक बालान जारीकर्ता प्राधिकारी यांची स्वाक्षरी
Counter-signature of authority issuing Transit
challan
नाव, पदनाम व संपर्क क्र. Name, designation & contact
no.

मुद्रा Seal

हतोळ्याचा
निशान

मुद्रा Seal

Imprint of hammer used

वाहन चालकाची स्वाक्षरी Driver's Signature

ग्राम करणा-याची / अपार अर्थिका-याची दिनांकित स्वाक्षरी नाव व पदनाम
Signature with date name & designation of receiver/Depot Officer
वेपक क्र. Voucher No.

शासन निर्णय क्र. एस-३०/२०१५/प्र.क्र.५४६/फ-३, दिनांक ३०.१.२०१६ सोबतचे सहपत्र क्र. II



महाराष्ट्र वन विभाग

वन विभाग
Forest Div.

महाराष्ट्र शासन, वन विभाग
Govt. of Maharashtra, Forest Department
वनोपज वाहतूक परवाना Forest Produce Transit Pass

भारतीय वन अधिनियम, १९२७ याचे कलम ४१ व महाराष्ट्र वन नियमावली, २०१४ याचे नियम ३१ वाह्याचे
See sec. 41 of the Indian Forest Act, 1927 and Rule 31 of the Maharashtra Forest Rules, 2014

वन्यजीव (संरक्षण) कायदा, १९७२ याची वाहतूकसाठी

For transport as per the Wildlife (Protection) Act, 1972

गोल मुद्रा Round Seal

वन - १९० अ

Forest - 190 A

परवाना क्र. Pass No.

वन विभाग Forest Div.	परिक्षेत्र Range:	परवान्याची कालमर्यादा Pass Valid Till
१. प्राधिकृत अधिकारी, त्यांचे आदेश क्र. व दिनांक / विले क्र. व दिनांक (जेथे लागू असेल) Authorized Officer, order No. & Date / Bill No. & Date (if relevant)	२. वाहनाचे प्रकार व नोंदणी क्र. Vehicle Type & Registration No.	
३. वनोपज माववाचे नाव, पत्ता व संपर्क क्र. Name, address & contact no. of owner of Forest Produce	४. कोठे जाणार (पूर्ण पत्ता) Destination (full address)	
५. वनोपजाचे स्रोत (आगार/ठिकाणाचा तपशील) Origin of forest produce (details of depot/place)	६. वाहतुकीचा मार्ग Route of transit	
७. वाहनचालकाचे नाव व संपर्क क्र. Driver's Name and contact no.	८. चालकाचे परवाना क्र. Driving License No.	

अ.क्र. Sr.N o.	वाहतूकचलान क्र. Transit Challan No. (चलान नसल्यास वाहतूक परवाना अवैध This pass is invalid without Challan)	वनोपजाचा तपशील Description of forest produce	परिमाण Quantity	युनिट Unit म.मी./ कि.ग्र./संख्या cu.mt/ kg./ Nos.	टिप Remarks

चलानांची एकूण संख्या:

Total Number of Challans:

वाहना मधील पूर्वीचे असलेले वनोपजामाठी
परवाना क्र. Transit Pass No for forest
produce already loaded in the vehicle

ठिकाण
Place

दिनांक व वेळ
Date & Time

जारीकर्ता प्राधिकारी यांचे स्वाक्षरी Signature of issuing authority
नाव, पदनाम व संपर्क क्र. Name, designation & contact no.

क. अटी व शर्ती यापरवानाचे मागे पाहावे.
ख. तपासणी नाक्याचे शिक्के मागे उमटवावे.
See terms & conditions on the back.
Mark seal of check posts on the back.

पेडोस पावनीसाठी स्वाक्षरी Signature for acknowledgement

वापरण्यात आलेले हुतोऱ्याचा निशान
Imprint of hammer used

मुद्रा Seal

अटी व शर्ती Terms & Conditions	मार्गावरील तपासणी नाक्याचे शिक्के Seal of check posts enroute
१) पास हरविल्यास /फाटल्यास/खराब झाल्यास तात्काळ वनविभागाच्या वनपाल / वनपरिक्षेत्र अधिकारी यांना लेखीरित्या कळवावे व त्याची पोच घ्यावी. 1) If the Transit pass is lost /torn or mutilated it should be intimated in writing immediately to the Forester/RFO of the nearest Forest office and acknowledgement should be obtained.	१. २.
२) वाहनाचा अपघात ,किंवा वाहन नादुरुस्त झाल्यास व त्यामुळे पासची मुदत संपल्यास तात्काळ नजीकच्या वन विभागाच्या वनपाल/वनपरिक्षेत्र अधिकारी यांना लेखीरित्या कळवावे व त्याची पोच घ्यावी. 2) In case of an accident or breakdown of vehicle which may result in the expiry of the transit pass, it should be intimated in writing immediately to the Forester / RFO of the nearest forest office and acknowledgement should be obtained.	३. ४. ५.
३) पासवरील वर्णना व्यतिरिक्त माल आढळल्यास दोषी व्यक्तीमध्ये वाहन मालक व चालक यांना देखील जबाबदार धरण्यात येईल. 3) The vehicle owner/driver shall also be held responsible , if the description of material in the vehicle is found to be different from the description the material mentioned in the transit pass	

शासन निर्णय क्र. एस-३०/२०१५/प्र.क्र.५४६/फ-३, दिनांक ३०.१.२०१६ सोबतचे सहपत्र क्र. III

 महाराष्ट्र वन विभाग महाराष्ट्र वन विभाग	महाराष्ट्र शासन, वन विभाग Govt. of Maharashtra, Forest Department वनोपज वाहतूक चलान Forest Produce Transit Challan			वन - १९० क Forest - 190 C अशासकीय वनोपज करिता For Pvt. Forest Produce चलान क्र. Challan No.	
	वनोपज वाहतूक परवानासोबत नसल्यास वाहतूक अवैध Transit on Challan is invalid without FP Transit Pass				
भारतीय वन अधिनियम, १९२७ याचे कलम ४१ व महाराष्ट्र वन नियमावली, २०१४ याचे नियम ३१ पाह्यावे See sec. 41 of the Indian Forest Act, 1927 and Rule 31 of the Maharashtra Forest Rules, 2014 व्यजीव (संरक्षण) कायदा, १९७२ च्या वाहतूकगती For transport as per the Wildlife (Protection) Act, 1972					
वन विभाग Forest Div.		परिक्षेत्र Range:		निर्गम दिनांक Date of Issue	
प्राधिकार/वित्त क्र. व दि. Bill No. & Date/ Authority		उत्पत्तीचे स्त्रोत Origin of produce		वाहनाचे प्रकार व नोंदणी क्र. Vehicle type & Registration No.	
अ.क्र. Sr. No.	वनोपजाचा वर्णन Description of forest produce (प्रजाती, वैज्ञानिक नाव, प्रत, नाट, नग व इतर. Species, scientific name, grade, lot, log, etc.)	मोजमाप - नम Measurement - Measurement Log (नं. Num)	मोजमाप - लांबी Measurement - Measurement Length (मी. mtr.)	मोजमाप - वेडी/रुंदी (से.) Measurement - Measurement Girth /Width (cm)	परिमाण Quantity युनिट Unit च.मी./कि.ग्रा./सं. cu.mt./ kg./ Nos. व शेष & remarks
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दस्तावेज आकडे वापरतावे.		एकूण लॉग / नम Total logs/ items		एकूण Total:	
ठिकाण Place दिनांक Date		वनोपज वाहतूक परवाना क्र. FP Transit Pass No.		वाहतूक परवाना जारीकर्ता प्राधिकारी यांचे प्रतिस्वाक्षरी Counter-signature of authority issuing Transit Pass नांव, पदनाम व संपर्क क्र. Name, designation & contact no.	
तयार करणारा यांचे स्वाक्षरी Prepared by (Signature) नांव, पदनाम व संपर्क क्र. Name, designation & contact no. मुद्रा Seal		हस्ताक्षराचा दिवान		मुद्रा Seal	

ANNEXURE 6.06

भारतीय वन अधिनियम १९२७ कलम २८-A
अनुसार अनुसूचित क्षेत्रातील गौण
वनोपजाकरीता पंचायत आणि ग्रामसभाद्वारे
वाहतूक परवाना निर्गमित करण्याबाबत..

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन निर्णय क्र. बांबूसा-२०१५/प्र.क्र.११२/फ-९
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :- ८ एप्रिल, २०१५

वाचा :-

प्रधान मुख्य वनसंरक्षक (उत्पादन व व्यवस्थापन), महाराष्ट्र राज्य, नागपूर यांचे पत्र क्र.कक्ष-
१६/आर-३/बांबू विल्हेवाट/ प्र.क्र. ९४/ जी-१३६/२०१४-१५, दिनांक १२.३.२०१५

शासन निर्णय :-

मा. राज्यपाल यांच्याकडील अधिसूचना क्रमांक RNI No. MAHENG/२००९/
३५५२८ Reg No. MH/MR/South-३४४/२०१४-१६, दिनांक ३०.१०.२०१४ अनुसार अनुसूचित
क्षेत्रासाठी भारतीय अधिनियम, १९२७ मध्ये करण्यात आलेल्या सुधारणेनुसार कलम २८-A अन्वये
अनुसूचित क्षेत्र गौण वनोपजासंदर्भात वाहतूक परवाना देण्याचे अधिकार योग्य पातळीवर पंचायत
आणि ग्रामसभा किंवा तत्संबंधी समितीकडे देण्यात आलेले आहे.

वरील संदर्भानुसार अनुसूचित क्षेत्राकरीता गौण वनोपजासाठी वाहतूक परवानाचा
(Transit Permit) नमूना प्रधान मुख्य वनसंरक्षक यांनी शासनमान्यतेसाठी सादर केला आहे. त्यास,
अनुसरून सोबत सहपत्रित नमून्यास याद्वारे मान्यता प्रदान करण्यात येत आहे.

वाहतूक परवानाचा (Transit Permit) संदर्भात कार्यप्रणाली पुढील प्रमाणे राहिल :-

१. सदर निर्गत परवान्याचा रंग फिका हिरवा (Light Pista Green) असावा.
२. संबंधित मुख्य वनसंरक्षक (प्रादेशिक) यांनी परवाना पुस्तकाचे मुद्रण शासकीय मुद्रणालयातून
करून घ्यावे. वाहतूक परवाना पुस्तक ५० पानाचा राहिल.
३. शासकीय मुद्रणालयाकडून यावर (दर्शिल्याप्रमाणे) वॉटर मार्क अंकीत केला जाईल.
४. सदर नमूना घडी पत्रक (४ घडीचे) पासचा राहिल. त्यामध्ये स्थळप्रत, पंचायत / ग्रामसभा /
समितीची प्रत, संबंधित बिट गार्डची प्रत व वाहतूक कर्त्याची प्रत याचा समावेश राहिल.

५. वाहतूक पास जारी केल्यानंतर ४८ तासांच्या आत संबंधित ग्रामसभेकडून बिट गार्डची प्रत संबंधित बिट गार्डकडे देण्यात येईल.
६. विभागीय अधिकाऱ्यांचे / उप वनसंरक्षकांचे कार्यालयीन शिक्का घडीचे रेषेवर तीन ठिकाणी जेथे घडीची रेषा आहे, तेथे दोन्ही बाजूस अर्धा-अर्धा अशा स्वरूपाचा चिन्हांकित केला जाईल.
७. वन विभागाद्वारे क्षेत्रीय पातळीवर पंचायत / ग्राम सभेच्या मागणीनुसार विनामुल्य वाहतूक परवाना पुस्तकाचा पुरवठा करण्यात येईल.
८. एक निर्गत परवाना पुस्तक संपल्यानंतर (Counterfoil) स्थळप्रत ची पुस्तक संबंधित वन कार्यालयास (जेथून प्राप्त झाले होते) परत करणे आवश्यक राहिल.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,


 (डॉ. यु.एम. फारुकी)
 सह सचिव (वन)
 महसूल व वन विभाग

प्रत :-

१. प्रधान सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२
२. प्रधान सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२
३. प्रधान सचिव, ग्राम विकास विभाग, मंत्रालय, मुंबई-३२
४. प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर
५. प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर.
६. प्रधान मुख्य वनसंरक्षक (उत्पादन व व्यवस्थापन), महाराष्ट्र राज्य, नागपूर
७. प्रधान मुख्य वनसंरक्षक आणि महासंचालक, सामाजिक वनीकरण, पुणे.
८. प्रधान मुख्य वनसंरक्षक (संशोधन, शिक्षण व प्रशिक्षण), पुणे.
९. विभागीय आयुक्त (सर्व)
१०. अपर प्रधान मुख्य वनसंरक्षक (अकाष्ठ वनोपज, सनियंत्रण व मुल्यांकन), महाराष्ट्र राज्य, नागपूर.
११. अपर प्रधान मुख्य वनसंरक्षक (संरक्षण), महाराष्ट्र राज्य, नागपूर.
१२. जिल्हाधिकारी (सर्व)
१३. मुख्य वनसंरक्षक (प्रादेशिक) आणि (वन्यजीव) (सर्व)
१४. मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
१५. पोलीस अधिक्षक (सर्व)
१६. अपर आदिवासी आयुक्त (सर्व)
१७. उपवनसंरक्षक (प्रादेशिक) आणि (वन्यजीव) (सर्व)
१८. निवडनस्ती फ-९ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई-३२

ANNEXURE 6.07

वनसंरक्षणाचे मापदंड

महाराष्ट्र शासन

महसूल व वन विभाग

शासन निर्णय क्रमांक : टिआरएस-०४/२०१४/प्र.क्र.७२/फ-६

मंत्रालय, मुंबई ४०० ०३२

दिनांक:- १३ ऑगस्ट, २०१४

वाचा :-

- १) शासन निर्णय क्र. टिआरएस-०६/२००१/प्र.क्र.२०९/फ-६, दिनांक ०८.०५.२००३
- २) शासन अधिसूचना क्र.एस-३०/०२/२०१३/प्र.क्र.२१/फ-६, दिनांक २१.०५.२०१३
- ३) शासन अधिसूचना क्र. टिआरएस-०६/२००१/प्र.क्र.२०९/फ-६, दिनांक २०.०७.२०१३
- ४) शासन अधिसूचना क्र.डब्ल्युएलपी-०६१३/प्र.क्र.१९९/फ-१, दिनांक २१.०७.२०१३
- ५) मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य यांचेकडील आदेश क्र. कक्ष २३(४)/सी-४९४/ १६०३ दिनांक २६.०७.२०१३
- ६) शासन अधिसूचना क्र. टिआरएस-०९/२०१३/प्र.क्र.१९३/फ-६, दिनांक २५.०२.२०१४
- ७) शासन अधिसूचना क्र. डब्ल्युएलपी-२०१२/प्र.क्र.३१७/फ-१, दिनांक ०१.०३.२०१४

प्रस्तावना :-

संदर्भ क्र. १ येथील शासन निर्णयानुसार वनसंरक्षणाच्या दृष्टीने मापदंड ठरवून विस्तृत दिशानिर्देश जारी करण्यात आले होते. तेव्हापासून १० वर्षांपेक्षा जास्त कालावधी निघून गेला असून या दरम्यान अनुसूचित जमाती तथा इतर पारंपारिक वननिवासी (वन हक्कांची मान्यता) अधिनियम, २००६ हा कायदा अंमलात आला. त्याबरोबरच संदर्भ क्र. ३, ४, व ५ अनुसार भारतीय वन अधिनियम १९२७ व वन्यजीव (संरक्षण) अधिनियम १९७२ अंतर्गत अधिकार प्रदान करण्यात आले आहेत. याबरोबरच संदर्भ क्र. ६ व ७ अनुसार अनुक्रमे भारतीय वन अधिनियम १९२७ आणि वन्यजीव (संरक्षण) अधिनियम १९७२ अंतर्गत सुधारित नियमावली अधिसूचित करण्यात आल्या आहेत. या पार्श्वभूमीवर वनसंरक्षणाचे मापदंडांमध्ये व्यापक सुधारणा होऊन सर्वकष दिशानिर्देश जारी करण्याची बाब शासनाच्या विचाराधीन होती. यादृष्टीने संदर्भ क्र. १ येथील शासन निर्णय अधिक्रमित करून पुढील प्रमाणे शासन निर्णय निर्गमित करण्यात येत आहे.

शासन निर्णय :-

१ नियतक्षेत्रांची वर्गवारी :- वनजमिनीवर समाजविरोधी तत्वांकडून अतिक्रमण करण्याच्या वाढत्या प्रवृत्ती, शासकीय कर्तव्य बजावित असताना शासकीय अधिकाऱ्यांवर गुन्हेगारांकडून सशस्त्र हल्ला झाल्याची प्रकरणे, वन्यप्राण्यांच्या शिकारी, वनोपज आणि वन्यप्राण्यांच्या अवयवांचा अवैध व्यापार होण्याबाबत निदर्शनास येत असलेली प्रकरणे विचारात घेऊन आजच्या घटकेस सर्वच नियतक्षेत्रे अतिसंवेदनशील ठरतात. सबब, संदर्भ क्र. १ येथील शासन निर्णयानुसार नियतक्षेत्रांची 'सर्वसाधारण', 'संवेदनशील' आणि 'अतिसंवेदनशील' अशा प्रकारे करण्यात आलेली वर्गवारी सध्या प्रासंगिक ठरत नाही. सबब यापुढे सर्वच नियतक्षेत्रे 'अतिसंवेदनशील' म्हणून समजली जातील.

२ नियतक्षेत्रे तपासणी :- उपवनसंरक्षक, विभागीय वन अधिकारी आणि उपविभागीय वन अधिकारी हे त्यांचे अधिनस्त क्षेत्रासाठी नियतक्षेत्रे तपासणीचा वार्षिक कार्यक्रम निर्धारित करतील. सदर कार्यक्रम निर्धारित करताना प्रत्येक ६ महिन्यात विभागातील / उपविभागातील सर्व नियतक्षेत्रांची तपासणी पूर्ण होईल, याबाबतची दक्षता उक्त अधिकाऱ्यांनी घ्यावी. वनपरीक्षेत्र अधिकारी हे संपूर्ण वर्षात त्यांचे अधिनस्त शक्यतो सर्व नियतक्षेत्रांची तपासणी करतील. तथापि, त्यांनी १ महिन्यात कमीत कमी १ नियत क्षेत्राची तपासणी न चुकता करावी. नियतक्षेत्रांची संख्या जास्त असल्यामुळे वनपरीक्षेत्र अधिकारी यांना संपूर्ण वर्षात त्यांचे अधिनस्त नियतक्षेत्र तपासणी करणे शक्य होत नसेल तर त्याची भरपाई वनक्षेत्रपाल / सहायक वनसंरक्षक - फिरते पथक यांचे मार्फत करण्यात येईल.

सहायक वनसंरक्षक प्रत्येक महिन्यात वनपाल किंवा वनपरीक्षेत्र अधिकाऱ्यांनी तपासलेल्या नियतक्षेत्रातील गंभीर बाबी आढळून आलेल्या क्षेत्रांची पुनः तपासणी करतील. याव्यतिरीक्त विभागीय वन अधिकारी (दक्षता) हे त्यांचे पथकामार्फत Random पद्धतीने नियतक्षेत्र तपासणी करतील. नियतक्षेत्र तपासणी करताना भारतीय वन अधिनियम १९२७, वन्यजीव (संरक्षण) अधिनियम १९७२, वन (संवर्धन) अधिनियम १९८० व अनुषंगिक नियमांखाली घडलेल्या गुन्ह्यांची नोंद / दखल घेतील. अनुसूचित जमाती तथा इतर पारंपारिक वननिवासी (वन हक्कांची मान्यता) अधिनियम, २००६ या अधिनियमाखाली मान्य व अमान्य तसेच अपील दाव्यासंदर्भातसुध्दा आढावा घेतील. वनाच्या हद्दी, खुणा, बुरुज, इत्यादी बरोबर आहेत का, याची पाहणी करतील. वनरक्षकाचा अभिलेख बरोबर आहे का हे पाहतील. त्यांचेकडील जप्त मुद्येमाल- पुस्तिका, आदेश पुस्तिका, बीट नकाशा, टोपोशीट, दैनंदिनी, गणवेश साहित्य, जीपीएस, मोबाईल फोन, PDA व इतर शासकीय साहित्य सुस्थितीत असल्याबाबत नोंद घेतील, वनरक्षक व वनपाल हे G.P.S. व P.D.A. या यंत्रांचा योग्य प्रकारे वापर करतात का याची शहानिशा करावी तसेच वनरक्षक

मुख्यालयात राहतो का याची माहिती घेतील. (वनरक्षकाचे अभिलेखाची एक चेक लिस्ट तयार करण्यात यावी म्हणजे तपासणी काम सुकर होईल) वनरक्षकाचे वार्षिक गोपनीय अहवाल लिहिताना तपासणी अहवालाची मदत घेतली जाईल. ताब्यातील जप्त मुद्देमाल व त्याची नोंदवही यांचा ताळमेळ तपासतील.

३ नियतक्षेत्र तपासणी अहवालाचे विश्लेषण व आनुषंगिक कार्यवाही :- प्रत्येक तिमाहीनंतर उपवनसंरक्षक / विभागीय वन अधिकारी / उप विभागीय वन अधिकारी यांनी विशेष सत्र आयोजित करून मागील ३ महिन्यात करण्यात आलेल्या नियतक्षेत्र तपासणी अहवालाचे विश्लेषण करावे. या सत्रात विभागातील सर्व सहायक वनसंरक्षक, वन परिक्षेत्र अधिकारी, फिरते पथकाचे अधिकारी, संबंधित वनपाल व वनरक्षक उपस्थित राहतील. नियतक्षेत्र तपासणीत आढळून आलेल्या बाबींचा विचार करून पुढे घ्यावयाची दक्षता व आनुषंगिक कार्यवाही बाबत अंमल कसा करता येईल या बाबत उपवनसंरक्षक / विभागीय वनअधिकारी / उप विभागीय वन अधिकारी यांनी विशिष्ट सूचना द्याव्यात.

४ कार्यालयाची तपासणी :- शासकीय कामांची सर्वांगीण प्रगती कशाप्रकारे होत आहे याचा आढावा घेण्यासाठी प्रत्येक घटक कार्यालयाची नियमित तपासणी करणे आवश्यक आहे. त्याबाबतचे मापदंड खालीप्रमाणे करण्यात आले आहे:-

अ.क्र.	कार्यालयाचे नाव	तपासणी अधिकारी व मापदंड
१	परिमंडल कार्यालय	वनपरिक्षेत्र अधिकारी ३ महिन्यातून एक वेळ
२	परिमंडल कार्यालय	सहाय्यक वन संरक्षक ६ महिन्यातून एक वेळ
३	परिक्षेत्र कार्यालय	सहाय्यक वनसंरक्षक वर्षातून एक वेळ
४	परिक्षेत्र कार्यालय	उपविभागीय वन अधिकारी / विभागीय वन अधिकारी / उपवनसंरक्षक वर्षातून एक वेळ
५	सहाय्यक वनसंरक्षक कार्यालय	विभागीय वन अधिकारी व उपवनसंरक्षक वर्षातून एक वेळ
६	विभागीय कार्यालय	मुख्य वनसंरक्षक प्रती वर्षी त्यांचे कार्यक्षेत्रातील सर्व विभागीय कार्यालयांची व प्रत्येक विभागातील कमीत कमी एक परिक्षेत्राची तपासणी करतील.

५ आरागिरणी तपासणी :- वन अधिकारी त्यांच्या नियमित जंगल गस्तीच्या वेळी आरा गिरण्याची तपासणी करून सदर आरागिरण्या परवान्यातील अटी व शर्तीनुसार चालतात किंवा कसे याची खात्री

करतील व त्याठिकाणी अवैध तोडीतील माल आढळल्यास नियमानुसार कार्यवाही करतील. आरा गिरणी तपासणीचे मापदंड खालीलप्रमाणे निश्चित करण्यात आले आहे.

अ.क्र.	पद	आरा गिरणी तपासणीचे मापदंड
१	वनपरिक्षेत्र अधिकारी	दरमहा कमीत कमी ८ आरा गिरण्यांची तपासणी, ज्यांच्या कार्यक्षेत्रात ८ पेक्षा कमी आरा गिरण्या आहेत अशा ठिकाणी सर्व आरा गिरण्यांची दरमहा तपासणी करावी.
२	सहायक वनसंरक्षक	दरमहा कमीत कमी ४ आरा गिरण्यांची तपासणी
३	उप वनसंरक्षक / विभागीय वन अधिकारी / उपविभागीय वन अधिकारी	दरमहा कमीत कमी २ आरा गिरण्यांची तपासणी
४	मुख्य वनसंरक्षक	आवश्यकतेनुसार व परिस्थितीनुरूप

राज्यातील जिल्हा मुख्यालयी असलेल्या बऱ्याच वनपरिक्षेत्रात आरा गिरण्यांची संख्या जास्त आहे. अशा आरा गिरण्यांची तपासणी एक वनपरिक्षेत्र अधिकारी उपरोक्त मापदंडानुसार करू शकणार नाही. याकरीता मुख्य वनसंरक्षकांनी विशेष कार्य वनपरिक्षेत्र अधिकाऱ्याची नियुक्ती करून अशा ठिकाणच्या सर्व आरा गिरण्या कमीत कमी वर्षातून एकदा तपासल्या जातील याचे नियोजन करावे.

उपरोक्त मापदंडानुसार कनिष्ठ वन अधिकाऱ्यांद्वारे आरा गिरण्याची दरमहा तपासणी होत आहे याची खात्री वनसंरक्षक / मुख्य वनसंरक्षक (प्रा) करतील. आरा गिरणी तपासणीचा त्रैमासिक अहवाल मुख्य वनसंरक्षकाद्वारे अपर प्रधान मुख्य वनसंरक्षक (संरक्षण) आणि वृत्ताच्या संबंधित नियंत्रक अपर प्रधान मुख्य वनसंरक्षकांना सादर करण्यात येईल.

६ वनगुन्ह्याची तत्परतेने नोंद, चौकशी व तपास :- वन गुन्ह्याची नोंद सध्या प्रचलित असलेल्या प्रपत्रात ४ प्रतीत करण्यात येईल. वनरक्षक स्तरावर नोंदवण्यात आलेल्या वनगुन्ह्यासंदर्भात १ ली प्रत वनरक्षकाने स्वतःकडे ठेवावी, दुसरी प्रत वनपालाकडे, ३ री प्रत विभागीय कार्यालयाकडे आणि ४ थी प्रत वनपरिक्षेत्र कार्यालयाकडे सरळ पाठवावी. काही गुन्हा प्रकरणे वन हद्दी बाहेर घडतात व ती इतर वन अधिकाऱ्यांच्या निदर्शनास येऊ शकतात. अशा वेळी ज्या वन अधिकाऱ्याच्या निदर्शनास सर्व प्रथम सदर गुन्हा येईल त्या वन अधिकाऱ्याने गुन्ह्याची नोंद करून गुन्हा घडलेल्या कार्यक्षेत्रातील वनपाल,

वनक्षेत्रपाल व उपवनसंरक्षक / विभागीय वन अधिकारी / उपविभागीय वन अधिकारी यांचेकडे पाठवाव्यात.

शासनाच्या असे निदर्शनास आले आहे की, जुने अतिक्रमणासंदर्भात तत्परतेने गुन्हे नोंदविण्याऐवजी सदरची प्रकरणे मागील कालावधीची आहे अशी भूमिका घेऊन गुन्ह्याची नोंद केली जात नाही, ही बाब गंभीर असून अतिक्रमणासंदर्भात गुन्हे नोंदविण्याबाबत दिरंगाई निदर्शनास आल्यावर संबंधित वनरक्षक, वनपाल, प्रादेशिक वनक्षेत्रपाल कडक कारवाईस पात्र राहतील.

वन गुन्हे निदर्शनास आल्यानंतर किंवा यथास्थितीत वरीलप्रमाणे वन गुन्ह्याबाबत प्रथम प्रतिवृत्त प्राप्त झाल्यानंतर संबंधित प्राधिकार्यांनी संदर्भ क्र. २ ते ५ अनुसार त्यांना सोपविण्यात आलेल्या अधिकारांच्या अधीन राहून विनाविलंब कायदेशीर कार्यवाही सुरु करावी. गुन्ह्याबाबत तपास व चौकशी करण्यासाठी उक्त संदर्भाद्वारे विविध पातळीवर अधिकार्यांना प्राधिकृत करण्यात आले आहे. नोंद झालेल्या प्रत्येक वनगुन्हा संबंधित अधिनियमानुसार तर्कसुसंगत निष्कर्षा (Logical Conclusion) पर्यंत आणला जाईल, याची वैयक्तिक आणि संयुक्तपणे जबाबदारी वनपरिक्षेत्र अधिकारी, सहायक वनसंरक्षक आणि उपवनसंरक्षक / विभागीय वन अधिकारी / उपविभागीय वन अधिकारी यांची राहिल.

वन्यजीव (संरक्षण) अधिनियम, १९७२ अंतर्गत तडजोडीस पात्र नसलेले गुन्हे व ज्या गुन्ह्यासाठी किमान कारावासाची तरतूद आहे, अशा गुन्ह्यासंदर्भात उपवनसंरक्षक / विभागीय वन अधिकारी / उपविभागीय वन अधिकारी यांनी वैयक्तिक पातळीवर सनियंत्रण ठेवावे. गुन्ह्याबाबत तपास पूर्ण होऊन विहित कालावधीत न्यायालयात खटला दाखल होईल आणि खटला दाखल झाल्यानंतर प्रकरणाचा पाठपुरावा केला जाईल, याची सर्वस्वी जबाबदारी उक्त अधिकार्यांची राहिल.

उपवनसंरक्षक, विभागीय वन अधिकारी / उपविभागीय वन अधिकारी तसेच सहायक वनसंरक्षक आणि वनपरिक्षेत्र अधिकारी हे त्यांचे कार्यालयात वनगुन्हे नोंदवहीची तपासणी नियमितपणे करतील व प्रत्येक महिन्याअखेर वरीलप्रमाणे तपासल्याबद्दल गुन्हे नोंदवहीत संदर्भांकित करतील.

भारतीय वन अधिनियम, १९२७ तसेच वन्यजीव (संरक्षण) अधिनियम, १९७२ अंतर्गत गुन्ह्यासंदर्भात तडजोड करण्यासाठी संदर्भ क्र. २, ४ व ५ मधील अधिसूचने अनुसार ठराविक पातळीवरील अधिकारी सक्षम आहेत. सबब कोणत्या वनगुन्ह्यासाठी तडजोड न्यायसंगत राहिल आणि कोणत्या वनगुन्ह्या संदर्भात न्यायालयात खटला दाखल करणे अपेक्षित राहिल हे प्रकरणाच्या गुणवत्तेच्या आधारावर निर्णय सक्षम प्राधिकार्यानेच निर्णय घ्यावा व त्यानुसार पुढील कार्यवाही करावी.

७ अवैध वृक्षतोड प्रकरणातील कार्यवाही :- अवैध वृक्षतोडीची तत्परतेने दखल घेणे व शासनास अवगत करणे महत्त्वाचे असते. त्यासाठी खालील प्रमाणे मापदंड निर्धारित करण्यात आले आहेत.

अ.क्र.	घटना स्थळावरील वृक्षतोडीची किंमत	चौकशी अधिकारी	घटनास्थळी भेट देण्याची मुदत
१	रु. ५०,००० पर्यंत	वन परिक्षेत्र अधिकारी	माहिती मिळाल्यापासून ३ दिवसांचे आत
२	रु. ५०,००० ते २.०० लाख पर्यंत	सहायक वन संरक्षक / उपविभागीय वन अधिकारी	माहिती मिळाल्यापासून ३ दिवसांचे आत
३	रु. २.०० लाख ते ५.०० लाख पर्यंत	उपवनसंरक्षक / विभागीय वन अधिकारी / उपविभागीय वन अधिकारी	माहिती मिळाल्यापासून ३ दिवसांचे आत
४	रु. ५.०० लाखाचे वर	मुख्य वनसंरक्षक	माहिती मिळाल्यापासून ७ दिवसांचे आत

वर नमूद अधिकाऱ्याने केवळ तपासणीच करावयाची नसून, सदर गुन्हा प्रकरणाच्या तपासावर वैयक्तिक संनियंत्रण ठेवायचे आहे व आरोपी विरुद्ध कायदेशीर कार्यवाही होईल याची दक्षता घ्यावयाची आहे. आवश्यकता वाटल्यास प्रकरणात दोषी आढळणाऱ्या कर्मचारी / अधिकारी यांचे विरुद्ध विभागीय चौकशी करून उचित कार्यवाही देखील करावयाची आहे. पाच लाखापेक्षा जास्त किंमतीचे अवैध वृक्ष तोडीचे वनगुन्हे शासनाच्या निदर्शनास आणण्यात येईल.

८ न्यायालयीन प्रकरणांचा पाठपुरावा :- वन परिक्षेत्र अधिकारी, सहाय्यक वनसंरक्षक, विभागीय वन अधिकारी, उपविभागीय अधिकारी व उपवनसंरक्षक यांनी न्यायालयात फिर्याद मुदतीत दाखल होईल याची दक्षता घ्यावी. समरी ट्रायलप्रमाणे चालवावयाची प्रकरणे तशी चालतील याबाबत शासकीय अभियोक्त्या व न्यायालय यांचेशी संपर्क साधून उपाययोजना करावी.

आवश्यक तेथे शास्त्रीय पुरावा / अभिप्राय तज्ञ संस्थेकडून घेऊन न्यायालयापुढे वेळीच सादर होईल हे पहावे. सरकारचे वतीने साक्षीसाठी येणाऱ्या व्यक्तीची गैरसोय होणार नाही, त्यांना आर्थिक भत्ते वेळीच मिळतील हे पहावे. साक्षीदार फितूर (Hostile) होणार नाही व झाल्यास त्याचे विरुद्ध कायदेशीर कार्यवाही होईल हे पहावे. तपास, चौकशी व न्यायालयीन कामात कुचराई करणाऱ्या अधिकारी/कर्मचारी यांचे

विरुद्ध कठोर कार्यवाही करावी. विभागाविरुद्ध निकाल गेल्यास वेळीच अपील / रिवीजन / रिव्यू / रिट पिटिशन बाबत कार्यवाही करावी. सर्व न्यायालयीन प्रकरणांची नोंद ठेवून त्यावर सहायक वनसंरक्षक आणि उपवनसंरक्षक यांनी संनियंत्रण ठेवावे. विभागीय व वृत्त स्तरीय अधिकाऱ्यांनी प्रत्येक महिन्यास न्यायालयीन प्रकरणांचा आढावा घ्यावा.

भारतीय वन अधिनियम १९२७ कलम २६ अंतर्गत विनिर्दिष्ट करण्यात आलेले बहुतांश वनगुन्ह्याप्रकरणी कारावासाची कमाल मर्यादा १ वर्षांपर्यंत आहे. सबब उक्त अधिनियमाखाली कलम ६७ व फौजदारी प्रक्रिया संहिता कलम २६२ ते २६५ च्या अधीन राहून न्यायालयात खटला दाखल करताना प्रकरण Summary Trial द्वारे निकाली काढण्यात यावी अशी विशिष्ट प्रार्थना फिर्यादमध्ये अंतर्भूत केली जाईल, या बाबत सर्व संबंधित प्राधिकाऱ्यांनी नोंद घ्यावी.

९ दैनंदिनी सादर करणेबाबत :- वनाधिकारी नेमके काय काम करतात तसेच वनसंरक्षणाबाबत त्यांचे स्तरावर घेण्यात येत असलेली दक्षता पुरेशी आहे किंवा कसे याचे आकलन त्यांची दैनंदिनी प्राप्त झाल्या शिवाय करता येत नाही. सबब याद्वारे निर्देशित करण्यात येत आहे की, दोन महिन्यापेक्षा जास्त कालावधीसाठी क्षेत्रीय वनाधिकाऱ्यांची दैनंदिनी प्रलंबित असल्यास त्यांची वेतन देयके पारीत होणार नाही, याची दक्षता घ्यावी. तसेच दोन महिन्यापेक्षा जास्त दैनंदिनी प्रलंबित असणारे अधिकारी हे स्वतः आहरण व संवितरण अधिकारी असतील तर त्यांनी त्यांचे स्वतःचे वेतन देयके पारीत करू नये. या निर्देशांचे उल्लंघन करणारे अधिकारी शिस्तभंग विषयक कार्यवाहीस पात्र ठरतील.

१० मुख्य वनसंरक्षक/उपवनसंरक्षक/विभागीय वन अधिकारी/उपविभागीय वन अधिकारी यांनी घ्यावयाची विशेष दखल :-

- I. आंतरराज्यीय सीमेवर असलेल्या क्षेत्रांसाठी संबंधित राज्यांच्या अधिकाऱ्यांबरोबर नियमित आंतरराज्यीय संरक्षण बैठक आयोजित होईल, याची दक्षता घेणे.
- II. पोलीस व महसूल अधिकाऱ्यांबरोबर सर्व पातळीवर समन्वय ठेवणे.
- III. विभागीय पातळीवर नियंत्रण कक्ष २४ तास सुरू आहे, याची खात्री करणे.
- IV. न्यायालयात खटला दाखल झाल्यानंतर त्याचा पाठपुरावा होईल, याची दक्षता घेणे.

- V. ज्यांच्या मदतीने वन गुन्ह्यातील मालमत्ता सरकार जमा झाली आहे, किंवा आरोपी न्यायालयात दोषसिद्ध झालेला आहे. त्यांना महाराष्ट्र वन नियमावली २०१४, नियम ८३ अनुसार बक्षीस प्रदान करणे.
- VI. वनगुन्ह्याबाबत पाठपुरावा करण्यास कुचराई करणाऱ्या अधिकारी/कर्मचाऱ्यांविरुद्ध प्रशासकीय पातळीवर कार्यवाही करणे.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१४०८१४११२४०८५३१९ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

Uvais
Mohammed
d Farooqui

Digitally signed by Uvais
Mohammed Farooqui
DN: c=IN, o=GOVERNMENT OF
MAHARASHTRA, ou=REVENUE
AND FOREST,
postalCode=400032,
st=Maharashtra, cn=Uvais
Mohammed Farooqui
Date: 2014.08.14 11:23:05
+05'30'

(डॉ. यु. एम. फारूकी)

सह सचिव (वने)

महसूल व वन विभाग

प्रति,

- १) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य.
- २) प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य.
- ३) प्रधान मुख्य वनसंरक्षक (उत्पादन व व्यवस्थापन), महाराष्ट्र राज्य.
- ४) व्यवस्थापकीय संचालक, महाराष्ट्र वन विकास महामंडळ.
- ५) सर्व अपर प्रधान मुख्य वनसंरक्षक,
- ६) सर्व मुख्य वनसंरक्षक (प्रादेशिक / वन्यजीव), महाराष्ट्र राज्य.
- ७) सर्व वनसंरक्षक,
- ८) सर्व जिल्हाधिकारी,

शासन निर्णय क्रमांक : टिआरएस-०४/२०१४/प्र.क्र.७२/फ-६

- ९) सर्व पोलीस अधिक्षक,
- १०) सर्व उपवनसंक्षक
- ११) सर्व विभागीय वन अधिकारी / उपविभागीय वन अधिकारी, महाराष्ट्र राज्य.
- १२) सर्व कार्यासन अधिकारी, महसूल व वन विभाग, मंत्रालय, मुंबई ४०० ०३२.
- १३) फ-६ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई ४०० ०३२. (निवड नस्ती)

ANNEXURE 6.08

ईमेलद्वारे/प्र.प्र.पालाने
क.स.स. महसूल व वन विभाग
मंत्रालय - मुंबई-४०० ०३२



महाराष्ट्र शासन

क्र. टिआरएस-१२/२०००/प्र.क्र.४६६/फ-६

महसूल व वन विभाग,
मंत्रालय, मुंबई-४०० ०३२
दिनांक- ०५/०२/२०१३.

25 FEB 2013

प्रति,

१. प्रधान मुख्य वनसंरक्षक, (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर.

२. प्रधान मुख्य वनसंरक्षक, (वन्यजीव), महाराष्ट्र राज्य, नागपूर.

३. अपर प्रधान मुख्य वनसंरक्षक, (संरक्षण), महाराष्ट्र राज्य, नागपूर.

४. अपर प्रधान मुख्य वनसंरक्षक, (अर्थसंकल्प, नियोजन व विकास), महाराष्ट्र राज्य, नागपूर.

विषय - गुप्त सेवा निधी स्थापन करण्याबाबत

महोदय,

वन विभागासाठी गुप्त सेवा निधी निर्माण करण्याबाबत कार्यवाही सुरु आहे. त्यानुसार गुप्त सेवा निधीची अधिसूचना वित्त विभागामार्फत दि. २२.०१.२०१३ अन्वये निर्गमित करण्यात आली आहे. त्याची प्रत सोबत जोडून पाठविण्यात येत आहे. तसेच सदरहू निधीचा विनियोग करण्याबाबतची नियमावली सोबत जोडून पाठविण्यात येत आहे.

अधिसूचना व नियमावली सर्व संबंधितांच्या निदर्शनास आणून देण्यात यावी. क्षेत्रीय अधिका-यांनी संबंधित जिल्ह्यांच्या कोषागार कार्यालयांच्या निदर्शनास आणून द्यावे. अधिसूचना व नियमावलीप्रमाणे गुप्त सेवा निधीबाबत कार्यवाही करण्यात यावी, असे आपणास कळविण्याचे मला आदेश आहेत,

सोबत - अधिसूचना, नियमावली.

आपला,

(धिवेक खांडेकार)

सह सचिव (वने)

महसूल व वन विभाग.

प्रत माहितीस्तव अग्रेषित :

१. मा.राज्यपाल यांचे सचिव, राजभवन, मुंबई.
२. मा. मुख्यमंत्र्यांचे अपर मुख्य सचिव, मंत्रालय, मुंबई-३२.
३. मा. उपमुख्यमंत्र्यांचे प्रधान सचिव, मंत्रालय, मुंबई-३२.
४. महालेखापाल-१/२ (लेखापरीक्षा), महाराष्ट्र राज्य, मुंबई/नागपूर(२ प्रती)
५. महालेखापाल-१/२ (लेखा व अनुज्ञेयता), महाराष्ट्र राज्य, मुंबई/नागपूर(२ प्रती)
६. अधिदान व लेखाअधिकारी, मुंबई-३२/नागपूर(२ प्रती)

७. भा. मंत्री (वने) यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
८. भा. राज्यमंत्री (वने) यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
९. भा. मुख्य सचिव यांचे वरिष्ठ स्वीय सहायक.
१०. भा. प्रधान सचिव (वने) यांचे स्वीय सहायक.
११. श्री. संजीव गौड, सहसचिव (वने), मंत्रालय, मुंबई-३२.
१२. श्री. नंदकुमार शिलवंत, उपसचिव (वने), मंत्रालय, मुंबई-३२.
१३. विशेष कार्य अधिकारी (फ-१), महसूल व वन विभाग, मंत्रालय, मुंबई-३२.
१४. कार्यासन अधिकारी (फ-२), महसूल व वन विभाग, मंत्रालय, मुंबई-३२.
१५. कार्यासन अधिकारी (अर्थ-६), वित्त विभाग, मंत्रालय, मुंबई-३२.
१६. कार्यासन अधिकारी (व्यय-१०), वित्त विभाग, मंत्रालय, मुंबई-३२.
१७. कार्यासन अधिकारी (विनियम), वित्त विभाग, मंत्रालय, मुंबई-३२.
१८. निवडनस्ती (फ-६).



महाराष्ट्र शासन राजपत्र असाधारण भाग एक-मध्य उप-विभाग

पृष्ठ १८ अंक ५७]

सोबतवार, जानेवारी २२, २०१३/माघ २, शके १९३४

[पृष्ठ २, किंमत : रुपये १२.००]

असाधारण क्रमांक ५

प्राधिकृत प्रकाशन

वित्त विभाग

मादाम कायमा मार्ग, हुतात्मा रामगुरु चौक,
मंत्रालय, मुंबई ४०० ०३२, दिनांक २२ जानेवारी २०१३

अधिसूचना

भारताचे सचिवालय,

क्रमांक मआख-१०११/प्र.क्र. ५२/२०११/विनियम.— भारतीय संविधानाच्या कलम १६६ अन्वये प्राप्त झालेल्या अधिसूचनेनुसार महाराष्ट्राचे राज्यपाल महाराष्ट्र आकस्मिक खर्च नियम, १९६५ मध्ये पुढीलप्रमाणे सुधारणा करीत आहेत :—

१. या नियमास महाराष्ट्र आकस्मिक खर्च (सुधारणा) नियम, २०१३ असे संशोधण्यात येईल.
२. महाराष्ट्र आकस्मिक खर्च नियम, १९६५ मधील नियम ३९ नंतर, देणाऱ्या नियम क्रमांक ३५, ३६, ३७ आणि ३८ मध्ये निदिष्ट केलेल्या विवरणाप्रमाणे अनुक्रमांक १३ नंतर पुढील बाबी समाविष्ट करण्यात येत आहेत :—

अनुक्रमांक (१)	संख्येचे प्रधान शीर्ष (२)	खर्चाचे वर्णन (३)	खर्च प्रमाणित करणारे अधिकारी (४)	निर्णयक अधिकारी (५)	संज्ञा (६)
१३	२४०६ ००९६ ४१	गुप्त सेवा निधी : खबर देणाऱ्यास बक्षिसे व प्रदाने.	संबंधित मुख्य वनसंरक्षक (प्रादेशिक).	उप वनसंरक्षक/स्वतंत्र उप विभागाचे उप विभागीय वन अधिकारी.	
१५	२४०६ ००९६ ४१	गुप्त सेवा निधी : लाकडाचे तस्कर, अतिक्रमणे आणि वन/वन्य जीव गुन्हे इ. संबंधी खबर देणाऱ्यास बक्षिसे व प्रदाने.	संबंधित अपर प्रधान मुख्य वन संरक्षक (वन्य जीव)/प्रधान मुख्य वनसंरक्षक (वन्य जीव)	उप वनसंरक्षक (वन्य जीव)/ वनसंरक्षक (वन्य जीव)/ मुख्य वनसंरक्षक (वन्य जीव), विभाग/वनवृत्त, प्रकल्प संचालक, व्याघ्र प्रकल्प.	

३. परिशष्ट-१ मधील विवरण पत्र-५ मधील क्रमांक ८१ नंतर खाली नमूद बाब समाविष्ट करण्यात येत आहे.

"८.२२ वन व वन्य जीव प्रकरणात खबर देणाऱ्या खाजगी व्यक्तींना बक्षिसे."

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार न. नागाने,

सुधीर शे. वास्तव,
शासनाचे प्रधान सचिव,

(१)

FINANCE DEPARTMENT

Madam Cama Road, Hutatma Rajgurun Chowk,
Mantralaya, Mumbai 400 032, dated the 22nd January 2013

NOTIFICATION

CONSTITUTION OF INDIA.

No. MAAKHA-1011/C.R. 52/2011/Viniyam.—In exercise of the powers conferred by Article 166 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make following rules further to amend the Maharashtra Contingent Expenditure Rules, 1965 namely :—

1. These rules may be called the Maharashtra Contingent Expenditure (Amendment) Rules, 2013.
2. In Maharashtra Contingent Expenditure Rules, 1965 after rule 39, under the heading statement referred to in rules 35, 36, 37 and 38, after Sr.No. 13, the following entries shall be added, namely :—

Sr. No.	Major Head of Accounts	Nature of Expenditure	Officers who will certify the expenditure	Controlling Officers	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
14	2406 0096 41	Secret Services Fund - Grants and rewards to informers.	Concerned Chief Conservator of Forests (Territorial).	Deputy Conservator of Forests or Sub-Divisional Forests Officer of Independent Forest Sub-Division.	
15	2406 0096 41	Secret Services Fund - Grants and rewards to informers concerning forest offences smuggling of timber, poaching and wildlife offences.	Concerned Additional Principle Chief Conservator of Forests (Wildlife) or Principle Chief Conservator of Forests (Wildlife).	Deputy Conservator of Forests (Wildlife) or Conservator of Forests, (Wildlife) or Chief Conservator of Forests, (Wildlife) Division or Circles, Field Directors of Tiger Reserves.	

3. In Appendix-I in Statement V, after entry 81, the following shall be added :—

* 82. Reward to private person providing information in forests and wildlife cases. *

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

SUDHIR SHRIVASTAVA,
Principal Secretary to Government.

गुप्त सेवा निधीबाबत नियमावली

प्रस्तावना :-

"खुल्या खजिन्या" समान असलेल्या वनांचे, संरक्षित व संरक्षित क्षेत्राबाहेरील वन्यजीवांचे तसेच जैवविविधतेचे वाढत्या लोकसंख्येपासून आणि वाढत असलेल्या पशुधनापासून संरक्षण करून जतन करणे व संवर्धन करणे अत्यावश्यक आहे.

राष्ट्रीय वन निती १९८८ नुसार मानवजातीचे अस्तित्व टिकून राहण्यासाठी सद्यस्थितीतील व भविष्यकालीन असलेल्या गरजांची सुरक्षितता अबाधित रहावी यासाठी, वनक्षेत्राचा शाश्वत वापर आणि या स्रोताची निरंतर समृद्धी होणे आवश्यक आहे.

राष्ट्रीय वन निती १९८८ तसेच वन्यजीव कृती आराखडा (Wildlife Action Plan - २००२-२०१६) मधील तरतुदीनुसार प्रादेशिक/ वन्यजीव शाखेचे ताब्यातील सर्वत्र प्रकारचे जमिनीवर वन्यजीव व्यवस्थापन, संवर्धन व संरक्षण करणे अनिवार्य बाब आहे.

महाराष्ट्र राज्य वनधोरण २००८ चे परिच्छेद क्र १.८ नुसार दीर्घकालीन योजना व कृती कार्यक्रम बनवून वन्यजीव व जैवविविधतेचे संरक्षण व विकास करणे हे प्राथमिक उद्दिष्टांपैकी एक आहे, व परिच्छेद ३.३.३ अन्वये संघटित वन गुन्हे हाताळण्यासाठी गुप्त सेवा निधीची उभारणी करणे हा कार्यप्रणाली चा एक भाग आहे. तर परिच्छेद ३.५.२ नुसार अवैधरित्या चालणाऱ्या वन्यजीव व्यापारावर निर्बंध ठेवण्यासाठी लागणारी गुप्त माहिती प्राप्त करण्यास गुप्तसेवा निधी उभारण्यात येईल, अशा प्रकारची तरतूद आहे.

मागील काही वर्षात संघटित स्वरूपाचे वन्यजीव गुन्हे उघडकीस आले असून त्यात आंतरराज्यीय शिकार टोळी सक्रिय असल्याचे उघडकीस आले आहे. भारतीय वन अधिनियम १९२७ चे कलम २६ अंतर्गत अवैध वृक्षतोड, उत्खनन, वनांना आगी लावणे, अतिक्रमण यासारखे व कलम ४१ अंतर्गत अवैध वाहतुकीचे गुन्हे दाखल होत असतात.

वन्यजीव (संरक्षण) अधिनियम १९७२ चे कलम- ९, १७, २७, २९ ते ३२, ३३A, ३८J, ३९, ४४, ४८, ४८A, ४९, ४९B, ५२ कलमांतर्गत वेगवेगळ्या प्रकारचे कृत्याकरिता वन्यजीव गुन्हे दाखल करण्यात येतात.

वृक्षतोड, शिकार, आगी या सारखे गुन्हे घडून गेल्यानंतर गुन्हेगार / आरोपी पकडून त्यांना सजा झाली तरी वन संपत्तीचे नुकसान होऊन गेलेले असते व त्याची भरपाई होणे शक्य नसते. म्हणून असे गुन्हे घडणारच नाहीत, या दृष्टीने प्रतिबंधात्मक उपाय योजना करणे अत्यावश्यक ठरते, त्यासाठी पोलीस, सिमाशुल्क विभाग, अबकारी विभाग यांच्या धर्तीवर बातमीदार/खबऱ्यांचे जाले विकसित करण्याची आवश्यकता आहे. यामुळे गुन्हा घडण्यापूर्वीच त्याची माहिती मिळू शकेल व प्रतिबंध करता येईल व गुन्हेगारांस सत्वर पकडून कायदेशीर कारवाई करता येईल. यामुळे वन गुन्हेगारांमध्ये जरब बसेल व गुन्हांचे प्रमाणात घट होईल. खबऱ्यांचे परिणामकारक जाले विकसित करावयाचे असेल तर त्यांना मोबदला/ बक्षीस या प्रासंगिक खर्चापोटी काही स्वकम देणे आवश्यक आहे व गोपनीयता राखण्यासाठी त्यांचे नाव ही गुप्त राहणे आवश्यक आहे, म्हणून वनविभागास पोलीस, सीमाशुल्क, अबकारी विभागाचे धर्तीवर गुप्त सेवा निधी च्या योजनेची आवश्यकता आहे.

माहे एप्रिल २००० मध्ये सौ. शोभाताई फडणवीस, तत्का. विधानसभा सदस्या यांनी तत्कालीन दक्षिण चंद्रपूर वनवृत्तामधील प्रमुख्याने सिरोंचा वनविभागात झालेल्या अवैध वृक्षतोडीच्या अनुषंगाने मुंबई उच्च न्यायालय, नागपूर खंडपीठ येथे जनहित याचिका दाखल केली आहे. दिनांक २०/०७/२००० रोजी भा. उच्च न्यायालयाने त्यांच्या अंतरीम आदेशात विशेष तपासणी पथकाने

प्रस्तावित केलेल्या उपाययोजना कार्यान्वीत करण्याबाबत शासनास निर्देश दिले, त्यापैकी एक उपाययोजना पोलीस खात्याच्या धर्तीवर वन विभागात सुध्दा " गुप्त सेवा निधी " निर्मित करावा अशी आहे. सदर उपाययोजना खालील प्रमाणे आहे.

"Provision should be made for intelligence gathering backed by adequate funding on the lines of Secret Service Funds allotted to the Police Department"

राज्यातील वनगुन्हांची संख्या, वन्यप्राण्यांची चोरटी शिकार व वन्यप्राण्यांपासून मिळणाऱ्या वस्तूंचा अवैध व्यापार, अवैध वृक्षतोड इ. बाबी आढोख्यात आणण्यासाठी "गुप्त सेवा निधी" अतिशय उपयुक्त ठरणार असून ज्यामध्ये माहिती देणाऱ्या बातमीदारांना प्रोत्साहनात्मक स्वकम रोख देता येईल. त्याद्वारे वनगुन्हे प्रकरणी माहिती देणाऱ्या बातमीदारांचे जाळे निर्माण करणे व प्राप्त गुप्त माहितीच्या आधारे वनगुन्हे घडू नये याबाबत चेळीच प्रतिबंधात्मक उपाययोजना करणे शक्य होईल. गुप्त सेवा निधी राज्य शासनाचे एकत्रीकृत निधी मधुन हाताळण्यात येणार असल्यामुळे गुप्तसेवा निधीची मागणी अर्थसंकल्पीय अंदाजपत्रकात करण्यात येईल. त्याच प्रमाणे केंद्र पुरस्कृत योजना अंतर्गत गुप्तसेवा निधीची मागणी वार्षिक प्रवर्तन अहवालात करण्यात येईल. वनविभागास मिळणाऱ्या या योजनेअंतर्गत अनुदानाचा विनियोग करण्यासाठी मार्गदर्शक तत्वे निश्चित करणे, गुप्त सेवा निधीची व्याप्ती ठरविणे, सदर निधी वितरीत करण्याचे विविध स्तरावरील अधिकारांची निश्चिती करणे, कार्यप्रणाली ठरविणे आवश्यक असल्याने सध्या गृह विभागात सदर योजना कार्यान्वीत असल्याने त्याच धर्तीवर वनविभागाची सदर योजनेसाठी कार्यप्रणाली वित्त विभागाच्या संमतीने पुढील प्रमाणे निश्चित करण्यात येत आहे.

गुप्तसेवा निधी बाबत नियमावली :-

१. वन/ वन्यजीव विभागासाठी गुप्त सेवा निधी :-

पोलीस विभागाच्या धर्तीवर वन्यजीव विभागात सुध्दा गुप्त सेवा निधीची तरतूद करणे, गुप्त सेवा निधीची पद्धत, गुप्त सेवा निधीची मार्गदर्शक तत्वे, गुप्त सेवा निधीची व्याप्ती, गुप्त सेवा निधी मधुन खाजगी इंसमांना बक्षिसे, विविध स्तरावरील अधिकारांची निश्चिती तसेच योजनेचा आढावा, योजना राबविण्यासाठी अंदाजित लागणारी तरतूद, गुप्त सेवा निधी स्थापन केल्यामुळे महाराष्ट्र आकस्मिक खर्च नियम, १९६५ मध्ये दुरुस्तीचा तपशील खालील प्रमाणे आहे.

(अ) गुप्त सेवा रकमांबाबत (Secret Service Money) लेखा पद्धती :-

- (१) या अनुदानातून वनपरिक्षेत्र अधिकारी (प्रादेशिक/वन्यजीव परिक्षेत्र), यांचे मार्फत आवश्यकतेनुसार खर्च करण्यात येईल व खर्चावर संबंधित उपवनसंरक्षक/वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी /विभागीय वनअधिकारी (स्वतंत्र कार्यभार), यांची देखरेख व नियंत्रण राहील.

(२) (i) गुप्त सेवा या बाबीवरील रकमा प्रथमतः संबंधित वनपरिक्षेत्र अधिका-यांच्या स्थायी अग्रिमातून अदा केल्या जातील, आणि नंतर त्याची भरपाई सर्वसाधारण आकस्मिक खर्चाच्या बिलाने केली जाईल. स्थायी अनुदानातून खर्च करण्यासाठी उपवनसंरक्षक/वनसंरक्षक/अपर प्रधान मुख्य वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी/विभागीय वनअधिकारी (स्वतंत्र कार्यभार), यांना त्यांच्या वडे उपलब्ध असलेल्या अनुदानातून गुप्त सेवा निधीपोटी स्थायी अग्रिमातून स्वकम अदा करणे व नंतर त्याची भरपाई करणे यासाठी प्राधिकृत करणे पुरेसे आहे. अपर प्रधान मुख्य वनसंरक्षक/वनसंरक्षक/उपवनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी/विभागीय वनअधिकारी (स्वतंत्र कार्यभार), यांचेकडील हा मागणी आदेश म्हणजे खर्चासाठी प्रमाणक म्हणूनही समजण्यांत येईल आणि तो इतर प्रमाणकासोबत आकस्मिक खर्चाच्या विलाच्या कार्यालय प्रतीसह फाईल केला पाहिजे.

(ii) या अनुदानासंबंधातील कोणतीही बिले अथवा पावत्या लेखा पुस्तकासह उपवनसंरक्षक/वनसंरक्षक/अपर प्रधान मुख्य वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी/ विभागीय वनअधिकारी (स्वतंत्र कार्यभार) स्वतःच्या वैयक्तिक स्ववलीत ठेवतील. गुप्त सेवा खर्चाबाबतची प्रमाणके व उपप्रमाणके त्या वित्तीय वर्षात खर्च केला ते वर्ष संपल्यानंतर प्रशासकीय लेखापरिक्षा पूर्ण होण्याच्या व महाराष्ट्र आकस्मिक खर्च नियम, १९६५ मधील नियम ३९ खालील विवरणपत्राच्या रकाना ४ मध्ये नमूद केलेल्या अधिका-याने लेखापरिक्षा प्रमाणपत्र देण्याच्या अटीस अधीन राहून ३ वर्षासाठी राखून ठेवतील. हे आदेश उपवनसंरक्षक/वनसंरक्षक/अपर प्रधान मुख्य वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी/विभागीय वनअधिकारी (स्वतंत्र कार्यभार), सर्व वनपरिक्षेत्र अधिकारी(गुप्तवाता) यांनाही योग्य त्या फेरफारासह (Mutatis-Mutandis) लागू आहेत.

(३) उपवनसंरक्षक/वनसंरक्षक/अपर प्रधान मुख्य वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी / विभागीय वनअधिकारी (स्वतंत्र कार्यभार) हे गुप्त सेवा लेखा खालीलप्रमाणे स्वतःच्या हस्ताक्षरात ठेवतील

-----करिता अनुदान रुपये-----			
-----सोजी पुरवणी (आवश्यक असल्यास) रुपये-----			
एकुण रुपये -----			
दिनांक	तपशिल	स्वकम	चढती क्षेत्र अ
१	२	३	४

कोणत्याही तारखेची चढती बेरीज आणि मंजूर अनुदान यातील फरक खर्चासाठी उपलब्ध असलेली शिल्लक दर्शवेल.

- (8) (i) अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व , मुख्य वनसंरक्षक तथा क्षेत्रसंचालक मेळघाट व्याघ्र प्रकल्प, मुख्य वनसंरक्षक प्रादेशिक(सर्व) जे उपवनसंरक्षक/वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी /विभागीय वनअधिकारी (स्वतंत्र कार्यभार) यांचे नियंत्रक अधिकारी आहेत, ते दरवर्षी (अंदाजे १ वर्ष कालावधीसाठी) त्यांच्या कार्यभारातील उपवनसंरक्षक/वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी/विभागीय वनअधिकारी (स्वतंत्र कार्यभार) यांचे गुप्त सेवा अनुदानाचे लेखापरिक्षण करतील. या अनुदानातून केलेल्या खर्चाचे काटेकोर समर्थन करता येईल असाच खर्च केला आहे हे पाहण्यासाठी लेखापरिक्षण काळजीपूर्वक करतील. लेखापरिक्षण पूर्ण झाल्यावर संबंधित अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व , मुख्य वनसंरक्षक तथा क्षेत्रसंचालक मेळघाट व्याघ्र प्रकल्प, मुख्य वनसंरक्षक प्रादेशिक(सर्व) खालील प्रमाणपत्र महालेखाकार/उपमहालेखाकार यांना सादर करतील.

"मी याद्वारे प्रमाणित करतो की-----यांनी त्यांच्या अनुदानातून गुप्त सेवा/खबर देणा-यांना बक्षिसे यासाठी-----ते-----था कालावधीसाठी खर्च केलेली स्वकम रुपये-----इतकी होती व मी तिची तपासणी व लेखापरीक्षा केली आहे. जे असे घोषित करतो की लोकसेवेच्या हिताच्या दृष्टीने " गुप्त सेवा /खबर देणा-यांना बक्षिसे या साठी वरील प्रदान आवश्यक होती व ती योग्य प्रकारे करण्यात आली होती."

या प्रमाणपत्राची एक प्रत प्रधान मुख्य वनसंरक्षक(वनबल प्रमुख) व प्रधान मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य नागपूर तसेच संबंधित प्रादेशिक/ वन्यजीव वृत्ताचे नियंत्रक अधिकारी यांच्या माहितीसाठी अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) (सर्व) , मुख्य वनसंरक्षक तथा क्षेत्रसंचालक मेळघाट व्याघ्र प्रकल्प, मुख्य वनसंरक्षक प्रादेशिक(सर्व) यांच्या तपासणी टिप्पणीत (Inspection Notes) अंतर्भूत केली पाहिजे.

(ii) सर्व वनपरिक्षेत्र अधिकारी (प्रादेशिक/ वन्यजीव परिक्षेत्र) , उपवनसंरक्षक /वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी /विभागीय वनअधिकारी (स्वतंत्र कार्यभार), यांनी ठेवलेल्या अनुदानाबाबतही वरील धर्तीवरच प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) स. रा. नागपूर / प्रधान मुख्य वनसंरक्षक (वन्यजीव) तथा मुख्य वन्यजीव रक्षक महाराष्ट्र राज्य, नागपूर यांचेकडून लेखापरिक्षण घेतले जाईल.

(ब) गुप्तसेवा निधी वन/वन्यजीव विभागात हाताळण्याकरिता प्रस्तावित मार्गदर्शक नव्हे

१. खबर देणाऱ्या / खबर्यांना बक्षीस देण्यात येतील.

२. राज्यस्तरावरून गुप्त सेवा निधी प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य यांना अर्थसंकल्पीय वितरण प्रणालीद्वारे वितरीत करण्यात येईल. तो सर्व निधी क्षेत्रीय स्तरावर याच पद्धतीने वितरीत करतील.

३. संबंधित अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व, मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, मुख्य वनसंरक्षक प्रादेशिक(सर्व) हे त्यांना प्राप्त झालेला निधी संबंधित वनसंरक्षक प्रादेशिक/वन्यजीव, उपवनसंरक्षक प्रादेशिक/वन्यजीव, अपविभागीय वनअधिकारी /विभागीय वनअधिकारी (स्वतंत्र प्रभार), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक यांचे मार्फत त्यांचे वनवृत्तातील वनक्षेत्रपाल यांना आवश्यकतेनुसार वितरीत करून वितरणपत्रानुसार अहवाल प्रधान मुख्य वनसंरक्षक (वनबलप्रमुख), महाराष्ट्र राज्य, नागपूर/ प्रधान मुख्य वनसंरक्षक (वन्यजीव) व मुख्य वन्यजीव रक्षक महाराष्ट्र राज्य नागपूर व संबंधित वृत्ताचे नियंत्रक अधिकारी यांचेकडे सादर करतील.

४. परिक्षेत्रवार प्राप्त निधी वनपरिक्षेत्र अधिकारी (प्रादेशिक/ वन्यजीव) हे स्वतःचे वैयक्तिक तिजोरीत ठेवतील आणि त्याचा हिशोब देखील स्वतःच ठेवतील, महाराष्ट्र आकस्मिक खर्च नियम १९६५ मधील उपभाग १७ मधील आकस्मिक खर्चाचे बिलामधील अगहारांमधील सावधगिरी या शिर्षातर्गत नियम क्रमांक ५८ च्या तस्तूदीनुसार कार्यवाही करण्यात येईल. कोणत्याही स्थितीत अशा निधीबाबत पत्रव्यवहार गोपनीय राहील, याची पूर्ण दक्षता ते वैयक्तीकरित्या बाळगतील. निधीच्या विनियोगाबाबत प्रमाणके तयार करणे त्यांचा हिशोब ठेवणे आणि प्रत्येक तिमाहीस त्याचा गोपनीय अहवाल महालेखापाल यांना सादर करण्याची कार्यवाही देखील ते स्वतः करतील.

५. खबरी तातडीने तजीकचे वनपरिक्षेत्र अधिकारी यांचेशी संपर्क साधत असल्याने गुप्त सेवा निधी वनपरिक्षेत्र अधिकारी यांचेकडे असावा.

६. गुप्त सेवा निधीचे संपूर्ण नियंत्रण संबंधित वनपरिक्षेत्र अधिकारी (प्रादेशिक/ वन्यजीव) यांचे अखत्यारीत असल्याने त्यामध्ये गैरप्रकार होणार नाही यासाठी योग्य ती खबरदारी / दक्षता बाळगतील, झाल्यास ते स्वतः वैयक्तिकरित्या जबाबदार राहतील.

७. गुप्त सेवा निधी लेखाचे लेखा परिक्षण अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व, मुख्य वनसंरक्षक तथा क्षेत्रसंचालक मेळघाट व्याघ्र प्रकल्प, मुख्य वनसंरक्षक प्रादेशिक(सर्व) हे दर सहा महिन्यांनी करतील.

८. गुप्त वार्ता आल्यानंतर त्याबाबतची सत्यता पडताळणी करून वार्ता खरी असल्यास सदर व्यक्तीस प्रोत्साहनपर बक्षिस देण्यात येईल, याबाबत विभागीय स्तरावर नोंदवही ठेवून खबर देणाऱ्यास कोड नंबर देवून संनियंत्रण करावे.

(क) गुप्त सेवा निधीची व्याप्ती (Quantum)

१. प्रोत्साहनात्मक बक्षीसाची रक्कम हे वनगुन्हाचे स्वरूप, जप्त करण्यात आलेल्या वनोपजांची किंमत, माहिती देणाऱ्या व्यक्तीची पार्श्वभूमी, त्याची विश्वसनीयता इत्यादी महत्वाचे मुद्दे लक्षात घेवून ठरविण्यात येईल. ही रक्कम एका प्रकरणात जास्तीत जास्त रु.१०,०००/- (रु.दहा हजार रुपये) इतकी राहील.
२. वनगुन्हाबाबत विशेष माहिती देणाऱ्या / खबऱ्यांना बक्षीस देण्यात येतील.

(ड) गुप्त सेवा निधी अनुदानातून खबरे/ खाजगी इसमांना बक्षिसे

- (१) खबर देणा-यास बक्षिसे मिळविण्याचा हक्क आहे. मात्र बक्षिसे अशा भोठ्या आणि कठीण प्रकरणांमध्ये दिली जावीत किंवा शिफारस केली जावीत की ज्यामध्ये संबंधित खब-यांना प्रकरणा समाधानकारकरित्या हाताळण्यासाठी विशेष परिश्रम घ्यावे लागतील.
- (२) गुन्हे उघडकीस आणण्याच्या संदर्भात आणि गुन्हे प्रतिबंध करण्याच्या संदर्भातून चांगल्या कामा करिता खाजगी इसमांना/खब-यांना बक्षिसे दिली जावू शकतात, किंवा देण्याची तयारी दाखवली जाऊ शकते.
- (३) गुन्हाच्या यशस्वी प्रकटीकरणाबाबत किंवा गुन्हेगारांना पकडण्याबाबतची बक्षिसे सर्वसाधारणपणे (अ) गुन्हेगार दोषी सिध्द झाल्यानंतर (ब) प्रकरणाची दखल घेण्यास सक्षम असलेल्या वरिष्ठ न्यायालयाने अपिलावर, पुनर्निरीक्षणावर किंवा तशाच कोठल्याही इतर प्रकारासाठी घेतलेल्या कालांतरानंतर किंवा (क) वरील न्यायालयाने हाती घेतलेल्या प्रकरणात अफिनाच्या पुनर्निरीक्षणाच्या इ. च्या निकालानंतर मंजूर करावीत.

तथापि, ज्या प्रकरणात दोषसिध्दी मिळालेली नाही, परंतु वन अधिकाऱ्यांचे असे मत आहे की, संबंधिताला बक्षिसे मंजूर केली पाहिजेत, त्यावेळी प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) यांची पूर्व मंजूरी गरजेची राहिल.

- (४) अशी बक्षिसे देण्याबाबतच्या शिफारसी उपवनसंरक्षक/वनसंरक्षक (प्रादेशिक/ वन्यजीव विभाग), मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प, उपविभागीय वनअधिकारी /विभागीय वनअधिकारी (स्वतंत्र कार्यभार) यांनी त्यांचे नियंत्रक अधिकारी अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व, मुख्य वनसंरक्षक प्रादेशिक(सर्व) यांना सादर कराव्यात व आवश्यक त्या ठिकाणी ते प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख)/ मुख्य वन्यजीव रक्षक महाराष्ट्र राज्य, नागपूर यांना व अपर मुख्य सचिव/प्रधान सचिव (वने), यांना प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख)/ मुख्य वन्यजीव रक्षक मार्फत सादर कराव्यात.
- (५) अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व, मुख्य वनसंरक्षक तथा क्षेत्रसंचालक मेळघाट व्याघ्र प्रकल्प, मुख्य वनसंरक्षक प्रादेशिक(सर्व) अशा प्रकरणांत योग्य ते आदेश निर्गमित करतील. मात्र वनपरिक्षेत्र अधिकारी यांना एका व्यक्तीसाठी जास्तीत जास्त रु. १,०००/- पर्यंतची योग्य बक्षिसे मंजूर करण्याचा अधिकार आहे, आणि वरील मर्यादेपेक्षा जास्त समान

प्रकरणांत द्यावयाच्या बक्षिसांमधील तफावत कमीत कमी राहिल, हे पाहण्यासाठी अशी बक्षिसे देण्याबाबतच्या मानकाबाबत त्यांनी एकमेकांशी सल्लामसलत केली पहील.

- (६) गुप्तसेवे मुळे झालेला खर्च, प्रधान शिर्ष - २४०६ वनीकरण व वन्यजीव (योजनेतर), गौण शिर्ष :- १०१-वनसंधारण व विकास, उपशिर्ष - १०१ (चार) अग्नीपासुन वनांचे संरक्षण, सविस्तर शिर्ष :- ४१- गुप्तसेवा खर्च या शिर्षाखाली खर्ची घालावा. गुप्तसेवा खर्चाचा अंतर्भाव असलेल्या उपशिर्षाच्या पुनर्विनियोजनास ज्यामुळे या खर्चाची तरतूद २५ टक्के किंवा त्यापेक्षा जास्त प्रमाणात होण्याची शक्यता असते, त्या ठिकाणी महालेखाकार मुंबई यांच्या पूर्व सल्लामसलतीशिवाय परवानगी देवू नये. मात्र ज्या प्रकरणात अशी तरतूद सर्व पुनर्विनियोजन २५ टक्क्यापेक्षा कमी मिळवायचे योजले असेल, त्यावेळी अशा सल्लामसलतीची आवश्यकता नाही. अंदाजपत्रकीय तरतूद २५ टक्क्याहून जास्त प्रमाणात पुरवण्याचे प्रस्ताव महालेखाकार महाराष्ट्र राज्य यांना पाठवतांना महालेखाकार यांना अधिक खर्च होण्याची थोडक्यात कारणे कळवली पाहिजेत. त्या ठिकाणी महालेखाकार यांच्याशी केलेला असा पत्रव्यवहार गुप्त समजला पहीजे आणि तो त्यांच्या नावाने करण्यात यावा.

(ई) विविध स्तरावरील अधिकारांची निश्चिती :

खालील अधिकाऱ्यांना त्यांच्या समोर दर्शवलेल्या मर्यादेपर्यंत प्रत्येक प्रकरणांत (प्रत्येक व्यक्तीला नव्हे) बक्षिसे देण्याची तयारी दर्शवता येईल अथवा देता येईल

अ.क्र.	अधिका-यांचे पदनाम	वित्तीय मर्यादा (रुपये)
(१)	प्रधान सचिव, महसूल व वन विभाग (वने)	१००००/-
(२)	प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) म. रा. नागपूर प्रधान मुख्य वनसंरक्षक (वन्यजीव), म. रा. नागपूर	५०००/-
(३)	(वृत्त स्तरीय प्रभारातील) अपर प्रधान मुख्य वनसंरक्षक/मुख्य वनसंरक्षक (वजी) सर्व मुख्य वनसंरक्षक (प्रादेशिक) सर्व मुख्य वनसंरक्षक तथा क्षेत्रसंचालक मेळघाट व्याघ्र प्रकल्प	२०००/-
(४)	(विभाग स्तरीय प्रभारातील) मुख्य वनसंरक्षक तथा क्षेत्रसंचालक व्याघ्र प्रकल्प (मेळघाट सोडुन) उपवनसंरक्षक (प्रादेशिक/ वन्यजीव) विभाग, सर्व वनसंरक्षक (प्रादेशिक/वन्यजीव) विभाग, सर्व उपविभागीय वनअधिकारी /विभागीय वनअधिकारी (स्वतंत्र कार्यभार)	२०००/-
(५)	वनपरिक्षेत्र अधिकारी (प्रादेशिक/वन्यजीव)	१०००/-

वरील उपनियम मधील मर्यादा या अधिकाऱ्यांनी " खर्च्यांना आणि इतरांना बक्षिसे, गुप्त सेवा" (Secret Service), यापैकी एक किंवा अधिक अनुदानातून मंजूर करावयाच्या बक्षिःांची अधिकतम मर्यादा दर्शवतात. ज्या प्रकरणात जास्त मोठी रक्कम मंजूर करणे किंवा करावयाची तयारी दर्शविणे अपेक्षित मानलेले असते, असे प्रकरण प्रधान मुख्य वनसंरक्षक (वनपाल प्रमुख), म. रा. नागपूर/ प्रधान मुख्य वनसंरक्षक(वन्यजीव) तथा मुख्य वन्यजीव रक्षक महाराष्ट्र राज्य, नागपूर मार्फत शासनाकडे प्रकरणपरत्वे सादर केले पाहिजे. रक्कम अदा करण्यापूर्वी गुप्त माहिती देणाऱ्या इसमाकडून विहीत प्रपत्रात माहिती भरून घेतली जाईल. (सहपत्र-१)

- (६) परिच्छेद (ई) मध्ये दाखविलेले विविध स्तरावरील अधिकारी एक गोपनीय फाईल आणि नोंदवाही ठेवतील व त्यात प्रकरणाचा घटनाक्रम (Eventsheet) नोंद करून कार्यालयीन पत्रव्यवहाराकरिता गोपनीय रित्या उपयोगात आणतील.
- (७) परिच्छेद (ई) मध्ये दर्शविलेले विविध स्तरावरील अधिकारी गुप्त सेवा निधीच्या वापराकरिता वेगळी रोकड पुस्तिका स्वतःच्या ताब्यात (Custody) ठेवतील व त्यात प्राप्त झालेला स्थायी अंशिम व गुप्त सेवा निधीच्या खर्चाची नोंद ठेवतील. गुप्तसेवा निधीच्या रकमाचे वाटप खबर देणाऱ्या व्यक्तींना करून संकेत शब्द (Code word) द्वारे रोकड पुस्तकात नोंदी घेतील.

(फ) योजनेचा आढावा //

गुप्त सेवा निधी योजना अंमलात आल्यानंतर त्याच्या फलनिष्पत्ती/ उपयुक्ततेबाबत विभागीय स्तरावर दरमहा, वृत्तस्तरावर दर ३ महिन्यांनी व राज्य स्तरावर दर सहा महिन्यांनी आढावा घेण्यात येईल, यात किती निधी वापरला, किती बातम्या मिळाल्या, किती गुन्हे पकडले, जप्त मुद्देमालाची किंमत, प्रतिबंध करण्यात आलेले वनगुन्हे याबाबत आढावा घेण्यात येईल.

सहपत्र-१

गुप्त माहिती देणाऱ्या खबरच्याकडून भरून देण्यात येणाऱ्या विहित अर्जाचा नमुना

१. खबर देणाऱ्याचे संपूर्ण नांव :
२. खबर देणाऱ्याचा पूर्ण पत्ता :
३. खबर देणाऱ्याचे वय :
४. खबर देणाऱ्याचा व्यवसाय व मासिक उत्पन्न ;
५. खबर देणाऱ्याचे ओळख पटविण्यासाठी :
ओळख चिन्हे
६. देण्यात आलेल्या माहितीचे वर्णन :
उदा. गुन्हेगाराचे नांव व पत्ता,
गुन्हा घडणार असणार अथवा
गुन्हा घडत असलेल्या ठिकाणाचा
पत्ता, गुन्हातील मालाचा तपशिल
(मालाचा प्रकार, गुणात्मकता, किंमत)
गुन्हेगारांची कार्यपणाली
७. घटनेच्या अनुषंगाने सादर केलेले दस्तावेज
८. सत्यापन
 - i) वरील अनुक्रमांक ६ मध्ये विहित केलेली माहिती मी स्वतः वैयक्तिकरित्या प्राप्त केली असून ती सत्य व खरी आहे.
 - ii) उपरोक्त नमुद केलेली माहिती व दस्तावेज सत्य असून त्या आधार मिळालेले बक्षिसाबद्दल प्राधिकृत अधिकाऱ्यांकडून घेण्यात आलेले निर्णय मला बंधनकारक राहतील,
 - iii) मला देण्यात येणारे बक्षिस हे मी दिलेल्या माहितीच्या सत्यतेवर व त्या बाबत सादर केलेल्या दस्तावेजाच्या मुल्यांकनावर आधारे राहिल याची मला जाणीव आहे.

ज्या अधिकाऱ्यासमक्ष सदर

अर्जावर सही केली

त्या अधिकाऱ्याचे नांव, पद व स्वाक्षरी

खबर देणाऱ्याची स्वाक्षरी

दिनांक व वेळ :

ANNEXURE 7.01A

Appendix V(i)

(Vide Articles-5.06, 5.09, 5.12 and 20.03)

Forms of notifications under the I.F.A. - (i to viii)

& Form of Forest Register - (ix)

(i) Forms i(a) and Forms i(b)

Forms of notification under S. 4, I.F.A., proposing to constitute land reserved forest

(vide A - 5.06(i))

(1) "Form i(a)":- Notification for Other Govt. Lands under s.4 of the I.F.A.

NOTIFICATION

The Office of the Commissioner ,

Division----- ,

(Address)-----,

Dated the

No. -----
- Whereas the Government of Maharashtra has , in exercise of the powers conferred by section 3 of the Indian Forest Act, 1927 (16 of 1927), decided to constitute * the forest-land/waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, more specifically mentioned in the schedule appended hereto (hereinafter referred to as "the said land"), to be a reserved forest;

Now , therefore, in exercise of the powers conferred by sections 4 and 17 of the Indian Forest Act, 1927 (16 of 1927), read with the Government Notification, Revenue and Forests Department, No. FLD. 1081-F-6, dated the 21st October 1981 (issued in exercise of the powers conferred by sub-section (4) of section 3 of the Bombay Commissioners of Division Act, 1957 (Bom. VIII of 1958)), the Commissioner of -----hereby,-

- (a) declares that the Government of Maharashtra has decided to constitute the said land as reserved forests;
- (b) specifies the situation and limits of reserved forests as per the Schedule appended hereto ; and
- (c) appoints the *Assistant Collector or Deputy Collector in charge of the ----- Taluka, to be the Forest Settlement Officer to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the limits of the reserved forest, or in or over any forest produce, and to deal with the same as provided in Chapter II of the said Act ;
- (d) appoints the Collector-----, to hear appeals from any orders passed by the Forest Settlement Officer under sections 11, 12, 15 and 16 of the said Act.

SCHEDULE

Village-----in Taluka-----in District-----.

SERIAL NUMBER	SURVEY NUMBER	AREA

Boundaries of the reserved forests-

North : [To be filled in, before issue].

East : [To be filled in, before issue].

South : [To be filled in, before issue].

West : [To be filled in, before issue].

* Strike out whatever is unnecessary.

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

Commissioner of -----

(2) "Form i(b)" :- Notification for Protected Forest, under s.4 of the I.F.A.

NOTIFICATION

The Office of the Commissioner,
Division-----,
(Address)-----,
Dated the

No. ----- - Whereas * the Government of Maharashtra / the Commissioner of ----- has, in exercise of the powers conferred by section 29 of the Indian Forest Act, 1927 (16 of 1927), vide * the Government Notification, Revenue and Forests Department, No.-----, dated the----- / * the Notification, Commissioner of -----, No. ----- dated the -----, declared that the provisions of chapter IV OF PROTECTED FORESTS of the said Act shall be applicable to * the forest-land/waste-land which is not included in the reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, more specifically mentioned in the Schedule appended hereto (hereinafter referred to as "the said land"), to be a reserved forest;

And Whereas, the Government of Maharashtra has, in exercise of the powers conferred by section 3 of the Indian Forest Act, 1927 (16 of 1927), decided to constitute the said land, to be a reserved forest;

Now, therefore, in exercise of the powers conferred by sections 4, 17 and 29 of the Indian Forest Act, 1927 (16 of 1927), read with the Government Notification, Revenue and Forests Department, No. FLD. 1081-F-6, dated the 21st October 1981 (issued in exercise of the powers conferred by sub-section (4) of section 3 of the Bombay Commissioners of Division Act, 1957 (Bom. VIII of 1958)), the Commissioner of ----- hereby, -

- (a) declares that the provisions of Chapter IV relating to Protected Forest of the said Act shall ceased to apply to the said land;
- (b) declares that the Government of Maharashtra has decided to constitute the said land as reserved forests;
- (c) specifies the situation and limits of reserved forests as per the Schedule appended hereto ; and
- (d) appoints the *Assistant Collector or Deputy Collector in charge of the ----- Taluka, to be the forest Settlement Officer to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in on or over any land comprised within the limits of the reserved forest, or in or over any forest produce, and to deal with the same as provided in Chapter II of the said Act ;
- (e) appoints the Collector-----, to hear appeals from any orders passed by the Forest Settlement Officer under sections 11, 12, 15 and 16 of the said Act.

SCHEDULE

Village-----in Taluka-----in District-----.

SERIAL NUMBER	SURVEY NUMBER	AREA

Boundaries of the reserved forests-

North : [To be filled in, before issue].

East : [To be filled in, before issue].

South : [To be filled in, before issue].

West : [To be filled in, before issue].

* Strike out whatever is unnecessary.

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

Commissioner of -----

(v) **Form v**

Form of notification for disforestation of reserved forest under S. 27, I.F.A.

(vide A – 5.12(ii)(a))

“No. Whereas the Central Government vide their letter no. -----dt.-----have accorded their approval under section 2 of the Forest (Conservation) Act, 1980, the Government of Maharashtra in exercise of the powers conferred by section 27 of the Indian Forest Act, 1927 (XVI of 1927), is pleased to direct that the area specified below, which in Government Notification No. dated was declared to be reserved forest under section 19 / 20 of the Indian Forest Act, 1878 (VII of 1878) / 1927 (XVI of 1927), shall cease to be reserved forest from-----”

By order, etc.”

(vi) **Form vi**

Form of notification under S. 29, I.F.A., declaring land protected forest

(vide A – 5.06(x))

“No. In exercise of the powers conferred by section 29 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Maharashtra is pleased to declare the area in the taluka of the district, specified in the schedule hereto annexed, to be protected forest with effect from:-

Schedule.

Village.	Survey No.	Area.	Boundaries.
----------	------------	-------	-------------

By order, etc.”

(vii) **Form vii**

Form of notification of exclusion of land from protected forest

(vide A – 5.06(xi) and 5.12(ii)(b))

“No. Whereas the Central Government vide their letter no. -----dt.-----have accorded their approval under section 2 of the Forest (Conservation) Act, 1980, the Government of Maharashtra with reference to Government Notification No. dated....., is pleased to direct that the land in the..... taluka of the district, specified in the schedule hereto annexed, shall cease to be protected forest from.....

Schedule.

Village.	Survey No.	Area.	Boundaries.
----------	------------	-------	-------------

By order, etc.”

(ii) Form ii

Form of notification under S. 20, I.F.A., declaring land reserved forest

(vide A - 5.06(i))

"No. In exercise of the powers conferred by section 20 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Maharashtra is pleased with reference to Government Notification No.* dated to declare the land in the taluka of the district, specified in the schedule hereto annexed, to be reserved forest with effect from:-

	Schedule.		
Village.	Survey No.	Area.	Boundaries.

By order, etc."

* Preliminary notification issued under section 4 of the Forest Act.

(iii) Form iii

Form of re-notifying boundaries of forest reserves under S. 20, I.F.A.

(vide A - 5.06(vii))

"No. With reference to Government Notification No. Dated published under section 19 / 20 of the Indian Forest Act, 1878 (VII of 1878) / 1927 (XVI of 1927), declaring the forest to be reserved forest, the Government of Maharashtra is pleased to direct that the following amended and more accurate description of the boundaries of the said forest be substituted for the description contained in the said notification.

By order, etc."

(iv) Form iv

Form of notification of sub-divisions of forest survey numbers under S. 20 I.F.A.

(vide A - 5.06(ix))

"No. It is hereby notified that Survey No. oftaluka in the..... district, mentioned in the marginally noted Government Notifications in the Revenue Department, issued under the Indian Forest Act, 1878 (VII of 1878) / 1927 (XVI of 1927) has been split up into separate plots as shown below :-

	Already notified		New plots
Village.	Survey No.	Area.	Survey No. Area.

By order, etc."

(viii) Form viii

Form of notification under S. 30 (b), I.F.A., for closing protected forest

(vide A – 5.06(xii))

"No. In exercise of the powers conferred by section 30 (b) of the Indian Forest Act, 1927, the Government of Maharashtra is pleased to declare that the portion of the protected forest of the taluka of the district comprised within Survey Nos..... of the village of be closed for a term of years from the date of this notification, and that the right of private persons (if any) over such portions shall be suspended during the said term.

By order, etc."

ANNEXURE 7.01B

शासकीय वन जमीनीस तसेच संरक्षित
वनक्षेत्रास भारतीय वन अधिनियम, १९२७
चे कलम ४ खाली राखीव वन म्हणून
घोषित करण्यासाठी अधिसूचनेचे प्रारूप
तयार करण्याबाबत...

महाराष्ट्र शासन

महसूल व वन विभाग

शासन परिपत्रक क्रमांक : एफएलडी-१२/२०११/प्र.क्र. ४१२/फ-३

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक :- २९ मार्च, २०१२.

परिपत्रक :-

वन (संवर्धन) अधिनियम, १९८० अंतर्गत प्रस्तावांद्वारे वळते करण्यात आलेल्या वनजमीनीच्या मोबदल्यात प्रकल्प यंत्रणांकडून प्राप्त होणारी पर्यायी जमीन किंवा पूर्वी कलम २९ खाली अधिसूचित असलेले संरक्षित वन क्षेत्रास किंवा इतर शासकीय जमीनीस भारतीय वन अधिनियम, १९२७ च्या कलम ४ अंतर्गत राखीव वन म्हणून अधिसूचित करण्यासाठी संबंधित विभागीय आयुक्तांकडून मंजूरीसाठी शासनस्तरावर प्रस्ताव प्राप्त होत असतात. शासन स्तरावरून कलम ४ खाली अधिसूचना निर्गमित करण्याचा नमुना प्रारूप Bombay Forest Manual खंड दोन मध्ये देण्यात आलेला आहे. मात्र, शासन निर्णय क्रमांक एफएलडी-१०८०/फ-६, दिनांक २१.१०.१९८१ अनुसार सदर अधिसूचना जारी करण्यासाठी संबंधित विभागीय आयुक्तांना प्राधिकृत करण्यात आले आहे. तथापि, शासनाच्या असे निदर्शनास आले आहे की, विभागीय आयुक्तांकडून प्राप्त होत असलेल्या प्रस्तावांमध्ये आणि प्रारूप अधिसूचनेच्या नमुन्यामध्ये एकसूत्रता आढळून येत नाही.

भारतीय वन अधिनियम, १९२७ कलम ४ अंतर्गत विभागीय आयुक्तांकडून निर्गमित होणाऱ्या अधिसूचनेमध्ये एकसूत्रता रहावी, यादृष्टीने अशा अधिसूचनांचे नमुने विधी व न्याय विभागाच्या सल्ल्याने तयार करण्यात आले आहेत. त्या नमुन्यांच्या प्रती आणि त्यांच्या भाषा संचालनालयाकडून केलेल्या मराठी भाषांतराच्या प्रती सोबत जोडल्या आहेत. उपरोक्त प्रारूप नमुन्यांनुसार यापुढे अधिसूचना निर्गमित करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सहपत्र :- १) शासकीय जमीनीस कलम ४ खाली अधिसूचित

करण्यासाठी प्रारूप (इंग्रजी व मराठी)

२) संरक्षित वनक्षेत्रास कलम ४ खाली अधिसूचित

करण्यासाठी प्रारूप (इंग्रजी व मराठी)

(सजीव मीड)

सह सचिव (वने)

महसूल व वन विभाग

प्रति,

प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर

प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर

अपर प्रधान मुख्य वनसंरक्षक (संधारण), महाराष्ट्र राज्य, नागपूर

अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, महाराष्ट्र राज्य, नागपूर

प्रधान सचिव (वने), महसूल व वन विभाग, मंत्रालय, मुंबई - ३२.

प्रधान सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई - ३२.

विभागीय आयुक्त (सर्व)

अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) नागपूर, पश्चिम मुंबई / नाशिक / नागपूर

मुख्य वनसंरक्षक (प्रादेशिक) सर्व

जिल्हाधिकारी सर्व

उप वनसंरक्षक (सर्व)

वनसंरक्षक (भूमि अभिलेख), पनवेल / नागपूर

महसूल व वन विभागातील सर्व कार्यासने

निवडनस्ती फ-३ कार्यासन

[Govt. Resolution No. FLD-12/2011/C.R.412/F-3,
Date- 29/03/2012]

NOTIFICATION

The Office of the Commissioner,
Division-----,

(Address)-----,

Dated the

Indian
Forest Act,
1927.

No.

Whereas the Government of Maharashtra has, in exercise of the powers conferred by section 3 of the Indian Forest Act, 1927 (16 of 1927), decided to constitute *the forest-land/waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the government is entitled, more specifically mentioned in the Schedule appended hereto(hereinafter referred to as "the said land"), to be a reserved forest;

Now, therefore, in exercise of the powers conferred by sections 4 and 17 of the Indian Forest Act, 1927 (16 of 1927), read with the Government Notification, Revenue and Forests Department, No. FLD. 1081-F-6, dated the 21st October 1981(issued in exercise of the powers conferred by sub-section (4) of section 3 of the Bombay Commissioners of Divisions Act, 1957 (Bom. VIII of 1958)), the Commissioner of ----- hereby,-

- (a) declares that the Government of Maharashtra has decided to constitute the said land as reserved forests;
- (b) specifies the situation and limits of reserved forests as per the Schedule appended hereto; and
- (c) appoints the *Assistant Collector or Deputy Collector in charge of the ----- Taluka, to be the Forest Settlement Officer to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the limits of the reserved forest, or in or over any forest produce, and to deal with the same as provided in Chapter II of the said Act;
- (d) appoints the Collector-----, to hear appeals from any orders passed by the Forest Settlement Officer under sections 11, 12, 15 and 16 of the said Act.

SCHEDULE

Village:----- in Taluka:----- in District-----.

Serial Number	Survey Number	Area

Boundaries of the reserved forests-

North : [To be filled in, before issue].

East : [To be filled in, before issue].

South : [To be filled in, before issue].

West : [To be filled in, before issue].

*** Strike out whatever is unnecessary.**

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

Commissioner of -----.

Govt. Resolution No - FLD-12/2011/CR.412/F-3,
Date- 29/03/2012.]

NOTIFICATION

The Office of the Commissioner,
Division-----,

(Address)-----,

Dated the

Indian
Forest Act,
1927.

No. Whereas * the Government of Maharashtra / the Commissioner of ----- has, in exercise of the powers conferred by section 29 of the Indian Forest Act, 1927 (16 of 1927), vide * the Government Notification, Revenue and Forests Department, No. -----, dated the -----, / * the Notification, Commissioner of -----, No. -----, dated the -----, declared that the provisions of Chapter IV -OF PROTECTED FORESTS of the said Act shall be applicable to *the forest-land/waste-land which is not included in the reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the government is entitled, more specifically mentioned in the Schedule appended hereto(hereinafter referred to as "the said land"), as a protected forest;

And Whereas, the Government of Maharashtra has, in exercise of the powers conferred by section 3 of the Indian Forest Act, 1927 (16 of 1927), decided to constitute the said land, to be a reserved forest;

Now, therefore, in exercise of the powers conferred by sections 4, 17 and 29 of the Indian Forests Act, 1927 (16 of 1927), read with the Government Notification, Revenue and Forests Department, No. FLD. 1081-F-6, dated the 21st October 1981(Issued in exercise of the powers conferred by sub-section (4) of section 3 of the Bombay Commissioners of Divisions Act, 1957 (Bom. VIII of 1958)), the Commissioner of ----- hereby,-

- (a) declares that the provisions of Chapter IV relating to Protected Forest of the said Act shall ceased to apply to the said land;
- (b) declares that the Government of Maharashtra has decided to constitute the said land as reserved forests;
- (c) specifies the situation and limits of reserved forests as per the Schedule appended hereto; and
- (d) appoints the *Assistant Collector or Deputy Collector in charge of the ----- Taluka, to be the Forest Settlement Officer to Inquire

into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the limits of the reserved forest, or in or over any forest produce, and to deal with the same as provided in Chapter II of the said Act;

(d) appoints the Collector-----, to hear appeals from any orders passed by the Forest Settlement Officer under sections 11, 12, 15 and 16 of the said Act.

SCHEDULE

Village:----- in Taluka:----- in District:-----.

Serial Number	Survey Number	Area

Boundaries of the reserved forests-

North : *[To be filled in, before issue].*

East : *[To be filled in, before issue].*

South : *[To be filled in, before issue].*

West : *[To be filled in, before issue].*

* Strike out whatever is unnecessary.

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

Commissioner of -----

ANNEXURE 7.02

वन विभागाच्या अखत्यारित असलेल्या वनक्षेत्राचे अभिलेख अद्यावत ठेवण्याबाबत..

महाराष्ट्र शासन

महसूल व वन विभाग

शासन परिपत्रक क्रमांक :- एफएलडी-२०१३/प्र.क्र.६/फ-३

मंत्रालय, मुंबई ४०० ०३२,

दिनांक:- २२ जानेवारी, २०१४.

प्रस्तावना :-

राज्याच्या भौगोलिक क्षेत्राचा तब्बल २० % भूपृष्ठ वनक्षेत्राखाली आहे. भारतीय वन अधिनियम, १८७८ व नंतर भारतीय वन अधिनियम, १९२७ अनुसार वेळोवेळी अधिसूचित राखीव व संरक्षित वनांव्यतिरिक्त इतर कायद्यांतर्गत उदा. खाजगी वने (संपादन) अधिनियम, १९७५ अनुसार शासन विहीत असलेले मानीव राखीव वने तसेच तत्कालीन हैद्राबाद राज्य व सीपी आणि बेरार राज्यात प्रचलित कायदांतर्गत वेळोवेळी घोषित तत्सम वन क्षेत्राचा अंतर्भाव ही उक्त क्षेत्रात आहे.

वन विभागात सुरुवातीपासून वन अभिलेखांचे जतन व आकडेवारीचे ताळमेळ उप वनसंरक्षक व वनसंरक्षक यांचेस्तरावर केले जात होते. कालांतराने वन विकास महामंडळ अस्तित्वात आल्यानंतर तसेच स्वतंत्र वन्यजीव शाखा स्थापित झाल्यानंतर बरेच वनक्षेत्र प्रादेशिक वन विभागाकडून वन्यजीव शाखा व वन विकास महामंडळाकडे हस्तांतरीत करण्यात आले आहेत. त्यानुषंगाने वन विभाग व वन विकास महामंडळ यांच्या दरम्यान विविध प्रयोजनार्थ वनक्षेत्राची देवाण-घेवाण वेळोवेळी झालेली आहे. उक्त सर्व कारणांमुळे वनक्षेत्राचे अभिलेख व आकडेवारीचे ताळमेळ अधिक काळजीपूर्वक अद्यावत करणे क्रमप्राप्त आहे. तथापि, वनक्षेत्राचे प्रशासकीय नियंत्रण वेगवेगळ्या यंत्रणांकडे असल्याने वनक्षेत्राची आकडेवारीत बऱ्याच प्रमाणात तफावत आढळून येते.

या सर्व अडचणींवर तोडगा काढण्याच्या दृष्टीने वनक्षेत्राची आकडेवारीबाबत ताळमेळ घालण्यासाठी शासन निर्देशानुसार माहे नोव्हेंबर - डिसेंबर, २०१३ मध्ये प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांचेस्तरावर वन वृत्तनिहाय आढावा घेण्यात आला. त्यात प्रादेशिक वनवृत्त, वन्यजीव वृत्त आणि वन विकास महामंडळातील अधिकाऱ्यांनी सहभाग घेतला. उक्त अधिकाऱ्यांबरोबर सखोल चर्चा केल्यानंतर तसेच वृत्तपातळीवरून प्राप्त आकडेवारीच्या आधारे प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य यांनी त्यांचेस्तरावर वनक्षेत्राची सुनिश्चित केलेली आकडेवारी अ.शा. पत्र क्र. Desk-27/CCFLRC/CR-11/681/ 2013-14, Dt. 08.01.2014 अन्वये शासनास कळविलेली आहे.

वन विभागाच्या प्रशासकीय नियंत्रणाखाली असलेले वनक्षेत्राची (प्रादेशिक, वन्यजीव आणि वन विकास महामंडळ धरून) आकडेवारीत व त्यांचे वैधानिक दर्जाबाबत सुसूत्रता आणण्याच्या दृष्टीने तसेच आकडेवारीबाबत संप्रभु असल्याने होणाऱ्या प्रशासकीय अडचणींवर मात करण्याच्या दृष्टीने पुढील प्रमाणे निर्देश देण्यात येत आहे.

शासन परिपत्रक :

- १) वनक्षेत्राच्या आकडेवारी व त्यांचे वैधानिक दर्जाबाबत संकलन अद्यावत ठेवण्याची जबाबदारी यापुढे संबंधित प्रादेशिक वनवृत्त प्रमुखाची राहिल. मुख्य वनसंरक्षक (प्रादेशिक) यांना ही जबाबदारी पार पाडता यावी, यादृष्टीने त्यांच्या कार्यक्षेत्रातील वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणांकडे असलेल्या वनक्षेत्राची आकडेवारी मुख्य वनसंरक्षक (प्रादेशिक) यांना वेळीच उपलब्ध करून देण्याची जबाबदारी संबंधित वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणा प्रमुखांची राहिल.

- २) वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणांच्या वृत्त स्तरीय अधिकाऱ्यांनी प्रत्येक आर्थिक वर्षाअंती त्यांच्या प्रशासकीय नियंत्रणाखाली असलेल्या क्षेत्रांची आकडेवारीची ताळमेळ संबंधित प्रादेशिक मुख्य वनसंरक्षक कार्यालयाशी करावी. ताळमेळ झाल्यानंतर त्या आर्थिकवर्षाअंती अशा क्षेत्रांची आकडेवारी संबंधित प्रादेशिक मुख्य वनसंरक्षकांकडून प्रमाणित करून घेण्याची जबाबदारी संबंधित वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणांच्या वृत्तस्तरीय प्रमुख अधिकाऱ्यांची राहिल.
- ३) आर्थिक वर्ष संपल्यावर वरीलप्रमाणे वृत्तस्तरावरील सर्व यंत्रणांकडे असलेली माहिती अंतर्भूत करून वृत्ताची अंतीम आकडेवारी प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांच्याकडे सादर करण्याची जबाबदारी मुख्य वनसंरक्षक (प्रादेशिक) यांची राहिल. आकडेवारी अंतिम करण्यापूर्वी उप वनसंरक्षक, वनक्षेत्रपाल व वनपाल दर्जापर्यंत उपलब्ध नमुना क्र. १ मधील आकडेवारीचे ताळमेळ पुर्ण झाल्याची खातरजमा मुख्य वनसंरक्षक (प्रादेशिक) यांनी करावी. मुख्य वनसंरक्षक (प्रादेशिक) यांनी ही अंतिम आकडेवारी संबंधित कार्य आयोजना अधिकारी (Working Plan Officer) आणि वनसंरक्षक, भूमी अभिलेख यांनाही कळवावे.
- ४) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांनी आर्थिक वर्षाअंती सर्व मुख्य वनसंरक्षक (प्रादेशिक) यांच्याकडून प्राप्त आकडेवारीचे संकलन करून राज्य स्तरावरील आकडेवारी अंतिमतः निश्चित करावी.
- ५) वनक्षेत्राची आकडेवारीची ताळमेळ करण्याप्रयोजनार्थ वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणांच्या वृत्तस्तरीय प्रमुख व त्यांच्या अधिनस्त सर्व कार्यालये मुख्य वनसंरक्षक प्रादेशिक यांचे अधिनस्त समजले जातील. याबाबतच्या सर्व संदिग्धता दूर करण्यासाठी स्पष्ट करण्यात येते की, आकडेवारीतील ताळमेळाच्या प्रयोजनार्थ मुख्य वनसंरक्षक (प्रादेशिक) यांचे निर्देश व सूचनांचे पालन करणे वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणांच्या वृत्तस्तरीय सर्व अधिकाऱ्यांवर बंधनकारक राहिल.
- ६) प्रत्येक स्तरावर वनक्षेत्राची आकडेवारी व वैधानिक दर्जाचा तपशिल सोबत जोडलेल्या प्रपत्र - १ अनुसार ठेवली जाईल. प्रपत्र - १ मध्ये माहिती भरण्याबाबत मार्गदर्शक सूचना प्रपत्र- २ मध्ये देण्यात आलेल्या आहेत.
- ७) वनक्षेत्राच्या वैधानिक दर्जाबाबत वेळोवेळी होणारा बदल, उदा. भारतीय वन अधिनियम, १९२७ मधील कलम ४ अनुसार नवीन क्षेत्र अधिसूचित होणे, संरक्षित वनक्षेत्रांसंदर्भात कलम ४ अंतर्गत अधिसूचना निर्गमित होणे, कलम २० खाली राखीव वनक्षेत्र अधिसूचित होणे, एखादे वनक्षेत्र अभयारण्य / राष्ट्रीय उद्यान म्हणून अधिसूचित होणे इत्यादीबाबत प्रादेशिक मुख्य वनसंरक्षक यांना तात्काळ कळविण्याची जबाबदारी संबंधित वन्यजीव शाखा, वन विकास महामंडळ व इतर यंत्रणांच्या प्रमुखांची राहिल.
- ८) स्वतःच्या प्रशासकीय नियंत्रणाखाली असलेल्या वनक्षेत्राच्या आकडेवारीचे ताळमेळ महसूल प्राधिकाऱ्यांबरोबर करून घेण्याबाबतची जबाबदारी संबंधित प्रादेशिक / वन्यजीव / इतर यंत्रणा यांच्या कार्यालय प्रमुखाची राहिल. त्यानुसार वनक्षेत्राच्या आकडेवारीत होणारे बदल व सुधारणेबाबत योग्य मार्गाने मुख्य वनसंरक्षक (प्रादेशिक) यांना तात्काळ अवगत करण्याची जबाबदारीसुद्धा उक्त अधिकाऱ्यांची राहिल.
- ९) मुख्य वनसंरक्षक प्रादेशिक यांनी उपरोक्त बदलांबाबत माहिती प्राप्त होताच त्यांच्याशी निगडित वनसंरक्षक भूमी अभिलेख कार्यालय, कार्य आयोजना कार्यालय व प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांना त्याबाबत तात्काळ अवगत करावे. उक्त सर्व अधिकाऱ्यांनी त्यांचे स्तरावरील अभिलेखात अनुषंगिक दुरुस्ती करावी.

- १०) यापुढे वार्षिक प्रशासन अहवालासंदर्भात फक्त प्रादेशिक वनवृत्ताकडून प्राप्त वनजमिनीची आकडेवारी ग्राह्य धरण्यात येईल, याची नोंद प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांनी घ्यावी.
- ११) कार्य आयोजना / व्यवस्थापन आराखडा / LRC व इतर वनजमीन अभिलेखासंबंधित दस्तऐवज तयार करतांना प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांनी त्यांच्या अ.शा. पत्र क्र.Desk-27/CCFLRC/CR-11/681/ 2013-14, Dt. 8th January, 2014 अन्वये शासनास सादर केलेली आकडेवारी आधारभूत माहिती (Baseline Information) म्हणून वापरण्यात येईल. तथापि, विशिष्ट प्रकरणी त्यात काही बदल करणे आवश्यक असल्यास त्याची मुभा सर्व संबंधितांना राहिल.

उक्त सुचनांचे काटेकोरपणे पालन व्हावे, याबाबत प्रत्येक स्तरावर दक्षता घ्यावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

सहपत्र : प्रपत्र १ व २


(संजीव गौड)
सह सचिव (वन)

प्रत:

अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई- ३२.
प्रधान मुख्य वनसंरक्षक (हेड ऑफ फॉरेस्ट फोर्स), महाराष्ट्र राज्य, नागपूर.
प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर.
प्रधान मुख्य वनसंरक्षक (उत्पादन व व्यवस्थापन), महाराष्ट्र राज्य, नागपूर.
प्रधान मुख्य वनसंरक्षक (संशोधन, शिक्षण व प्रशिक्षण), महाराष्ट्र राज्य, पुणे.
प्रधान मुख्य वनसंरक्षक तथा महासंचालक, सामाजिक वनीकरण विभाग, पुणे.
व्यवस्थापकीय संचालक, वन विकास महामंडळ, नागपूर.
अपर प्रधान मुख्य वनसंरक्षक (प्रादेशिक / वन्यजीव) (सर्व).
अपर प्रधान मुख्य वनसंरक्षक (कार्य आयोजना), पुणे / नागपूर.
सर्व विभागीय आयुक्त.
सर्व मुख्य वनसंरक्षक (प्रादेशिक / वन्यजीव).
सर्व महा व्यवस्थापक, वन विकास महामंडळ.
सर्व वनसंरक्षक (वन्यजीव / कार्य आयोजना) (सर्व).
सर्व जिल्हाधिकारी.
सर्व उप वनसंरक्षक (प्रादेशिक / वन्यजीव).
सर्व विभागीय व्यवस्थापक, वन विकास महामंडळ.
सर्व उप विभागीय अधिकारी.
सर्व वन जमाबंदी अधिकारी (अमरावती / सावंतवाडी/ भोर/ औरंगाबाद/ नागपूर).

पत्र - १

Area Statement and Legal status wise distribution of the Forest area in charge of the Maharashtra Forest Department

As on All areas in sq. Km.

Territorial Circle A	Forest Area with Territorial wing B		Forest Area with Forest Development Corporation of Maharashtra Limited C		Forest Area with Wildlife Wing D	
Total Area with Forest Department →	$E = (B + C + D) = (F + G + H + I)$					
	Reserve Forest F	Acquired Reserve Forests (Private Forests) G	Protected Forest H = (J + K)		Remaining unclassified Area not included in Reserve Forest or Protected Forest I = (L + M)	
	Area out of H to which Section 4 of IFA, 1927 was applied but which has not been finally notified as R.F, u/s 20.		Area out of H to which section 4 of IFA, 1927 and still pending for proceedings under chapter II of IFA, 1927.		Area out of I to which section 4 of IFA, 1927 not yet applied.	
J = (N + O)		K	L	M		
Area out of J excluded after the completion of proceedings under chapter II of IFA, 1927.		Area out of J in respect of which inquiry under chapter II of IFA, 1927 is in progress/ pending.				
N		O				

Note :-

1) Column B, C, D represent the Forest area under administrative control of Territorial wing, FDCM and Wildlife wing respectively, irrespective of legal status.

2) Column F, G, H, I denote the legal status irrespective of administrative control.

Remarks, if any :

प्रपत्र - २

प्रपत्र - १ मधील रकाना A ते O भरण्यासंदर्भात मार्गदर्शक सूचना

१. रकाना A - प्रादेशिक वनवृत्ताचे नाव
२. रकाना B - प्रादेशिक वनवृत्ताच्या प्रशासकीय नियंत्रणाखाली असलेले एकूण वनक्षेत्र.
३. रकाना C - वन विकास महामंडळाच्या प्रशासकीय नियंत्रणाखाली असलेले आणि मुख्य वनसंरक्षक प्रादेशिक यांनी परिच्छेद २ अनुसार प्रमाणित केलेले एकूण वनक्षेत्र.
४. रकाना D - वन्यजीव शाखेच्या प्रशासकीय नियंत्रणाखाली असलेले आणि मुख्य वनसंरक्षक प्रादेशिक यांनी परिच्छेद २ अनुसार प्रमाणित केलेले एकूण वनक्षेत्र.
५. रकाना E - वन विभागाच्या प्रशासकीय नियंत्रणाखाली असलेले एकूण वनक्षेत्र = (B+C+D)
६. रकाना F - वन विकास महामंडळ आणि वन्यजीव शाखेच्या प्रशासकीय नियंत्रणाखाली असलेले सर्व राखीव वनक्षेत्र धरून प्रादेशिक वृत्तात असलेले संपूर्ण राखीव वनाचे एकूण वनक्षेत्र. यात खालील प्रकारचे क्षेत्र अंतर्भूत राहतील.
अ) भारतीय वन अधिनियम १८७८ चे कलम १९ व ३४ अंतर्गत अधिसूचित राखीव वने;
आणि
ब) भारतीय वन अधिनियम १९२७ चे कलम २० अंतर्गत अधिसूचित राखीव वने.
७. रकाना G - महाराष्ट्र खाजगी वने (संपादन) अधिनियम १९७५ अंतर्गत संपादित असलेले एकूण क्षेत्र. याठिकाणी स्पष्ट करण्यात येते की, एखाद्या खाजगी वनासंदर्भात या अधिनियमाच्या कलम ६ किंवा २२-अ खाली सुरु झालेली प्रक्रिया जो पर्यंत अंतिमतः संपुष्टात येत नाही (Revision / Appeal / Writ Petition इत्यादी धरून), तो पर्यंत कलम ३ (१) व ३ (३) विचारात घेता अशा क्षेत्राचा समावेश रकाना G मध्ये होईल. सदरहू प्रक्रियेबाबत सक्षम प्राधिकरण / न्यायालयाचे अंतिम आदेशानुसार आकडेवारीत आवश्यक बदल करता येईल.
८. रकाना H - कलम २९ अंतर्गत अधिसूचित संरक्षित वनक्षेत्र.
९. रकाना H = J + K
१०. रकाना J - रकाना H पैकी असे संरक्षित वनक्षेत्र ज्यासंदर्भात कलम ४ अंतर्गत अधिसूचना निर्गमित झाली असेल.
११. रकाना K - रकाना H पैकी असे संरक्षित वनक्षेत्र ज्यासंदर्भात कलम ४ अंतर्गत अधिसूचना निर्गमित झाली नसेल.
१२. रकाना J = N + O
१३. रकाना N - रकाना J पैकी असे संरक्षित वनक्षेत्र जे जमाबंदीची प्रक्रिया पूर्ण होऊन कलम २० खालील राखीव वनाच्या अधिसूचनेतून वगळले आहेत.
१४. रकाना O - रकाना J पैकी असे संरक्षित वनक्षेत्र ज्याबाबत जमाबंदीची प्रक्रिया अद्याप संपुष्टात आलेली नाही.
१५. रकाना I - राखीव वने, खाजगी वने किंवा संरक्षित वने नसलेले वनक्षेत्र (रकाना F, G, H मध्ये अंतर्भूत नसलेले क्षेत्र).
१६. रकाना I = L + M
१७. रकाना L - रकाना I पैकी असे क्षेत्र ज्यांच्याबाबत कलम ४ ची अधिसूचना निर्गमित झाली आहे. तथापि, जमाबंदी प्रक्रिया अद्याप संपुष्टात आलेली नाही.

१८. रकाना M - रकाना I पैकी असे क्षेत्र ज्यांच्याबाबत कलम ४ किंवा कलम २९ ची अधिसूचना निर्गमित झालेली नसेल.
१९. एका रकान्यात फक्त एकच आकडा नमूद करावयाचा आहे, याची नोंद घ्यावी.
२०. वन विभागा व्यतिरिक्त महसूल विभाग किंवा इतर विभागांकडे असलेल्या वनक्षेत्राचा कृपया कोणत्याही रकान्यात समावेश करू नये. या क्षेत्राबाबत आकडेवारी पुर्वोप्रमाणे वेगळ्याने ठेवावी.
२१. आकडेवारी नमूद करतांना खालील समीकरणे कटाक्षाने लक्षात ठेवावे.

$$\begin{array}{llll} \text{i)} & E & = & B + C + D = F + G + H + I \\ \text{ii)} & H & = & J + K \\ \text{iii)} & J & = & N + O \\ \text{iv)} & I & = & L + M \end{array}$$

ANNEXURE 7.03



प्रधान मुख्य वन संरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य यांचे कार्यालय
Office of the Principal Chief Conservator of Forests (HoFF), Maharashtra State
वन भवन, सिविल लाइन्स, नागपूर ४४०००१ Van Bhavan, Civil Lines, Nagpur 440001

अपर प्रधान मुख्य वन संरक्षक
(संस्थापन), महाराष्ट्र राज्य

Additional Principal Chief Conservator of Forests
(Conservation), Maharashtra State

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CIRCULAR

No.Desk-27/2/Cr.86/ 682/2019-20
Nagpur - 440 001, dated 27/01/2020

Subject:- Forest Boundary Demarcation and Erection of Permanent Boundary Marks.

Ref:- (1) Letter no /cf /lrc/sr4-34/153/2002-03/153 dt.21/06/2002

(2) Letter no /d.27/cflrc/sr-34(3)/104/2006-07 dt.3/5/2006

- 1.0 Background :-** Forest Land is the basic resource, bounded by natural and artificial boundaries. Forest lands are also adjoining to Revenue Lands and Private Lands. In order to protect the Forest land it is necessary to properly demarcate the boundary and erect proper boundary marks on the Forest Boundary at proper places. The Forest Department has been using different types of boundary marks to demarcate the Forest Boundary for several decades. The maintenance and repairs of these boundary marks is a recurring task. The clearance of boundaries of forests is carried out once in a five year period under budget head 24060102 (Forest Survey, Demarcation and Settlement) as a 1/5th demarcation plan. Generally two types of boundary marks (Class-I & Class-II) were prescribed in the Bombay Forest Manual Vol.II which were subsequently adopted in the Maharashtra Forest Manual. Details are given in Maharashtra Forest Manual Vol-II Part V [C] article 5.10. While demarcating the Forest Boundary stone cairns / RCC pillars are erected in the past.

The shape of these cairns was a truncated cone with the following dimensions

Description	Class-I Cairn	Class-II Cairn
Flag stone	15"	15"
Foundation	0.30 m	0.30 m
Base	2.10 m dia	1.20 m dia
Height	1.5 m	1 m
Top	1.20 m dia	0.75 m dia

At the centre of top, wooden post or stone of rectangular size of 15" height is prescribed. Class-I cairns were erected at main points and angles, whereas Class-II cairns / pillar were erected in between two cairns / pillar in such a way that one cairn/pillar is clearly

visible from the previous one. During 2001, R.C.C. pillars of 1.40 m. length (class-I) and 0.90 m. length (class-II) were prescribed for boundary demarcation in sensitive forest area.

2.00 Need for Creation of permanent Boundary mark :-

The fact regarding the non-clarity of boundaries of forests in India and its effect on increasing the probability of encroachment & illegal mining on forest lands, was brought to the notice of Hon'ble Supreme Court in petition no. 202/95 T. N. Godaverman Vs Govt. of India and petition no. 224/97 through a report prepared by a committee Constituted under the Chairmanship of Additional Inspector General of Forest, Govt. of India. In many states, including Madhya Pradesh, a firm determination to fix the permanent pillars on well surveyed and demarcated boundaries was taken as per the commitment given to Supreme Court by the committee constituted by Govt. of India.

3.00 Present Status: Boundary and Boundary marks:-

For proper management and protection of forests prominently visible, clean and permanent boundary marks is a pre-requisite. Due to enormous increasing land hunger and also due to steep rise in the cost of land, these easily replaceable cairns had gradually lost their protective significance and strength. So these cairns were replaced by RCC pillars. With the advent of GIS based technology, it is felt essential that a forest boundary mark must clearly show its positional co-ordinates and other important information regarding forest land for assisting the field staff in protection activity. On these RCC pillars, except its serial number, no other information could be written. Further at some places, these pillars were found broken and iron bars stolen.

Following are some of the serious limitations of existing boundary marks which are posing multifarious threats to the existing forest estate.

1. Life - Easily replaceable, removable boundary marks.
- Not permanent, temporary and fragile.
2. No geo tagging, No geo referencing
3. Ground position does not concur with the information given on MAP.
4. Poor visibility in the night.

4.00 After careful study of boundary pillars prepared in adjoining Madhya Pradesh State and after careful study of prototype of boundary pillars of various dimensions erected in the field, on dated 17th May, 2019, a team of Senior officers Chaired by Principal Chief Conservator of Forests (Head of Forest Force) M.S. Nagpur, after detailed deliberations, **proposed the following design of class-I and class-II boundary pillars for the forest boundary in the State of Maharashtra to be adopted from year 2019-20 onwards.**

Sr. No.	Description	Class-I boundary mark	Class-II boundary mark
1	Flag stone (to be casted at the time of casting of pillar)	0.23mx0.23mx0.23m	0.23mx0.23mx0.23m
2	Foundation size below G.L.	0.90mx0.90mx0.30m	0.60mx0.60mx0.30m
3	Base size	0.90mx0.90m	0.60mx0.60m
4	Height above G.L.	1.00m	0.75m
5	Top size/dimension	0.60mx0.60m	0.45mx0.45m
6	Weight	1687kg	674kg
	Construction cost as per 2018-19 S.S.R. Rs. (Note:- The estimated cost may vary as per site conditions & it is exclusive of taxes)	6700/-	3400/-

Designs, plans and estimates of these proposed Class-I & Class-II boundary pillars are enclosed as Annexure-I

5.00 Hence in supersession of earlier instructions under reference 1&2 , in exercise of powers vested as per sub rule (3) of rule 70 of the Maharashtra Forest Rules 2014, the Designs and Standards of permanent boundary pillars as indicated in Annexure – I of this circular are hereby approved for the State of Maharashtra. It is hereby directed that **whenever & wherever boundary pillars are erected, these approved designs of permanent pillars shall be adopted by all the three wings viz. Forest, Wildlife & FDCM Ltd. in the State of Maharashtra. The works of erection of boundary pillars shall be carried out as per the guidelines mentioned below.**

5.1. During 2019-20, Survey/demarcation works are to be carried out as per survey demarcation scheme within the sanctioned budget. Those pillars which are broken or stolen away or dismantled shall be replaced by the new approved pillars. While erecting a pillar, the correct position of the pillars shall be ascertained by the officer not below the rank of Assistant Conservator of Forests. The necessary certificate for ascertaining the location duly signed by ACF should be preserved as a permanent record of the land records of the division. The necessary information as enclosed herewith shall be painted on newly erected pillars. It is decided to erect the permanent pillars on the boundaries of forests in the entire state within next five years i.e. up to 2025-26. The officers in-charge of Forest Division are requested to assess the entire length of boundary and prepare detailed estimates for erecting new pillars replacing old one in their division along with DGPS survey of boundary wherever required. Divisions shall place requisition or the grants accordingly.

5.2 For erection of permanent pillars, following areas shall be given top priority.

- i) Forest areas vulnerable to illegal mining

- ii) Forest areas inside or surrounding cities.
- iii) Forest areas adjoining revenue lands and private lands.
- iv) Newly notified areas u/s 4-20 & 29 of the Indian Forest Act 1927.
- v) Newly notified areas u/s 18, 26-35 & 38 of the Wildlife (Protection) Act 1972.

5.3 Annual work of survey and demarcation includes the DGPS Survey wherever required, clearance of boundary line and erection of permanent boundary pillars. The technical sanction as per new design and plan for construction of boundary pillars shall be given by respective Deputy Engineer in the circle. Site specific estimates shall be prepared by Engineers/Deputy engineer as per S.S.R rates applicable for that year and these estimates shall be technically approved by the engineers as per the delegated powers. For Technical sanction and Administrative approval, competent authority shall be as per GR No. MSC-2011/CR. 178/F-5, dated 30/09/2011.

5.4 After getting technical sanction and administrative approval work shall be completed within the sanctioned budget as per the existing norm. Class-I pillars shall be erected at the corners or at the point of change of survey number and at the end points of straight lines. Class-II intermediate pillars shall be erected at suitable distances such that next pillar is clearly visible from the previous one. As a general norm approximately two Class-I pillars and three intermediate Class-II pillars shall be fixed for every 1 k.m. length of boundary.

5.5 The pillars and the indicator stone shall be painted and the required information shall be written on it, as per the instructions attached herewith in Annexure-II. The serial number on the pillar shall be as per pillar register and as mentioned in the working plan. In absence of these documents, the pillar number in the divisions shall be decided by the committee Chaired by the Chief Conservator of Forests of the territorial circle. The Working Plan Officer and the concerned Deputy Conservator of Forests shall be the members of this committee.

5.6 The location of the pillars before construction shall be verified from the following documents by the officer not below the rank of ACF.

1. Survey of India Topo sheet
2. Pillar Register in the electronic format
3. Compartment history
4. Notification regarding R.F/P.F/Sanctuary and National Park
5. Village Map

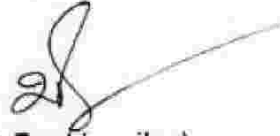
6. Report of the Forest Settlement Officer
7. Working plan/Management map
8. Maps prepared by Forest Survey and demarcation units.
9. GPS Verification
10. Cross verification with local Bench marks erected & preserved by Land Record Department.

The certificate of verification to that effect shall be a permanent part of land records.

- 5.7 After construction of pillars, the work of construction shall be checked for quality by the officer not below the rank of ACF.
- 5.8 During construction of pillars, the sample of cement mortar mix shall be taken and checked for the quality control by the engineering wing as per prescribed norms and the certificate shall be maintained as permanent part of land records.
- 5.9 Photograph of the pillars so constructed shall be uploaded on Asset Monitoring System of IT cell and shall also be preserved at Division and Range level.

Enclosed :- Annexure – I (page no. 1 to 10)
Annexure – II (page no. 1 & 2)

o/c approved by PCCF(HoFF) M. S. Nagpur



(S. G. Tembhurnikar)
Additional Principal Chief Conservator of Forest
(Conservation) M.S. Nagpur
For PCCF(HoFF) M.S. Nagpur

Copy to - for information.

Principal Secretary (Forests) Mantralaya, Mumbai -32.
Managing Director, FDCM Ltd., Nagpur.
Principal Chief Conservator of Forests (Wildlife), M.S. Nagpur.
Principal Chief Conservator of Forests (I.T.P.), M.S. Nagpur.
Principal Chief Conservator of Forests (Budget, Planning & Development), M.S. Nagpur.
Principal Chief Conservator of Forests (Production & Management), M.S. Nagpur.
Principal Chief Conservator of Forests (Social Forestry), M.S. Pune.
Additional Principal Chief Conservator of Forests (Protection) M.S. Nagpur
Additional Principal Chief Conservator of Forests & Nodal Officer M.S. Nagpur
Additional Principal Chief Conservator of Forests (NTFP Monitoring And Evaluation) M.S. Nagpur
Additional Principal Chief Conservator of Forests (Conservation) M.S. Nagpur
Additional Principal Chief Conservator of Forests (Admin Subordinate Cadre) M.S. Nagpur
Additional Principal Chief Conservator of Forests & Chief Executive Officer (Maha-CAMPA) M.S. Nagpur
Additional Principal Chief Conservator of Forests (Personnel) M.S. Nagpur

Additional Principal Chief Conservator of Forest (Wildlife East) Nagpur
Additional Principal Chief Conservator of Forest (Wildlife West) Borivali at Mumbai
Additional Principal Chief Conservator of Forest & Field Director Melghat Tiger Project Amravati
Additional Principal Chief Conservator of Forests & Mangroove Cell Head Mumbai
Chief Conservator of Forests (T) Nagpur
Chief Conservator of Forests (T) Chandrapur
Chief Conservator of Forests (T) Yavatmal
Chief Conservator of Forests (T) Gadchiroli
Chief Conservator of Forests (T) Kolhapur
Chief Conservator of Forests (T) Nashik
Chief Conservator of Forests (T) Pune
Chief Conservator of Forests (T) Aurangabad
Chief Conservator of Forests (T) Dhule
Chief Conservator of Forests (T) Thane
Chief Conservator of Forests (T) Amravati
Chief Conservator of Forests (Land Record) Nagpur
Deputy Chief Conservator of Forest (Land Record) Panvel
Settlement Commissioner & Director of Land Record, M.S. Pune.

CLASS-I ✓

DETAIL ESTIMATE

FOREST DEPARTMENT



----- CIRCLE

----- DIVISION

Construction of Concrete Boundary Pillar
SIZE - B - 900mm x T- 600mm x H-1300mm

GPS READING

N
E

Name Of Work :- Construction of Concrete Boundary Pillar in Comp. No. at
In Beat In Round In Range in
Division In Circle.

Grand Total Amount Rs.
6700.00

Name Of Work :- Construction of Concrete Boundary Pillar in Comp. No. at In
Beat In Round In Range In Division In Circle.

Mesurement & Abstract.

ITEM OF WORK	Unit	NO	L	B	D/H	QTY.	AMOUNT
ITEM NO. 1							
Removing grass, gazer grass and disposing off out of building premises including making clean the ground by shovel and phavaras etc. complete.							
As directed by Engineer in charge.							
S.S.R. Item No.21.34/Page No.191							
Total Area for Boundary Pillar	Sqmt	1.00	1.50	1.50		2.25	
					Net Qty.	2.25	
			@ Rs.	4.20	/Sqmt		Rs. 9.00
ITEM NO. 2							
Excavation for foundation in earth, soil of all types, sand, gravel and soft murum, including removing the excavated material up to a distance of 50 m. beyond the building area and stacking and spreading as directed, dewatering, preparing the bed for the foundation and necessary back filling, ramming, watering including shoring and strutting etc. complete. (Lift upto 1.5 m.) By Mechanical Means							
Spec.No. :Bd.A1 Page No.259							
S.S.R. Item No.21.02/Page No.187							
For Boundary Pillar	Cum	1.00	1.10	1.10	0.30	0.36	
					Net Qty.	0.36	
			@ Rs.	143.00	/Cum		Rs. 52.00
ITEM NO. 3							
Providing and laying Cast in situ/Ready Mix cement concrete in M-10 of trap/ granite/ quartzite/ gneiss metal for foundation and bedding including bailing out water, Steel centering, formwork, laying/pumping, compacting, roughening them if special finish is to be provided, finishing if required and curing complete, with fully automatic micro processor based PLC with SCADA enabled reversible Drum Type mixer/concrete Batch mix plant (Pan mixer) etc. complete. With fine aggregate (Natural Sand / Crushed sand VSI Grade finely washed etc)							
Spec.No. :Bd. E. 1 Page No. 287							
S.S.R. Item No.24.01/Page No.217							
For Boundary Pillar	Cum	1.00		0.741		0.741	
Volume of Pillar = $H/3 (A1+A2+ \sqrt{A1A2})$ A1=0.60 x 0.60 = 0.36 Sqmt, A2=0.90 x 0.90 = 0.81 Sqmt, H = 1.30 mt							
For Pedastal at top	Cum	1.00	0.23	0.23	0.23	0.012	
					Net Qty.	0.753	
			@ Rs.	4521.10	/Cum		Rs. 3404.00

Name Of Work :- Construction of Concrete Boundary Pillar In Comp. No. at In
Beat In Round in Range in Division In Circle.

Measurement & Abstract.

ITEM OF WORK	Unit	NO	L	B	D/H	QTY.	AMOUNT
ITEM NO. 1							
Providing Internal cement plaster 6mm. thick in a single coat in cement mortar 1:4 without Neeru finish to concrete surface in all positions, including scaffolding and curing etc. complete.							
Spec. No. Bd.L.1 Page No. 367							
S.S.R. Item No.32.012 /Page No.260							
For Boundary Pillar							
4 x ((0.90+0.60)/2) x 1.30 = 3.90	Sqmt	4.00	0.75	1.30		3.90	
For Top area 0.60 x 0.60 = 0.36	Sqmt	1.00	0.60	0.60		0.36	
						Net Qty. 4.26	
			@ Rs.	150.95	/Sqmt		Rs. 643.00
ITEM NO. 2							
Providing and applying priming coat on concrete/ masonry/ Asbestos Cement plastered surfaces including scaffolding if necessary, preparing the surface by thoroughly cleaning oil, grease, dirt and other foreign matter and sand							
Spec.No.: As directed by Engineer Incharge.							
S.S.R. Item No.35.21/Page No.282							
For Boundary Pillar							
4 x ((0.90+0.60)/2) x 1.30 = 3.90	Sqmt	4.00	0.75	1.30		3.90	
For Top area 0.60 x 0.60 = 0.36	Sqmt	1.00	0.60	0.60		0.36	
						Net Qty. 4.26	
			@ Rs.	28.00	/Sqmt		Rs. 119.00
ITEM NO. 3							
Providing and applying two coats of flat oil paint of approved colour and shade to internal / external plastered surfaces including scaffolding if necessary, cleaning and preparing the surface (excluding primer coat) etc. complete.							
Spec.No.: Bd.O.7 Page No. 406							
S.S.R. Item No.35.12/Page No.281							
White Oil paint is to be used for painting of top Stone							
For Sides	Sqmt	1.00	0.92	0.30		0.28	
For Top	Sqmt	1.00	0.23	0.23		0.05	
						Net Qty. 0.33	
			@ Rs.	76.00	Sqm		Rs. 25.00
ITEM NO. 4							
Painting letters upto 20 cm height complete brushes, qpir brushers, dusting, cleaning, including cost of paint etc. complete.							
Spec.No.: MORTH 801							
S.S.R. Item No.6.05/Page No.58							
For Pillar at top four Side	Nos	8.00	4.00			32.00	
						Net Qty. 32.00	
			@ Rs.	19.00	/Nos		Rs. 608.00

Name Of Work :- Construction of Concrete Boundary Pillar In Comp. No. at In 4
Beat In Round In Range In Division In Circle.

Mesurement & Abstract.

ITEM OF WORK	Unit	NO	L	B	D/H	QTY.	AMOUNT
ITEM NO. 8							
Providing and applying two coats of exterior weather shield paint of approved manufacture and of approved colour to the plastered surfaces including cleaning, preparing the plaster surface, applying primer coat, scaffolding if necessary, and watering the surface for two days etc complete. NOTE: For Item No. 15 to 18 prior approval of Superintending Engineer will be necessary.							
As directed by Engineer Incharge.							
S.S.R. Item No.35.26/Page No.283							
Quantity as per Item No. 5	Sqm					4.26	
					Net Qty.	4.26	
				Rs. 194.00	/Sqm		Rs. 826.00
Total Rs. (A)							5688.00
Add Amount for Royalty @ 14134 = B							55.00
Sub total (A+B) = C							5741.00
Add 12% GST on (C) = D							689.00
Add 4% Contingents on (C) = E							230.00
Add 1% for labour Insurance on (C) = F							57.00
Total Amount Rs. (C+D+E+F) = G							6680.00
Say Rs.							6700.00

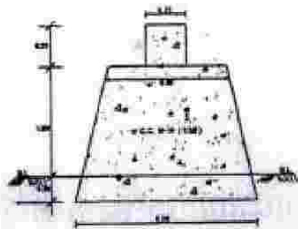
Junior Engineer
Office of the Forest Engineer
M. S. Nagpur.

Range Forest Officer(T)

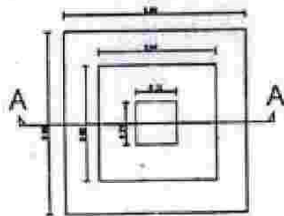
Forest Engineer
M. S. Nagpur

ACF

BOUNDARY PILLAR (CLASS - J)
(OPTION - I)

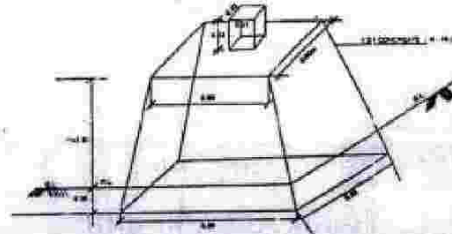


SECTIONAL ELEVATION
" A - A "



PLAN

Junior Engineer
Office of the Forest Engineer
M. S. Nagpur.



ISOMETRIC ELEVATION

A1 (TOP AREA)	= $0.60 \times 0.60 = 0.36 \text{ SQM}$
A2 (BOTTOM AREA)	= $0.90 \times 0.90 = 0.81 \text{ SQM}$
H (TOTAL HEIGHT)	= 1.30M
H1 (BELOW GL)	= 0.30M
H2 (ABOVE GL)	= 1.00M

$$\text{VOLUME} = \frac{H}{3} \times (A1 + A2 + \sqrt{A1A2})$$

$$= \frac{1.30}{3} \times [0.36 + 0.81 + \sqrt{0.36 \times 0.81}]$$

$$= 0.741 \text{ CUM}$$

$$\text{VOLUME FOR PEDESTAL} = 0.23 \times 0.23 \times 0.23 \text{ m} = 0.012 \text{ CUM}$$

$$\text{TOTAL VOLUME FOR CONCRETE PILLAR} = 0.741 + 0.012 = 0.753 \text{ CUM}$$

$$\text{ESTT. COST} = \text{Rs. } 6000.00 \text{ Say Rs. } 6750.00$$

$$\text{WT. OF PILLAR} = 1987.00 \text{ Kg.}$$

For est Engineer
M. S. Nagpur.

CLASS-II ✓

DETAIL ESTIMATE

FOREST DEPARTMENT



----- CIRCLE

----- DIVISION

Construction of Concrete Boundary Pillar
SIZE - B - 600mm x T- 450mm x H-1050mm

GPS READING

N
E

Name Of Work :- Construction of Concrete Boundary Pillar in Comp. No. at
In Beat In Round In Range In
Division In Circle.

Grand Total Amount Rs.
3400.00

Name Of Work :- Construction of Concrete Boundary Pillar In Comp. No. at In
Beat In Round In Range In Division In Circle.

Mesurement & Abstract.

ITEM OF WORK	Unit	NO	L	B	D/H	QTY.	AMOUNT
ITEM NO.1							
Removing grass, gazer grass and disposing off out of building premises including making clean the ground by shovel and phavaras etc. complete.							
As directed by Engineer In charge.							
S.S.R. Item No.21.34/Page No.191							
Total Area for Boundary Pillar	Sqmt	1.00	1.20	1.20		1.44	
					Net Qty.	1.44	
			@ Rs.	4.20	/Sqmt		Rs. 6.00
ITEM NO.2							
Excavation for foundation in earth, soil of all types, sand, gravel and soft murum, including removing the excavated material up to a distance of 50 m. beyond the building area and stacking and spreading as directed, dewatering, preparing the bed for the foundation and necessary back filling, ramming, watering including shoring and strutting etc. complete. (Lift upto 1.5 m.) By Mechanical Means							
Spec.No. :Bd.A1 Page No.259							
S.S.R. Item No.21.02/Page No.187							
For Boundary Pillar	Cum	1.00	0.80	0.80	0.30	0.19	
					Net Qty.	0.19	
			@ Rs.	143.00	/Cum		Rs. 27.00
ITEM NO.3							
Providing and laying Cast in situ/Ready Mix cement concrete in M-10 of trap/ granite/ quartzite/ gneiss metal for foundation and bedding including bailing out water, Steel centering, formwork, laying/pumping, compacting, roughening them if special finish is to be provided, finishing if required and curing complete, with fully automatic micro processor based PLC with SCADA enabled reversible Drum Type mixer/concrete Batch mix plant (Pan mixer) etc. complete. With fine aggregate (Natural Sand / Crushed sand VSI Grade finely washed etc)							
Spec.No. :Bd. E. 1 Page No. 287							
S.S.R. Item No.24.01/Page No.217							
			$(1.05/3) \times ((0.20+0.36+\sqrt{0.20 \times 0.36}))$				
For Boundary Pillar	Cum	1.00		0.289		0.289	
Volume of Pillar = $H/3 (A1+A2+\sqrt{A1A2})$ $A1=0.45 \times 0.45 = 0.20 \text{ Sqmt}, A2=0.60 \times 0.60 = 0.36 \text{ Sqmt}, H = 1.05 \text{ mt}$							
For Pedastal at top	Cum	1.00	0.23	0.23	0.23	0.012	
					Net Qty.	0.301	
			@ Rs.	4521.10	/Cum		Rs. 1361.00

Name Of Work :- Construction of Concrete Boundary Pillar In Comp. No. at In
 Beat In Round In Range In Division In Circle.

Mesurement & Abstract.

ITEM OF WORK	Unit	NO	L	B	D/H	QTY.	AMOUNT
ITEM NO. 4							
Providing internal cement plaster 6mm. thick in a single coat in cement mortar 1:4 without Neeru finish to concrete surface in all positions, including scaffolding and curing etc. complete.							
Spec. No. Bd.L1 Page No. 367							
S.S.R. Item No.32.012 /Page No.260							
For Boundary Pillar							
$4 \times ((0.60+0.45)/2) \times 1.05 = 3.38$	Sqmt	4.00	0.53	1.05		2.21	
For Top area $0.45 \times 0.45 = 0.20$	Sqmt	1.00	0.45	0.45		0.20	
						Net Qty. 2.41	
			Rs.	160.95	/Sqmt		Rs. 363.00
ITEM NO. 5							
Providing and applying priming coat on concrete/ masonry/ Asbestos Cement plastered surfaces including scaffolding if necessary, preparing the surface by thoroughly cleaning oil, grease, dirt and other foreign matter and sand							
Spec.No.: As directed by Engineer Incharge.							
S.S.R. Item No.35.21/Page No.282							
For Boundary Pillar							
$4 \times ((0.60+0.45)/2) \times 1.05 = 3.38$	Sqmt	4.00	0.53	1.05		2.21	
For Top area $0.45 \times 0.45 = 0.20$	Sqmt	1.00	0.45	0.45		0.20	
						Net Qty. 2.41	
			Rs.	28.00	/Sqmt		Rs. 67.00
ITEM NO. 6							
Providing and applying two coats of flat oil paint of approved colour and shade to internal / external plastered surfaces including scaffolding if necessary, cleaning and preparing the surface (excluding primer coat) etc. complete.							
Spec.No.: Bd.O.7 Page No. 406							
S.S.R. Item No.35.12/Page No.281							
White Oil paint is to be used for painting of top Stone							
For Sides	Sqmt	1.00	0.92	0.30		0.28	
For Top	Sqmt	1.00	0.23	0.23		0.05	
						Net Qty. 0.33	
			Rs.	76.00	Sqmt		Rs. 25.00
ITEM NO. 7							
Painting letters upto 20 cm height complete brushes, coil.brushers, dusting, cleaning, including cost of paint etc. complete.							
Spec.No.: MORTH 801							
S.S.R. Item No.6.05/Page No.58							
For Pillar four Side	Nos	4.00	8.00			32.00	
						Net Qty. 32.00	
			Rs.	19.00	/Nos		Rs. 608.00

Name Of Work :- Construction of Concrete Boundary Pillar in Comp. No. of In
 Beat In Round In Range In Division In Circle.

Measurement & Abstract.

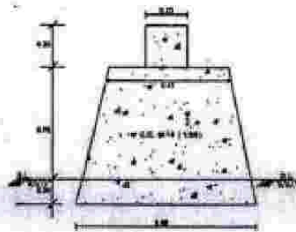
ITEM OF WORK	Unit	NO	L	B	D/H	QTY.	AMOUNT
ITEM NO. 5							
Providing and applying two coats of exterior weather shield paint of approved manufacture and of approved colour to the plastered surfaces including cleaning, preparing the plaster surface, applying primer coat, scaffolding if necessary, and watering the surface for two days etc complete. NOTE: For Item No. 15 to 18 prior approval of Superintending Engineer will be necessary							
As directed by Engineer incharge.							
S.S.R. Item No.35.26/Page No.283							
Quantity as per Item No. 5	Sqm					2.41	
					Net Qty.	2.41	
				@ Rs.	194.00 /Sqm		Rs. 467.00
				Total Rs = (A)			2924.00
				Add Amount for Royalty @ 141.34 = B			23.00
				Sub Total (A+B) = C			2947.00
				Add 12% GST On (C) = D			354.00
				Add 4% Contingents On (C) = E			118.00
				Add 1% for Labour Insurance On (C) = F			29.00
				Total Amount Rs (C+D+E) = F			3419.00
						Say Rs.	3400.00

Junior Engineer
 Office of the Forest Engineer
 M. S. Nagpur.

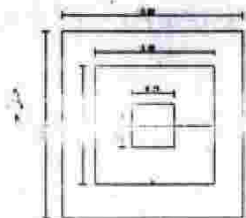
Range Forest Officer(T)

ACF

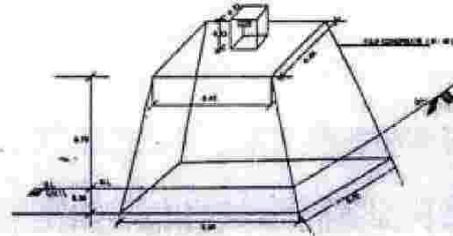
BOUNDARY PILLAR (CLASS - II)
(-OPTION - I)



SECTIONAL ELEVATION
" A - A "



PLAN



ISOMETRIC ELEVATION

A1 (TOP AREA)	= $0.45 \times 0.45 = 0.20 \text{ SQM}$
A2 (BOTTOM AREA)	= $0.60 \times 0.60 = 0.36 \text{ SQM}$
H (TOTAL HEIGHT)	= 1.05M
H1 (BELOW GL)	= 0.30M
H2 (ABOVE GL)	= 0.75M
VOLUME	= $H \times (A1 + A2 + \sqrt{A1A2})$

$$= 0.269 \text{ CUM}$$

$$\text{VOLUME FOR PEDESTAL} = 0.23 \times 0.23 \times 0.23 = 0.012 \text{ CUM}$$

$$\text{TOTAL VOLUME FOR CONCRETE PILLAR} = 0.269 + 0.012 = 0.301 \text{ CUM}$$

$$\text{ESTT. COST.} = \text{Rs. } 3419.00 \text{ Say Rs. } 3400.00$$

$$\text{WT. OF PILLAR} = 874.00 \text{ Kg.}$$

Junior Engineer
Office of the Forest Engineer
M. S. Nagpur.

Foram Engineer
M. S. Nagpur.

INFORMATION ON PILLAR

Colour of pillar	-	Florescent white	
Strip of 20 cm from top	-	For Reserved Forest	- Green
	-	For Protected Forest	- Green
	-	For Other type Forest	- Green
Boundary type	-	Beat Boundary	- B
	-	Round Boundary	- R
	-	Range Boundary	- RR
	-	Division Boundary	- D
	-	State Boundary	- S
} in the middle of 20 cm strip in white letter for RF, PF and other types of forest land			
Compartment no.	-	Height 10 cm	
	-	Thickness of letter 2 cm	
Survey no.	-	Height 10 cm	
	-	Thickness of letter 2 cm	
Longitude	-	Height 5 cm	
Latitude	-	Thickness 1 cm	
Year of Construction	-	Height 10 cm	
	-	Thickness 2 cm	

Information on central post

Survey no.

Compartment no.

Serial no.



Only numbers in fluorescent colors

Reserve Forests

- { Green background
Yellow letters.

Protected Forests

- { Green background
Yellow letters.

Unclassed/Private Forests & Zudpi Jungle

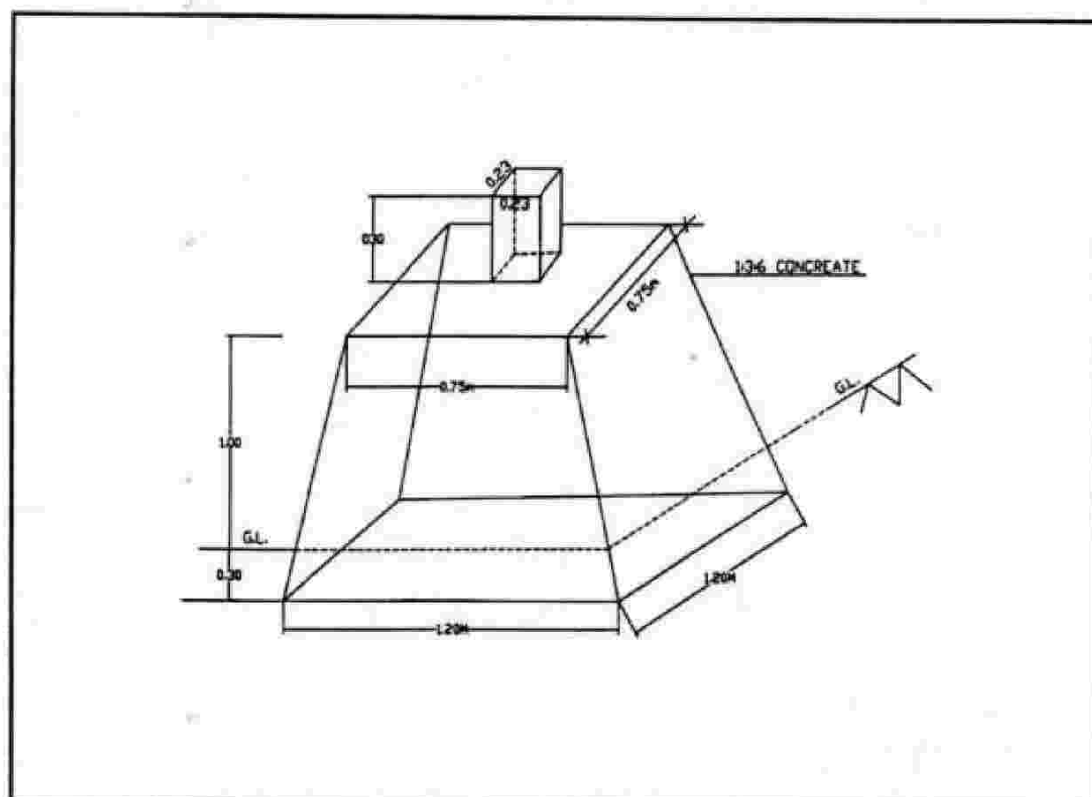
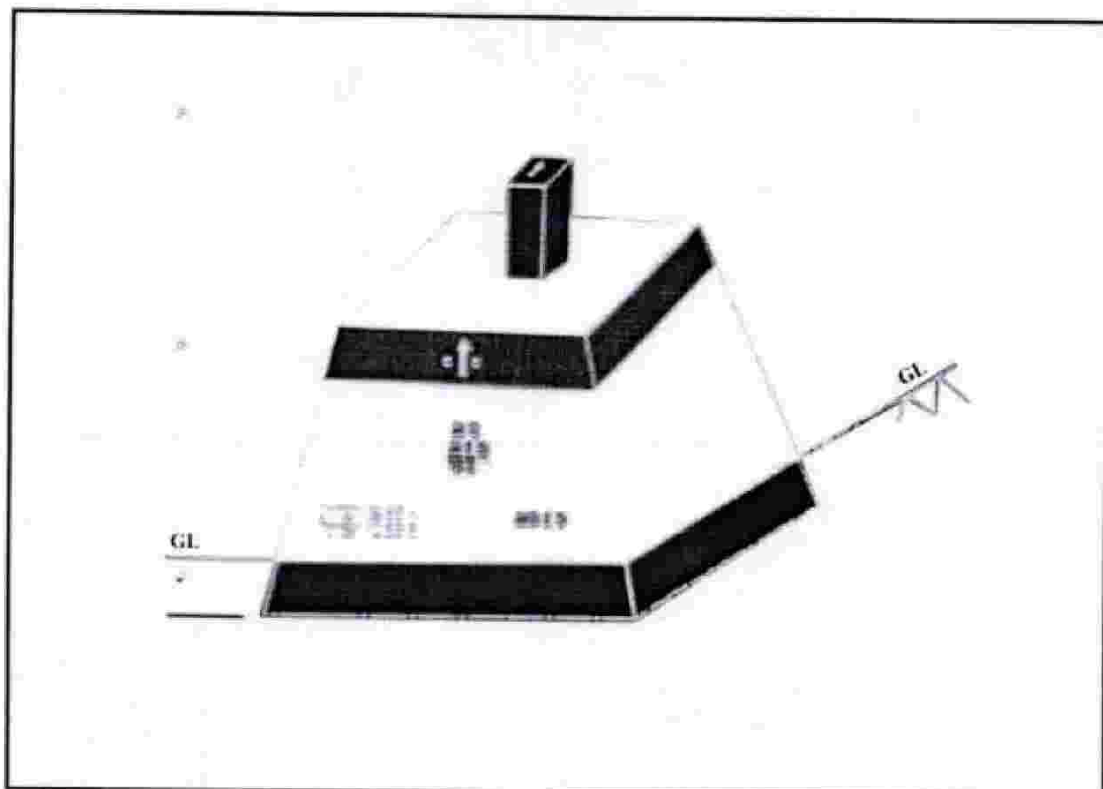
- { Green background
Yellow letters.

Height of letters

- 5 cm —

Thickness

- 1 cm —



ANNEXURE 8.01



GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XXIX OF 1975.

THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.

(As modified upto the 25th April, 2013)

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THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975

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4. Step to be taken by Government on acquisition of private forests.
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6. Settlement of disputes.
7. Payment of amount to owners of private forests.
8. Application for payment of amount.
9. Collector to determine amount.
10. Manner in which amount to be paid.
11. Deduction of amount of encumbrances from amount payable to owner.
12. Payment of amount for extinguishment of rights of other persons.
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MAHARASHTRA ACT No. XXIX OF 1975¹

[THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.]

(This Act received the assent of the President on the 25th day of August, 1975; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 29th August 1975).

Amended by Mah. 72 of 1975* (1-10-1975)†

” ” ” 14 of 1978 (26-4-1978)†

” ” ” 5 of 1980 (12-2-1980)†

” ” ” 5 of 1998 (6-2-1998)†

An Act to acquire private forests in the State and to provide for certain other matters.

²[WHEREAS, the forest land in the State is inadequate ;

AND WHEREAS, the private forest in the State is generally in highly degraded and over-exploited state, and is adversely affecting agriculture and agricultural population ;

AND WHEREAS it is, therefore, expedient to acquire private forests in the State of Maharashtra generally for conserving their material resources and protecting them from destruction or over-exploitation by their owners and for promoting systematic and scientific development and management of such forests for the purpose of attaining and maintaining ecological balance in the public interest, for improving the socio-economic conditions of the rural population, and particularly of the *adivasis* and other backward communities who generally live in forest areas, for developing as pasture the forest suitable for the purpose, for assigning a part of the private forest to the rural community for controlling the soil erosion both in the forest areas and in the lower level agricultural lands, for conserving soil moisture, for improvement of the water regime and raising the water table, for retarding the siltation of dams and tanks, for distribution of forest produce for the common good and preventing the concentration of forest wealth to the common detriment, for distribution of the mature exploitable forest produce as best to subserve the common good, for promoting employment opportunities based on forest, for meeting the requirements of forest produce including fire-wood with a view *inter-alia* to decrease the dependence on cow-dung, and in particular, for afforestation of private forest wherever feasible on scientific lines, and thereby create conditions for the preservation of soil, conservation of water, prevention of erosion of soil and for improvement of land and underground water resources to the best interest of agriculture and agriculturists in such private forest and other land in the State, and for undertaking schemes ³[for such purposes] ;

AND WHEREAS it is also expedient to provide that in the case of owners of private forests (other than those whose lands were used for extracting minor minerals such as stone quarries) whose total holdings of lands became less than twelve hectares on the appointed day on account of acquisition of their forest lands under this Act, or whose total holdings of lands was already less than twelve hectares on the day immediately preceding the appointed day, the whole or the appropriate portion of their forest lands so acquired shall be restored to and re-vested in them, so that

1. For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1975, Part V, 560.

2. This preamble was deemed always to have been substituted for the original by Mah. 72 of 1975, s. 2,

3. These words were substituted the words "for these and other purposes as hereinafter provided and to provide for matters connected therewith" by Mah. 14 of 1978, s. 2.

* Maharashtra Ordinance No. XIII of 1975 was repealed by Mah. 72 of 1975, s. 6.

† This indicates the date of commencement of the Act.

‡ Maharashtra Ordinance No. II of 1978 was repealed by Mah. 14 of 1978, s. 5.

their total holdings of lands may be twelve hectares or less, as the case may be, and they may be able to continue to earn their livelihood from such lands ; and to provide for certain other purposes hereinafter appearing;] It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maharashtra Private Forests (Acquisition) Act, 1975.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date ¹ as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—
 - (a) "appointed day" means the date on which this Act comes into force ;
 - (b) "Code" means the Maharashtra Land Revenue Code, 1966;
 - (c) "Collector" includes an officer not below the rank of a Deputy Collector appointed by the State Government to exercise the powers and perform the duties of the Collector under this Act ;

Mah.
XLI
of
1966.

² [(c-i) "forest" means a tract of land covered with trees (whether standing, felled, found or otherwise), shrubs, bushes, or woody vegetation, whether of natural growth or planted by human agency and existing or being maintained with or without human effort, or such tract of land on which such growth is likely to have an effect on the supply of timber, fuel, forest produce, or grazing facilities, or on climate, stream flow, protection of land from erosion, or other such matters and includes—

- (i) land covered with stumps of trees of forest ;
- (ii) land which is part of a forest or lies within it or was part of a forest or was lying within a forest on the 30th day of August 1975 ;
- (iii) such pasture land, water-logged or cultivable or non-cultivable land, lying within or linked to forest, as may be declared to be forest by the State Government ;
- (iv) forest land held or let for purpose of agriculture or for any purposes ancillary thereto ;
- (v) all the forest produce therein, whether standing, felled, found or otherwise ;]
- (d) "Forest Act" means the Indian Forest Act, 1927 in its application the State of Maharashtra ;

XVI
of
1927.

(e) "prescribed" means prescribed by rules made under this Act ;
(f) "private forest" means any forest which is not the property of Government and includes,—

- (i) any land declared before the appointed day to be a forest under section 34A of the Forest Act ;
- (ii) any forest in respect of which any notification issued under sub-section (1) of section 35 of the Forest Act, is in force immediately before the appointed day ;
- (iii) any land in respect of which a notice has been issued under sub-section (3) of section 35 of the Forest Act, but excluding an area not exceeding two hectares in extent as the Collector may specify in this behalf ;
- (iv) land in respect of which a notification has been issued under section 38 of the Forest Act ;

1. 30th August, 1975 vide G. N., R. and F. D., No PRE. 1073/40845-F-2, dated 29th August, 1975.
2. Clause (c-i) was deemed always to have been inserted by Mah. 72 of 1975, s. 3.

(v) in a case where the State Government and any other person are jointly interested in the forest, the interest of such person in such forest ;

(vi) sites of dwelling houses constructed in such forest which are considered to be necessary for the convenient enjoyment or use of the forest and lands appurtenant thereto ;

(g) "Tribunal" means the Maharashtra Revenue Tribunal constituted or deemed to be constituted under the Code ;

(h) words and expressions used in this Act but not defined therein shall have the meanings assigned to them in the Code, or as the case may be, in the Forest Act.

3. (1) Notwithstanding anything contained in any law for the time being in force or in any settlement, grant, agreement, usage, custom or any decree or order of any Court, Tribunal or authority or any other document, with effect on and from the appointed day, all private forests in the State shall stand acquired and vest, free from all encumbrances, in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government, and all rights, title and interest of the owner or any person other than Government subsisting in any such forest on the said day shall be deemed to have been extinguished.

Vesting of private forests in State Government.

Mah. XXVII of 1961.

(2) Nothing contained in sub-section (1) shall apply to so much extent of land comprised in a private forest as is held by an occupant or tenant and is lawfully under cultivation on the appointed day and is not in excess of the ceiling area provided by section 5 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, for the time being in force or any building or structure standings thereon or appurtenant thereto.

(3) All private forests vested in the State Government under sub-section (1) shall be deemed to be reserved forests within the meaning of the Forest Act.

4. On acquisition of private forests, the State Government shall take or cause to be taken steps for afforestation of forest lands on scientific basis, for developing the lands and utilising them according to their capability including pastures, for regulating the felling of trees on scientific lines, for promoting soil and water conservation as will best subserve agriculture ¹[for distribution of the mature exploitable forest produce as best to subserve the common good and for securing those purposes undertake schemes particularly in the best interests of agricultural population of the State. Such Schemes may also provide for the utilisation of the forest produce in the best interests of agriculture and agricultural population of the State, and particularly the weaker sections of the community, such as schemes to assist the construction of huts for the landless, schemes for supply of timber for cattle sheds, agricultural implements, bullock-carts and houses, trellis and scaffolding for orchards, schemes to promote utilisation of forest produce, such as leaves for manure and fodder, thorns for fencing, grass and grazing for cattle and edible forest produce for consumption, schemes to promote employment opportunities of *adivasis* and other based on forest produce and schemes calculated to meet fuel requirements.]

Step to be taken by Government on acquisition of private forest.

²[5. Where any private forest stands acquired and vested in the State Government under the provisions of this Act, the person authorised by the State Government or by the Collector in this behalf, shall enter into and take over possession thereof, and if any person resists the taking over of such possession, he shall without prejudice to any other action to which he may be liable, be liable to be removed by the use of such force as may be necessary.]

Power to take over possession of private forest.

1. This portion was deemed always to have been substituted for the portion beginning with "and in particular" and ending with "population of the State" by Mah. 72 of 1975, s. 4.

2 Section 5 was deemed always to have been substituted for the original *ibid.* s. 5.

- Settlement of disputes. 6. Where any question arises as to whether or not any forest is a private forest, or whether or not any private forest or portion thereof has vested in the State Government or whether or not any dwelling house constructed in a forest stands acquired under this Act, the Collector shall decide the question, and the decision of the Collector shall, subject to the decision of the tribunal in appeal which may be preferred to the tribunal within sixty days from the date of the decision of the Collector, or the order of the State Government under section 18, be final.
- Payment of amount to owners of private forests. 7. (1) Every owner of a private forest which vests in the Government under the provisions of this Act shall be paid by the State Government, an amount which is equal to twenty times the assessment per hectare of land comprised in such forest, and in respect of dwelling houses and amount calculated in accordance with the provisions of sections 23 and 24 of the Land Acquisition Act, 1894. 1 of 1894.
- (2) If any forest land has not been assessed, the amount of assessment for the purpose of this section shall be fixed by the Collector, having regard to the amount of assessment which would have been leviable on the same extent of forest land of similar nature in the same area.
- Application for payment of amount. 8. Any owner of private forest entitled to payment of an amount under section 7 shall, within six months of the appointed day, make an application to the Collector for determining the amount payable to him under section 7.
- Collector to determine amount. 9. (1) On receipt of an application under section 8, the Collector shall, after making a formal enquiry in the manner provided in the Code, make an award determining the amount payable to the owner under section 7.
- (2) Where the officer making an award under sub-section (1) is a Collector under this Act, but not a Collector appointed under section 7 of the Code, and the amount of such award exceeds fifty thousand rupees, the award shall not be made without the previous approval of the Collector appointed under section 7 of the Code.
- Manner in which amount to be paid. 10. (1) The amount specified in the award shall be paid in cash to the person entitled thereto.
- (2) Where the amount awarded is not paid at the time of or before taking possession of the private forest, the amount awarded shall be payable with interest thereon at the rate of four per cent per annum from the time of taking possession till the time the amount is paid.
- Deduction of amount of encumbrances for amount payable to owner. 11. (1) During an inquiry held under section 9, the Collector shall determine in the prescribed manner the amount of encumbrances, if any, lawfully subsisting on the private forest in question, on the appointed day.
- (2) (a) If the total amount of encumbrances is less than the amount determined as payable to the owner, the amount of encumbrances shall be deducted from the amount determined as payable to the owner. The balance shall then be paid to the owner and the amount so deducted shall be utilised for payment of the encumbrances ; and
- (b) If the total amount of encumbrances is equal to or more than the amount determined as payable to the owner, the amount payable to the owner shall be distributed amongst the holders of the encumbrances in proportion to the respective amounts of encumbrances, and having regard to the claims *inter-se* of such holders on the basis of their priorities :

Provided that, if any sum of money is due to the State Government by the owner of a private forest, such sum of money shall first be adjusted against the amount payable to such owner by the State Government and the surplus alone shall be available as the balance to be paid to the owner under clause (a), or as the case may be, as the amount to be distributed amongst the holders of encumbrances under clause (b).

(3) If the determination of any issue under this section involves any question of law regarding the validity of any encumbrance or the claim of the holder of any encumbrance, or any question regarding the amount due to the holder in respect of the encumbrance, the Collector shall, in the manner prescribed, refer the question for decision to the relevant Civil Judge within the territorial limits of whose jurisdiction the forest is situate. On receipt of such reference, the Judge concerned shall, after giving notice to the parties concerned, try the question referred to him and record findings thereon, and send the same to the Collector. The Collector shall then give decision in accordance with the said findings.

(4) Nothing in this section shall affect the rights of the holder of any such encumbrances to proceed to enforce against the owner of the private forest his right in any other manner or under any other law for the time being in force.

12. (1) If any person other than the owner of a private forest is aggrieved by any provision of this Act as extinguishing any right enjoyed by him otherwise than as a member of the general public and such person proves that such extinguishment amounts to the transference to the State Government or to public ownership of such right, such person may apply to the Collector for payment of amount for such extinguishment.

Payment of amount for extinguishment of rights of other persons.

(2) Such application shall be made within six months from the appointed day.

(3) On receipt of an application under sub-section (1), the Collector, shall after holding a formal inquiry in the manner provided in the Code and also giving an opportunity to be heard to the owner of the private forest concerned, award such amount to the applicant as the Collector deems reasonable.

(4) The amount so awarded to the applicant shall be liable to be deducted from the amount determined as payable to the owner of such private forest under section 7.

13. Notwithstanding anything contained in the Code, an appeal shall lie to the Tribunal against an award of the Collector under section 9 or against any order of the Collector passed under section 11 or 12.

Appeals.

14. (1) The Tribunal shall, after giving notice to both the parties, decide the appeal and record its decision.

Procedure before Tribunal.

(2) In deciding an appeal under this Act, the Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows, in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

15. Save as otherwise provided in section 6, every appeal made under this Act to the Tribunal shall be filed within a period of sixty days from the date of the award, or as the case may be, order, of the Collector. The provisions of sections 4, 5, 12 and 14 of the Limitaion Act, 1963, shall apply to the filing of such appeal.

Limitation.

36 of 1963. Bom. XXV of 1959.

16. Notwithstanding anything contained in the *Bombay Court-fees Act, 1959, every appeal made under this Act to the Tribunal shall bear a court-fee stamp of five rupees.

Court fees.

* The short title of this Act was amended as "the Maharashtra Court-fees Act" by Mah. 24 of 2012, Sch., entry 77, w. e. f. 1-5-1960.

Finality of award and decision of Tribunal. 17. The award made by the Collector under section 9 and an order passed by the Collector under section 11 or 12, subject to an appeal to the Tribunal or to an order of the State Government under section 18, and the decision of the Tribunal on an appeal shall be final and conclusive, and shall not be questioned in any suit or proceeding in any Court.

Revision. 18. Where no appeal has been filed within the period provided for it against any decision, order or award of the Collector, the State Government may, within a period not exceeding one year from the date of such decision, order or award—

(a) call for the record of any inquiry or proceedings of the Collector for the purpose of satisfying itself as to the legality or propriety of any decision, order or award passed by, and as to the regularity of the proceedings of, such Collector, as the case may be, and

(b) pass such order thereon as it deems fit ;

Provided that, no decision, order or award of the Collector shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

Inquiries and proceedings before Collector and Tribunal to be judicial proceeding. 19. All inquiries and proceedings before the Collector and the Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Indemnity. 20. No suit, prosecution or order legal proceeding shall lie against the State Government, the Tribunal or any officer of the State Government for anything in good faith done or intended to be done under this Act.

Declaration of certain lands as private forests. 21. (1) Wherever it appears to the State Government that any tract of land not being the property of Government, contains trees and shrubs, pasture lands and any other land whatsoever, and that it should be declared in public interest and for furtherance of the objects of this Act, to be a private forest, the State Government shall publish a notification in the *Official Gazette*—

(a) declaring that it is proposed to declare such tract of land to be a private forest ; and

(b) specifying, as nearly as possible, the situation and limits of such tract.

(2) On the publication of such notification the Collector or any other officer authorised in this behalf by the State Government shall issue a notice to the owner of such tract of land and to all other persons having an interest in such tract of land, calling on them to show cause, within a reasonable period to be specified in such notice, why such declaration should not be made.

(3) After hearing the objections, if any, of the owner and other persons and considering any evidence that they may produce in support of the same, the Collector, or as the case may be, the authorised officer shall submit his report to the State Government, along with the objections, proceeding and his opinion whether the tract of land should or should not be declared to be a private forest.

(4) After taking into consideration the objections, proceedings and report and the opinion of the Collector, or as the case may be, of the authorised officer, the State Government shall decide, whether such tract of land or any part thereof should or should not be declared to be a private forest, and such decision shall be final.

(5) If the State Government decides to declare such tract of land or any part thereof to be a private forest, it shall publish such decision by a notification in the *Official Gazette*.

(6) Upon publication of the notification under sub-section (5), the tract of land in question or any part thereof shall be deemed to be private forest, and thereupon, all the provisions of this Act shall apply thereto, subject to the modification that the appointed day in relation thereto shall be deemed to be the date of the issue and publication of the notification in the *Official Gazette* under sub-section (5) in relation thereto.

(7) If the State Government decides not to declare such tract of land or any part thereof to be a private forest, it shall communicate its decision to all persons interested in such tract of land or any part thereof.

(8) On the publication of a notification under sub-section (1) in respect of any tract of land, it shall not be lawful for the owner of such tract of land or any other person to do therein, except with the previous permission in writing of the Divisional Forest Officer, any of the following things, for a period of one year from the date of such publication, or till the date of the publication of the notification under sub-section (5), or as the case may be, till the date of communicating the decision under sub-section (7), whichever period expires earlier, namely :—

- (a) the breaking up or cleaning of the land for cultivation ;
- (b) the pasturing of cattle ;
- (c) the firing or cleaning of the vegetation ;
- (d) the girding, tapping or burning of any tree or the stripping off the bark or leaves from any tree ;
- (e) the lopping and pollarding of tree ;
- (f) the cutting, sawing, conversion and removal of trees and timber ; or
- (g) the quarrying of stone or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process.

(9) If any person contravenes the provisions of sub-section (8), he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

[21A. Nothing in section 21 shall apply to any non-forest land, not being the property of Government, on which by artificial means or by human agency afforestation is made by planting forest tree species.]

Saving of certain afforested lands.

22. (1) Whenever an officer authorised by the State Government in this behalf so directs, the owner of a private forest, which has vested in the State Government under the provisions of this Act, shall deliver to such officer or to such other officer as may be specified in the direction, the records relating to such private forest maintained by the owner.

Owner of private forest to deliver records to authorised officers.

1. Section 21A was inserted by Mah. 5 of 1998 s. 2.

(2) If the owner fails, without reasonable cause, to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees and in the case of a continuing failure to deliver any such records, he shall be punished with an additional fine which may extend to twenty- five rupees for every day during which such failure continues after conviction for the first failure.

Restoration
of forest
land to
owner in
certain cir-
cumstances.

¹[22A. (1) Notwithstanding anything contained in the foregoing provisions of this Act, if, on an application made by any owner of private forest, within a period of six months from the date of commencement of the Maharashtra Private Forests (Acquisition) (Amendment) Act, 1978, or *suo motu* at any time, the Collector, after holding such inquiry as he deems fit, is satisfied that the total holding of land of such owner became less than twelve hectares on the appointed day on account of acquisition of his forest land under this Act or that the total holding of land of such owner was already less than twelve hectares on the day immediately preceding the appointed day, the Collector shall determine whether the whole of the forest land acquired from such owner or what portion thereof shall be restored to him, so, however, that his total holding of land, on the appointed day, shall not exceed twelve hectares.

Mah.
XIV
of
1978.

(2) After the Collector has determined the area and situation of the land to be restored to any owner of private forest, the Collector shall make an order, that with effect from the date of his order, the land specified therein, which was acquired and vested in the State Government, shall cease to be a reserved forest within the meaning of the Forest Act, be deemed to have been regranted to the owner and shall be revested in him, subject, however, to all encumbrances if any, lawfully subsisting on the day immediately preceding the appointed day, which shall stand revived. Possession of the land so restored shall be given by the Collector to the owner as far as may be practicable under the circumstances, within a period of one month from the date of the order.

(3) If the amount payable to the owner of private forest under section 7 has been paid to him or the holder of the encumbrances, if any, the Collector shall determine what would have been the amount or the proportionate amount payable to him under section 7 in respect of the land restored to him under sub-section (2), without taking into consideration the deductions to be made for paying the holders of encumbrances, if any, and shall by order direct the owner to repay the amount so determined to the State Government, within a period of six months from the date of receipt of such order by the owner. If the amount is not repaid in time, it shall be recoverable as an arrear of land revenue. When any amount due is repaid by the owner to the State Government, he shall be entitled to make necessary adjustment with the holders of the encumbrances, if any, for any payment made to them by the State Government in respect of the land revested in the owner.

(4) Notwithstanding anything contained in the Code or this Act, no appeal shall lie against any decision or order of the Collector under this section, but the Commissioner or the State Government may, within a period not exceeding one year from the date of such decision or order,—

(a) call for the record of any inquiry or proceedings of the Collector for the purpose of satisfying himself or itself as to the legality or propriety of such decision or order, and as to the regularity of such proceedings, as the case may be, and

(b) pass such order thereon as he or it deems fit :

Provided that, on such decision or order shall be modified, annulled or reversed, unless opportunity has been given to the interested parties to appear and to be heard.

1. Section 22A was inserted by Mah, 14 of 1978 s. 3.

(5) Any decision taken or order made under this section by the Collector, subject to any revision by the Commissioner or the State Government, and any order made by the Commissioner or the State Government in revision, shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

(6) Nothing contained in this section shall apply to any land in a private forest which was used immediately before the appointed day for extracting of minor mineral such as stone quarries. Accordingly, such land shall not be taken into consideration and shall not be liable to be restored under this section.]

¹[22B. Notwithstanding anything contained in section 4 or any other provisions of this Act, the Collector may with the previous approval of the State Government grant, transfer or otherwise make available any private forest vested in the State Government under sub-section (1) of section 3, or any portion thereof, for any public purpose, only if any government land is not available or suitable, or any other land is not found suitable for acquisition under the Land Acquisition Act, 1894, for such public purpose.]

Power of Collector to grant private forest vested in the State for public purpose in certain cases.

23. (1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rule may provide for levy of fees for any of the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act 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 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 publication 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.

24. ²[(1)] On and from the appointed day, sections 34A, 35, 36A, 36B, 36C, and 37 of the Forest Act shall stand repealed.

Repeal of sections 34A to 37 of Forest Act.

³[(2) Notwithstanding anything contained in sub-section (1), on and from the date of commencement of the Maharashtra Private Forests (Acquisition) (Amendment) Act, 1978, sections 34A, 35, 36, 36A, 36B, 36C and 37 of the Forest Act, shall in respect of the lands restored under section 22A, be deemed to have been re-enacted in the same form and be deemed always to have been in force and applicable in respect of such lands, as if they had not been repealed.]

Mah. XIV of 1978.

1. Section 22B was inserted by Mah. 5 of 1980 s. 2.

2. Section 24 was re-numbered as sub-section (1), by Mah. 14 of 1978 s. 4.

3. Sub-section (2) was added, *ibid.*, s. 4.

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AND THE RECOGNISED BOOK SELERS

ANNEXURE 8.02

THE INDIAN FOREST (CONTROL OVER FORESTS AND LANDS NOT BELONGING TO GOVERNMENT) (BOMBAY AREA) RULES, 1950

G. N., A. & F. D., No. 5133/48513-J, dated 19th September 1950
(B. G., Pt. IV-A, p. 558).

Amended by G. N., A. & F. D., No. 5133/21877-J, dated 28th May 1952.

Amended by G. N., A. & F. D., No. MFP. 1254-J, dated 12th August 1955.

Amended by Addendum, A. & F. D., No. MFP. 1254/111733-J, dated 29th
September 1955.

Amended by G. N., A. & F. D., No. MFP. 1254/68707-J, dated 10th May 1957
(M. G., Pt. IV-A, p. 605).

Amended by G. N., A. & F. D., No. PRF. 1261/2683-II-J, dated 6th August 1962
(M. G., Pt. IV-A, p. 636).

Amended by G. N., R. & F. D., No. TRN. 1070/52212-IV, dated 22nd June 1970
(M. G., Pt. I-C.S., p. 604).

In exercise of the powers conferred by section 76 of the Indian Forest Act, 1927 **S. 76**
(XVI of 1927), the Government of Bombay is pleased to make the following rules
for carrying out the provisions of Chapter V of the said Act, namely:—

¶1A. *Short title.*—These rules may be called the Indian Forest (Control over
forests and lands not belonging to Government) (Bombay Area) Rules, 1950.]

1. *Definitions.*—In these rules—

(a) "Act" means the Indian Forest Act, 1927;

(b) "Forest Officer" means any Forest Officer not lower in rank than a Divisional Forest Officer or Sub-Divisional Forest Officer in charge of an independent Sub-Division;

(c) "Form" means a Form appended to these rules.

¶2. *Notices under section 35(3).*—The Conservators of Forests shall be the officers authorised to issue notices under sub-section (3) of section 35 in respect of forests situated within their respective Circles. Such notice shall be in Form F. The notice shall be served on the owner as laid down in sub-section (5) of section 35 ¶*

¶2A. *[Mode] of Publication of notice under section 35 (3)*—After the notice under sub-section (3) of section 35 is [issued] under rule 2, the Forest Officer concerned shall cause it to be published by affixing copies of the same at the Taluka Kutcheri of the Taluka concerned in the regional language of the Taluka and at the Chavdi or other prominent place in the village concerned in the regional language of such village. It shall also be announced by beat of drum in such village that the notice has been so published.]

* Ins. by G.N. of 22-6-1970.

* Subs. by G.N. of 12-8-1955.

* Deleted by G.N. of 6-8-1962.

* Ins. by G.N. of 10-5-1957.

* Subs. by G.N. of 22-6-1970.

* Subs. by G.N. of 6-8-1962.

3. *Officer by whom objections, etc., shall be heard.*—The objections, if any, of the owner and any evidence produced by him in support of the same, after a notice under sub-section (3) of section 35 is issued to him, shall be heard by the Forest Officer in charge of the Division or an independent Sub-Division in which the Forest is situate.

4. *Action to be taken by Forest Officer after hearing objections, etc.*—After the objections, if any, of the owner and the evidence produced by him in support of the same as heard by the Forest Officer, the same shall be submitted by the Forest Officer through his superior Forest Officer to the State Government, with his remarks for its consideration.

5. *Issue of notification, etc. by State Government.*—On consideration of the objections, if any, of the owner and any evidence produced by him, if the State Government is satisfied that regulation or prohibition of any act specified in sub-section (1) of section 35 for any of the purposes specified therein or construction of any work for such purpose is necessary, it shall make a notification under sub-section (1) of section 35 or begin construction of work under sub-section (2) of the said section, as the case may be.

6. *Form of notice under sub-section (1) of section 36.*—A notice under sub-section (1) of section 36 shall be in Form II.

7. *Management of forest placed under control of Forest Officer under section 36(1).*—(1) The Forest Officer under whose control any forest is placed under section 36(1) of the Act shall manage such forest according to the scheme and programme of account of by the State Government in that behalf. He shall maintain a proper prepared revenue and expenditure in respect of the management of such forest.

(2) The net profits, if any, shall be paid to the owner under sub-section (2) section 36 of the Act after the whole of the scheme drawn up for the management of the forest has been executed and after the aggregate cost incurred on the scheme is defrayed and judi, if any, due to Government is recovered.

7A. *Other mode of publication of the order under section 36-C (1).*—After an order under sub-section (1) of section 36-C is published in the *Official Gazette*, the Forest Officer concerned shall cause it to be served on the owner, or if the owner be dead, on any person entitled to possession of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. Such order shall also be published by affixing copies of the same at the Taluka Kutcher¹ of the Taluka concerned in the regional language of the Taluka and at the Chavdi or other prominent place in the village concerned in the regional language of such village. It shall also be announced by beat of drum in such village that the order has been so published.

8. *Particulars to be specified in representation made under section 38.*—(1) Every representation made to the Collector under section 38 of the Act by any owner of any land shall contain the following particulars, namely:—

- (i) name of the village with the name of taluka in which the land is situated;
- (ii) survey numbers comprising the land;
- (iii) terms on which the land shall be managed by the Forest Officer; and
- (iv) the provisions of the Act which shall apply to the land.

(2) Every representation shall be accompanied by authenticated extracts from the village records establishing owner's title to the land.

¹ Ins. by G.N. of 10-5-1957.

9. *Action to be taken by the Collector on receipt of representation under section 38.*—On receipt of a representation made by any owner of a land under section 38 the Collector shall verify whether the person making the representation has lawful title to such land and on being satisfied, he shall submit the representation to the State Government for necessary action. He shall specify the terms of management as finally agreed upon in consultation with the Forest Department. In every case such terms should state *inter alia*, the period of management, the source from which the cost of management shall be met, and the method of sharing the profit or loss accruing from the management and they should be attested by the owner as well as the Forest Officer under whose control the land is placed.

10. *Made of management.*—The Forest Officer under whose control the land is placed shall manage it strictly in accordance with the terms mutually agreed upon and the provisions of the Act applied in that behalf by the State Government under sub-section (2) of section 38.

[FORM I

(See rule 2)

Notice

No. —In pursuance of sub-section (3) of section 35 of the Indian Forest Act, 1927 (XVI of 1927), read with rule 2 of the rules published in Government Notification, Agriculture and Forests Department, No. 5133/48513-J, dated the 19th day of September 1950, I*, the Conservator of Forest, hereby give notice to ‡ calling on him to appear on or before § to show cause why the accompanying notification (hereinafter referred to as the "notification") should not be made by the Government of Bombay under sub-section (1) of the said section 35 in respect of the forest specified in the schedule hereto appended and belonging to him.

2. If the said ‡ fails to comply with this notice, it shall be assumed that the said ‡ has no objection to the making of the notification.

3. I further require that for a period of ¶ or till the date of the making of the notification, whichever is earlier, the said and all persons who are entitled or permitted to do, therein any or all of the things specified in clause (i) of sub-section (1) of the said section 35, whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of this notice and for the period or until the date aforesaid, as the case may be, do any of the following things specified in clause (i) of sub-section (1) of the said section 35, namely:—

(To be filled in)

- * Name of the authorised officer.
- † Name and address of owner of forest.
- ‡ Here insert suitable date.
- § Designation of officer appointed to hear objections.
- ¶ Name of owner of forest.
- ¶ Period exceeding six months to be specified.
- * Subs. by G. O. No. 12-8-1955.

The Schedule

(Here enter the Particulars of the forest owned by the said person)

Place—

Date—

Signature

Conservator of Forests, Circle.

N.B.—Paragraph 3 to be deleted, if not required.]

FORM II

(See rule 6)

Notice

AGRICULTURE AND FORESTS DEPARTMENT

Bombay Castle, 28th May 1952

To

*Whereas it has come to the notice of the Government of Bombay that you have been neglecting to abide by or wilfully disobeying the regulations or prohibitions specified in the schedule appended hereto and which have been imposed by Government Notification in the Agriculture and Forests Department, No. dated in respect of the forest specified in the Schedule hereto annexed; or

*Whereas it is necessary for the purposes of constructing work under section 35 (2) of the Indian Forest Act, 1927;

It is intended to take over the management of the said forest under the provisions of section 36 of the said Act and place it under the control of the Forest Officer for management and to declare that sections of the said Act shall apply to the said forest.

You are hereby directed to show cause by why such an order placing the forest under control of the Forest Officer should not be made and state your objections, if any, in that connection.

Schedule

(Here insert the relevant regulations or prohibitions which have been alleged to have been infringed by an owner of a forest.)

Dated at the day of 19 ..

By order of the Governor of Bombay,

Secretary to Government.

*Strike out whichever is not necessary.

1927 : Act XXV]

Indian Forest Act, 1927

2757

G. No. A. & F. D., No. MFP.2354/45855-1, dated 13th December 1954
(B. G., Pt. IV-A, p. 565)

In supersession of Government Notification, Revenue Department, No. 4525-D, R. 67(1) dated the 6th April 1922, it is hereby notified for general information that the sum to be paid in respect of each book of forest passes supplied to persons authorised to issue such passes under clause (c) of sub-rule (1) of rule 67 of the Bombay Forest Rules, 1942, shall be according to the following rates, for a period of two years* on the first instance with effect from the 1st day of July 1954, namely:—



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार नोव्हेंबर १३, १९७५/कार्तिक २२, शके १८९७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यामध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT
Sachivalaya, Bombay, 400 032, dated 13th November 1975

THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975:-

No. PRF. 1075/119064-II-F-2-- In exercise of the powers conferred by sub-section (1) of Section 23 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules for carrying out the purpose of the said Act, the same having been previously published as required by sub-section (1) of the said Section 23, namely :-

RULES

1. *Short title* :- These rules may be called the Maharashtra Private Forests (Acquisition) Rules, 1975.

2. *Definitions :-* In these rules, unless the context otherwise requires :-
 - (a) "Act" means the Maharashtra Private Forests (Acquisition) Act, 1975;
 - (b) "Form" means a Form appended to these rules;
 - (c) "Section" means a section of the Act.
3. *Form of application under Section 8 :-* The application under Section 8 of the Act, shall be in Form A
4. *Manner of determining amount of encumbrances under Section 11(1)*
 - (1) During an inquiry held under Section 9, the Collector shall ascertain from the owner of the private forest who has applied for an amount, the names and addresses of holders of encumbrances lawfully subsisting on the private forest in question on the appointed day and the nature of such encumbrances.
 - (2) As soon as may be thereafter, the Collector shall issue a notice individually to all the holders of encumbrances so ascertained, and also a public notice to be given in the village where the private forest in question is situated, requiring all persons who claim to be the holders of encumbrances held by them and to appear before the Collector on a date specified in the notice to prove their claims. The Collector shall then proceed to inquire into the claims made by the persons who appear before him on such date or on any other date to which the proceedings may be adjourned by him and determine the nature and extent of encumbrances held by different holders of encumbrances on the private forest in question.

5. *Manner of reference under Section 11(3) :-*

In making a reference under sub-section (3) of section 11, the Collector shall prepare a statement of the case for the decision of the Court and state his opinion thereon. The statement of the case shall contain the following particulars, namely :-

- (i) the nature and extent of the right claimed by the owner of the private forest;
- (ii) the names of the holders of encumbrances ;
- (iii) the nature and extent of the claim made by each of the holders of encumbrances ;
- (iv) the nature of the precise issue the determination of which involves any question of law;
- (v) the precise question of law to be decided by the Civil Judge, in respect of which the reference is made ;
- (vi) any other particulars which the Civil Judge to whom such references may be made considers necessary for the purpose.

6. *Form of Application under section 12(1):-*

The application under sub-section (1) of Section 12 of the Act shall be in Form B.

7. *Form and manner of service of notice under Section 21(2) :-*

The notice under sub-section (2) of section 21 shall be in Form C. Such notice shall be served on the owner and all other persons having interest in the tract of land, as follows :-

- (i) by delivering or tendering it personally to such persons ;

- (ii) if it cannot be so delivered or tendered, it shall be sent to them by registered post ;
- (iii) failing service by any of the methods specified in clauses (i) and (ii), by affixing a copy of the notice at the village *Chavadi* within the revenue limits of the village in which such tract of land is situated.

FORM A

[See Rule 3]

To

The Collector,

.....District,

.....

Full name of the Applicant.....VillageTaluka
..... District

Sir,

I am to state that on the appointed day I was the owner of the private forests as detailed below :-

Village	Taluka	Survey No.	Area in Hectares	Assessment Rs.
---------	--------	------------	---------------------	-------------------

2. I enclose herewith extracts from Record of Rights and other village records, particularly the village forms VII and XII in respect of private forests mentioned above.

3. I am the owner of lands forming part of the private forest and claim an amount of Rs.....which sum is equal to twenty times the assessment per hectare of such land.

4. I was the owner on the appointed day of the following dwelling houses situated in the private forest mentioned above, and I claim the following amount in respect of each such dwelling house, as follows :-

Village	Taluka	Survey No. in which house is situated	Full particulars and description of dwelling house	Amount claimed
---------	--------	---	---	-------------------

5. The encumbrances on the property within the meaning of section 11 on the above private forest, are as follows, namely :-

(Note :- Here give the name and address of the person in whose favour the encumbrances exist, the nature of the encumbrance and the amount thereof.)

6. The rights of the nature mentioned in section 12 extinguished under the Act and the particulars thereof are hereunder :-

7. The net amount of my claim is Rs.....

8. In respect of my claim/s and the particulars as above I furnish, following documents evidencing my rights and the amount claimed therefor.

(Here give a list of documents)

9. Any other particulars the applicant desires to mention-

10. Names of witnesses; if any, desired to be examined.

(1)

(2)

(3)

11. *I state that the above witnesses will be produced by me

*I request that the above witnesses may be summoned.

12. I declare that the particulars furnished in this application are to the best of my knowledge and belief, correct.

Place :

Date :

Yours faithfully,

(Signature of the applicant)

N.B.- This application should be presented in duplicate.

*Strike out whichever is not applicable.

FORM B
[See Rule 6]

To

The Collector,

.....District

Name of the applicant.....Village
Taluka District

Sir,

The private forests of as detailed hereunder are acquired by the State Government under the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975)

(Here enter the details of the private forest)

2. I enjoy over the above forests, rights as detailed below, which are extinguished by the provisions of the said Act and I claim amount for its extinguishment as under :-

Details of rights extinguished	Amount claimed with full particulars (if necessary, furnish information in statements)

3. In support of my above claim, I enclose herewith the following documents evidencing my rights as shown above.

(Here give a list of documents)

4. Names of witnesses, if any, to be examined (It should be stated whether they are to be summoned or whether the applicant will produce them).

1.

2.

3.

5. I declare that the information furnished hereinabove is correct.

Place :

Your faithfully,

Date :

(Signature of the applicant).

(N.B. :- This application should be submitted in duplicate).

FORM-C
(See Rule 7)

To

Shri

Village

Taluka District

Subject :- Declaration of lands as private forests under section 21 of
the Maharashtra Private Forests (Acquisition) Act, 1975.

Sir,

The State Government has issued a Notification No..... dated.....
in the *Maharashtra Government Gazette* of.....Part -----at page---
.....under section 21(1) of the Maharashtra Private Forests (Acquisition) Act, 1975
(Mah. XXIX of 1975). declaring its intention to declare the following lands as
private forests :-

Village	Survey No.	Area in hectares	Situation and Limits
(1)	(2)	(3)	(4)

2. It has been brought to the notice of the undersigned that you are the owner
of the aforesaid lands/ *you have an interest in the aforesaid lands, You are,
therefore called upon to show cause, within 30 days from the date of receipt here
of, why the declaration as aforesaid should not be made.

Please note that if nothing is heard from you in this connection, the decision
shall be taken ex-parte.

Yours faithfully,

Collector or Officer authorised by the State Government.

No.
Place :
Date :

*Strike out what is not applicable

By order and in the name of the Governor of Maharashtra

R. B. Sule
(Desk Officer)

ANNEXURE 8.04

To,
The Collector

No. PRF-1079/40845-F2
CONFIDENTIAL

Revenue & Forests Department
Sachivalaya, Bombay 400 032
27th August, 1975

Subject : Implementation of the Maharashtra Private Forests (Acquisition) Act, 1975.

Five copies of the Maharashtra Private Forests (Acquisition) Act, 1975 are enclosed herewith. This Act will come into force on Saturday, the 30th instt. (i.e. the midnight of 29th and 30th instt). A notification to that effect will be published on the 29th instant in the Gazette Extra Ordinary under Section 1(3) of the Act.

2. On morning of 30th instant, the-Sub Divisional Officers will also be authorised to exercise the powers and perform the duties of the Collector under the Act. A notification to that effect will be published on the morning of the 30th instant under section 2(c) of the Act. In addition, the Collectors will continue to exercise the said powers.

3. Under the provisions of Section 5 of the Act, the Range Forest Officers and the Divisional Forest Officers (in addition to the Revenue Sub- Divisional Officers and the Collectors) will be authorised to take over the possession of the private forests from the forest owners or any other person in possession of such forests. A notification under section 5 of the Act will accordingly be published in the Gazette on the 30th instant.

4. Under the provisions of Section 22 of the Act, the Divisional Forests Officers, the Sub-Divisional Forests Officers and Range Forest Officers will be authorised to take over from the owners the records of the private forests. A notification to that effect will issue on the 30th instant.

5. Basically, it would be observed that on the morning of the 30th instt., the private forests as defined in the Act would become vested in the State Government as reserved forests. The Range Forest Officers and the Divisional Forest officers having jurisdiction over the area in which the private forests are located will accordingly enter on the private forests as if they were reserved forests under the Indian Forests Act and exercise all powers and functions in respect thereof as if they were reserved forests free from any private rights, title and interest of anybody. They will thus prevent the exploitation thereof and prohibit the removal of forest produce thereon in the same manner as they do for reserved forests in which there are no private interests.

6. When the person in possession of the private forests does not hand over the possession to the Divisional Forest Officer or Range Forest Officer and tries to exercise rights inconsistent with these vested in Government, the Sub Divisional Officers will proceed to evict summarily the persons in unauthorised occupation vide section 5(2) of the Act. For the purpose of summary eviction the procedure prescribed in the Land Revenue Code has to be followed. In the case of the large owners who own valuable private forests and are likely to resist Government rights, (particularly the Surgana Jagirdars and the Mewasi Estate Chieftons and the Kolhapur Jagirdars), swift action will be necessary to summarily evict all those who do not handover the possession of the private forests to the Range Forests Officers. The Sub Divisional Officers in charge of the Akkalkuwa Taluka, the Surgana Taluka and Shahuwadi sub-division will therefore, have to be extra vigilant in ensuring that as far as possible notices of summary enquiry are issued immediately, hearing fixed the next

day, orders passed preferably the same if justified, minimum time say 24 hours, given to them to vacate the land and the Jagirdars or Chieftons or any other unauthorised persons immediately evicted from the land. In respect of the small holders however, no difficulty is expected.

7. The Divisional Forest Officers will immediately handover to concerned S.D.Os the list of lands which fall within the definition of the private forests. This must be done immediately in respect of the Surgana, Mewasi Estates, the Kolhapur Jagirs and the other areas, where difficulty is likely to be felt and swift action is necessary. The list of lands will indicate as far as is known the village, the survey numbers, the owners and the clause in section 2(f) by virtue of which the land is a private forest.

8. It will further be observed that lands in respect whereof notice is issued by the Conservator under section 35(3) of the Forest Act also vest in Government even when the same was not followed by notification under Section 35(1) of the said Act. It will be observed that the forest produce lying on the land which becomes vested in Govt. as reserved forest on the morning of the 30th instt also becomes the property of the Government since no person is entitled to remove any forest produce from a reserved forest.

9. Survey would immediately have to be made of the areas covered by the private forest as defined in the Act, and lands which are under cultivation will be excluded from those vesting in Government. It will, therefore, be necessary to determine what are the land under cultivation. The village record would be pertinent on this point. The lands which are under cultivation are excluded from the private forests and do not vest in Government.

10. It will be seen that in respect of the lands becoming vested in Government in accordance with the provisions of section 2f(iii), the Collector is authorised to exclude from the vesting the area of a holder not exceeding two hectares which the Collector may specify in this behalf. The intention of the Government in making this provision is to ensure that small isolated areas in respect whereof notification under section 35(3) of the Forest Act are issued and also those areas reasonably required by the cultivators for rab or for grazing are excluded from vesting particularly in the case of small holders. Government desires that small holders should not be inconvenienced in respect of the lands genuinely and reasonably required for grazing or for rab. While thus determining the uncultivated areas of each owner which should be excluded from vesting in Government, the Sub Divisional Officers would take into account the holding of the person in question, the area actually cultivated and the additional area reasonably needed by the land owner either for grazing purpose or for rab purposes and show special consideration to the small holders who may be left with the area needed but not exceeding two hectares of land. No such land can however, be left out for rab or for grazing when the same becomes vested in pursuance to a provision other than sub clause(iii) of clause(b) of section 2.

11. This letter is being sent to you with a copy to the Divisional Forest Officers so that you may coordinate the plan of action with them with a view to ensuring that the larger private forests and particularly those belonging to the Jagirdars are taken over physically as early as possible.

12. A copy of this letter is also being sent to the District Superintendent of Police of Kolhapur, Nashik and Dhulia, so that police assistance may be forthcoming if need be, particularly in the area of the Jagirdars.

(L.S. Lulla)
Secretary to the Government of Maharashtra,
Revenue and Forests Department

Copy to the Conservators of Forests Poona, Thana, Nashik and Aurangabad (in respect of the jurisdiction in Western Maharashtra districts). They should redeploy the staff available with them with a view to achieving the objectives mentioned in the Act. The private forests will become vested in the Government on the morning of Saturday the 30th instt, and they should ensure that no movement of forest produce takes place thereafter from the lands vested in Government. The forest produce vesting in Government should be listed and if possible the name of the erstwhile owner recorded. The Range Forest Officer should be instructed to take over the private forest in question. Where the person in possession do not hand over or resist the possession, the S.D.O. should be immediately contacted so that they could be evicted. Survey of the forest areas should immediately be undertaken with a view to identifying the boundaries of the forests taken over and excluding therefrom the lands under cultivation.

2. The list of all the private forests covered by the Act should immediately be furnished by the Forest Officers to the S.D.O. along with the particulars mentioned above.

(L.S. Lulla)
Secretary to the Government of Maharashtra,
Revenue and Forests Department

Copy to the District Superintendent of Police, Nashik, Thana, Dhulia. Three copies of Bill which will become law on 30th Inst. are attached herewith.

धसा. क्र. १८८

रजिस्टर्ड नं. एम्एच/बाय-साऊथ/२०



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शनिवार, ऑगस्ट ३०, १९७५/भाद्र ८, शके १८९७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागासाठी वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र खनिजनिष्कासने तयार केलेले (भाव एक, एक-अ आणि एक-क बाबध्ये प्रसिद्ध केलेले नियम व आदेश यांमधून निष्कासित) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Bombay 400 032, dated 30th August 1975

MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.

No. PRF. 1075/119064(a)-F-2.—In exercise of the powers conferred by sub-section (1) of section 5 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), the Government of Maharashtra hereby appoints each of the Divisional Forest Officers, Sub-Divisional Forest Officers and Range Forest Officers appointed under the Indian Forest Act, 1927 (XVI of 1927) to be an officer authorised for the purposes of the said section 5, within his respective jurisdiction under the said Forest Act.

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

L. S. LULLA,

Secretary to Government.

भाग चार-ब—२०३

(५१६)

शासकीय मध्यवर्ती मुद्रणालय, मुंबई

ANNEXURE 8.06

असा. क्र. १८९

रजिस्टर्ड नं. एम्एच/बाय-साऊथ/२०



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शनिवार, ऑगस्ट ३०, १९७५/मात्र ८, शके १८९७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागास वेगळे पृष्ठ क्रमांक दिले जावे

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये सयार केसेले (भाग एक, एक-अ आणि एक-ब
बांमध्ये प्रसिद्ध केसेले नियम व आवेश बांम्बतिरिक्त) नियम व आवेश

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Bombay 400 032, dated 30th August 1975

MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.

No. PRF. 1075/119064-(b)-F-2.—In exercise of the powers conferred by clause (c) of section 2 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), the Government of Maharashtra hereby appoints each of the Assistant and Deputy Collectors who are for the time being placed in charge of one or more sub-divisions of any of the Districts in the State under sub-section (3) of section 7 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), also to exercise the powers and perform the duties of the Collector under the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), within his respective jurisdiction under the said Code.

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

L. S. LULLA,

Secretary to Government.

भाग चार-ब—२०४

(५१७)

शासकीय मध्यवर्ती मुद्रणालय, मुंबई



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शनिवार, ऑगस्ट ३०, १९७५/भाद्र ८, शके १८९७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमांमध्ये तयार केलेले (भाग एक, एक-अ आणि एक-ब) यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांखाली (नियम व आदेश)

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Bombay 400 032, 30th August 1975

MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.

No. PRF. 1075/119064-(c)-F-2.—In exercise of the powers conferred by sub-section (1) of section 22 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), the Government of Maharashtra hereby appoints each of the Collectors and each of the Assistant and Deputy Collectors who are for the time being placed in charge of one or more sub-divisions of any of the Districts in the state under sub-section (3) of section 7 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and each of the Divisional Forest Officers, Sub-Divisional Forest Officers and Range Forest Officers appointed under the Indian Forest Act, 1927 (XVI of 1927), to be an officer authorised for the purposes of the said section 22, within his respective jurisdiction under the said Code or the said Forest Act, as the case may be.

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

L. S. LULLA,

Secretary to Government.

भाग चार-ब--२०५

(५१८)

शासकीय मध्यवर्ती मुद्रणालय, मुंबई

ANNEXURE 8.08

To,
The Chief Conservator of Forests,
PUNE

NO. PRF 1076/77819-F2

Revenue & Forests Department
Sachivalaya, Bombay 400 032
Dated : 27th May, 1976

Subject : Acquisition of Private Forests

Form of Notifications to be issued under Section 21(1) of
the Maharashtra Private Forests (Acquisition) Act, 1975.

Reference: Your letters No. LND-PRF/7177/75-76, dated 27.01.1976 and LND/PRF/456/75-76/A/30/75-76, dated 03.04.1976

Five copies of the specimen form of draft notification to be issued by Government under section 21(1) of the Maharashtra Private Forests(Acquisition) Act, 1975, duly approved by the Law & Judiciary Department, and 5 copies of its Marathi translations as certified by the Directorate of Languages, are enclosed. You are requested to see that while submitting the proposal for declaration of lands as private forest under Section 21, the draft of the notification to be issued by Government under section 21(1) of the Maharashtra private Forests (Acquisition) Act, 1975, is necessarily in the form as has now been furnished with this letter.

Accompaniment: 5 forms of Notification (English and Marathi)

(R. B. SULE)
Under Secretary to Government,
Revenue & Forest Department.

N O T I F I C A T I O N

Revenue and Forests Department,
Sachivalaya, Bombay - 400032,
Dated

NO.

The Maharashtra
Private Forests
(Acquisition) Act, 1975.

In exercise of the powers conferred by sub-section (1) of section 21 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act No. XXIX of 1975), the Government of Maharashtra is pleased to declare in public interest and in furtherance of the objects of the Act that it is proposed to declare the lands in ----- Taluke of ----- District, the situation and limits whereof are specified in the Schedule hereto, as a Private Forest.

From the date of publication of this notification, it shall not be lawful for owners of such land or any other person to do therein, except with the previous permission in writing of the Divisional Forest Officer, any of the following things for a period of one year from this date or till the date of the publication of the notification under sub-section (5) of Section 21 of the Act or as the case may be, till the date of communicating the decision under Sub-Section (7) of Section 21 of the Act, whichever period expires earlier, namely :-

- (a) the breaking up or clearing of the land for cultivation;
- (b) the pasturing of cattle;
- (c) the firing or cleaning of the vegetation;
- (d) the girdling, tapping or burning of any tree or the stripping off the bark or leaves from any tree;
- (e) the lopping and pollarding of tree;
- (f) the cutting, sawing, conversion and removal of trees and timber, or
- (g) the quarrying of stone or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process.

If any person contravenes the above provisions, he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both as provided by Sub-Section (9) of Section 21 of the Act.

SCHEDULE

Name and address of the Owner.	Dist- rict.	Taluka	Village	Survey No.	Area (Hectares)	Boundaries		
						North	East	South West
(1)	(2)	(3)	(4)	(5)	(6)	(7)		

in

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

(L. S. LULIA)
Secretary to Government.

ANNEXURE 8.09

Maharashtra Private Forests (Acquisition) Act, 1975.
Implementation of the -----

**Revenue & Forests Department,
Circular No.PR/1076/138068/F2.
Dated : 17th December 1976.**

CIRCULAR

In implementation of the Maharashtra Private Forests (Acquisition) Act, 1975, (Mah. XXIX of 1975) as amended by Mah. LXXII of 1975, Private Forests as defined therein stand acquired and vested in Government. The Divisional Forest Officers, Sub Divisional Forest Officers and Range Forest Officers have inter alia been authorised for the purpose of Section 5 of the Act, to enter into and take over possession of such private forests that vest in the state Government. However as provided under section 3(2), the lands which are lawfully under cultivation and are not in excess of ceiling area are excluded from such vesting. Likewise, if any area not exceeding 2 hectares of any owner of private forest is specified by the collector under section 2(f) (iii), the same is excluded from vesting in the Government. Further, the erstwhile owners of private forests were allowed to cultivate Nagli crop during Kharif 1976 over an area equivalent to the Nagli crop actually cultivated by them during Kharif 1975 and the intention of Government was that the said land should also not be taken over as private forest.

2. Further, in accordance with section 6 of the Act, any dispute arising out of the applicability of the provisions of section 2(f) and section 3 is to be settled by the collector or the Assistant/Deputy Collector. The payment of amount to the owners of private forest is to be done in accordance with section 7 of the Act. Sections 8 to 12 deal with payment of the amount, distribution and apportionment thereof and for settlement of third party claims. Another important provision is section 9 hereunder the Collector on receipt of an application from an owner of private forest under section 8, and after making a formal inquiry in the manner provided in the land Revenue Code makes an award determining the amount payable to the owner.

3) During 1976-77, under major head "Demand No.53-313-Forests" and minor head "(d)-Forest Conservation and development (a)-Administration and protection other Charges", Rs.40.00 lakhs have been provided for payment of an amount for the private forests which stand acquired and vested in Government with effect from 30th August 1975 (vide Government Resolution, Revenue & Forests Department No. PR/1075/129393/F2, dated 19th April 1976 and Government Resolution, Revenue and Forests Department No.P. 313/76/I-BI, dated 3rd August 1976). This amount has been placed in-charge of the Chief Conservator of Forests, Maharashtra state, Pune. The progress in making awards under section 9 and disbursing the amount as provided in sections 10 to 12 has not been satisfactory and it is necessary to step up the pace of work and to keep a watch on the progress. It is, therefore, desired that the Collectors should consolidate and submit to Government, monthly return in the form prescribed and enclosed as annexure 'A' attached herewith. The first such return should be submitted by 15. 1. 1977 for the entire period ending 31st December 1976 and thereafter monthly progress report should be submitted by the 15th of the succeeding month.

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

(L. S. LULLA)
Secretary to Government.

A M N P X U R E A L

MONTHLY PROGRESS REPORT SHOWING AWARDS MADE UNDER
THE MARENASSETTA PRIVATE PORTERS ACQUISITION
ACT, 1975.

Period ending month of 19

Name of District :

Sr. No.	Division	No. of claims received under section 8 or sec. 12 by 31st month, beginning of the month,	No. of fresh claims received during the month, up to the end of the month,	No. of claims wherein awards have been made under sec. 9 or sec. 12 by the end of the month under report.	No. of pending claims (Col. 3 + Col. 4) referred to Civil Judge under sec. 11(3).	No. of cases where disputes have been referred to Civil Judge under sec. 11(3).	Amount actually paid to the owners during the month.	Progressive total of the amount actually paid to the owners.	No. of cases where appeals have been filed.	Remarks.
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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
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Collector

.....District.

ANNEXURE 8.10

Maharashtra private Forests (Acquisition)
Act - Act NO. 29 of 1975 as amended by Act
NO.72 of 1975. Exclusion of areas of the
lawful cultivation within the ceiling areas
as on 30th August 1975. Nagli crop
cultivated in private forests.

**Government of Maharashtra,
Revenue and Forests Department
Circular No. PRF 1075/136700-F2,
Mantralaya, Bombay-400 032,
Dated the 5th April, 1977.**

READ :- i) Government Circular, Revenue & Forests Department No.PRF
1075/136700-F2, dated 5th May, 1976.
ii) Government Circular, Revenue & Forests Department No.PRF/1075/136700-E2,
dated 19th June,1976.

CIRCULAR

Vide the aforesaid Circular letter dated 5th May 1976 and 19th June 1976, it was clarified that farmers should be allowed to cultivate Nagli during Kharif 1976 free of charge, on their land equivalent in area to the Nagli area actually cultivated by them during Kharif 1975. During Kharif 1977 also, the farmers may be permitted to grow Nagli on their erstwhile land equivalent in area to the Nagli area actually cultivated by them during Kharif 1975.

2. In accordance with the Private forests (Acquisition) Act where sites of dwelling houses in private forests are desired to be taken over on the ground that it is necessary to do so for the convenient enjoyment or use of the forest land appurtenant thereto, the amount payable therefore has to be calculated as provided in the Land Acquisition Act. Government desires that where dwelling houses are hereafter desired to be taken over under the Private Forests (Acquisition) Act, prior approval of the Government should be taken.

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

(R.B. Sule)
(Under Secretary to Government)

ANNEXURE 8.11

Maharashtra Private Forests (Acquisition) Act, 1975.
Implementation of the...

**GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Circular No. PRF 1077/87068/F2,
Mantralaya, Bombay-400032.
Dated : 12th May, 1977.**

CIRCULAR

During the discussion in the Legislature on the Bill which resulted in the Private Forest Acquisition Act (Act No. XXIX of 1975 as amended by Act No. LXXII of 1975), the Minister of Forests while replying to the debate referred to the allegation made by some members that some lands were actually and lawfully under cultivation with Nagli crop but this had not been shown as such in the VII-XII records. It was clarified by the Minister (Forests) that no prejudice would be caused to such persons.

2. As will be seen from the Scheme of the Act vide Section 3(2) that the lands under lawful cultivation of any crop (unless the land under cultivation exceeds the ceiling) remains private property and does not vest in the State as reserved forest. While the Forest Officers have been authorised (vide Section 5) to take Possession of the land which stands vested in the Government as reserved forest, the authority competent to decide, in the event of a dispute whether any land or a portion of a land has or has not vested in the State Government, is the Collector (vide Section 6). The powers of the Collector have been entrusted to the Sub-Divisional Officers. It is thus open to a cultivator to contend before the Sub-Divisional Officer that the Forest Department has taken over or is threatening to take over land which was actually under lawful cultivation on 30th August 1975 and therefore does not vest in the State Government. It would then be for the Sub-Divisional Officer to inquire into the matter and take a decision whether the lands in question were or were not on 30th August 1975 under lawful cultivation. While entries in Village Form VII-XII have a presumptive value of correctness, they are not conclusive and it will be open for the Sub-Divisional Officer to take all the material into account and give a decision on this issue. In the same connection, it may be clarified that in cases where grass grows naturally- as is generally the case the land cannot be said to be under cultivation. Where however grass is raised by carrying out agricultural operations of ploughing, sowing and weeding, the land can be said to be under cultivation.

3. This Circular is issued for guidance of the Collectors in view of the assurance given to the Legislature.

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

(J. S. GAWKAR)
Additional Desk Officer,
Revenue & Forests Department.

ANNEXURE 8.12

Subject :- Maharashtra Private Forests (Acquisition) Act-Cultivation of Nagli and other rotational crops by erstwhile owners-cutting of grass for bonafide personal requirements of erstwhile owners.

**GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Circular NO. PRF 1075/136700/F2,
Mantralaya, Bombay-400 032.
Dated :13th May 1977.**

READ :- i) Government Circular, Revenue & Forests Department No.PRF 1075/136700-F2, dated 5th May, 1976.
ii) Government Circular, Revenue & Forests Department No.PRF/1075/136700-F2, dated 19th June, 1976.
iii) Government Circular, Revenue & Forests Department No.PRF/1075/136700-F2, dated 5th April, 1977.

CIRCULAR

The aforesaid circulars pertain to nagli cultivation by the erstwhile owners of the private forests which have been taken over by the Forest Department. It has since been decided that the same orders should be applicable also to varai and any other like crops raised by shifting cultivation.

2. According to the Private Forests (Acquisition) Act, the lands left under the ownership of the cultivators comprise the lands which were lawfully cultivated during Kharif 1975 and maximum of 2 hectares per holder where notice was issued under section 35(3) of the Indian Forest Act. It has, however, been noticed in some cases that the lands left with the holders are not adequate to meet the personal genuine, bonafide requirements of the erstwhile owners in respect of grass required for fodder, for thatching of huts or as rabinig purposes. While the grass on the land which has vested in the Government legally belongs to the Government, Government desires that the erstwhile owners and particularly those of them who are small farmers should be allowed to remove free of charge the grass from the lands formerly owned by them to meet their bonafide personal requirements. It may, however, be clarified that it is not the intention of the Government to permit the erstwhile owners the removal of grass for the purposes of sale. Thus, where there are extensive pieces of erstwhile private forests belonging formerly to parties who are not small farmers, there would be no objection to the forest officers continuing to dispose it of as at present.

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

(L. S. LULLA)
Special Secretary to Government.

ANNEXURE 8.13

Subject : Maharashtra Private Forests (Acquisition) Act, 1975.
Implementation of-

**GOVERNMENT OF MAHARASHTRA
REVENUE AND FORESTS DEPARTMENT,
MANTTRALAYA, BOMBAY 400 032.
CIRCULAR NO. PRF -1077/ 146651-F-2,
DATED THE 30th JANUARY, 1978.**

Under Section 3(1) of the Maharashtra Private Forests (Acquisition) Act, 1975 all Private Forests in the State stand acquired and vested in the State Government. The areas which were excluded from such acquisition and vesting are the following :-

A. An area not exceeding 2 hectares in terms of Section 2(f) (iii) of the Act. This provision defines the private forest area to mean "any land in respect of which a notice has been issued under sub-section (3) of section 35 of the Indian Forest Act, excluding an area not exceeding 2 hectares in extent, as the Collector may specify in this behalf" and

B. Under Section 3(2) of the Act, so much area of land comprised in a private forest as is held by an occupant or tenant and is lawfully under cultivation on 30th August, 1975 and is not in excess of the ceiling area provided by section 5 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, for the time being in force or any building or structure standing thereon or appurtenant thereto.

2. While taking possession of private forest areas acquired and vesting in Government, the Collector could have specified an area not exceeding 2 hectares, which is excluded from the acquisition, vide A above. The area held by the occupant or tenant which was lawfully cultivated, in terms of the position indicated at B above, should have been excluded.

3. A survey has recently been carried out by the District Level Study Teams, which had been appointed to make on the spot survey of the position in connection with the private forest areas which come to vest in Government under the Act; and to examine various aspects concerning its implementation. These study Teams comprising of a Deputy Collector, an Agricultural Officer and a Forest Officer, have carried out surveys in Thane, Kulaba and Ratnagiri districts. As a result of these surveys, it has come to the notice of Government that in several cases lands which had been cultivated prior to the enforcement of the Act, were not excluded, although they appear to have been lawfully cultivated by the occupants. It appears that such lands were not excluded because cultivation had not been recorded in Village Form VII-XII. It has also been noticed that the area not exceeding 2 hectares which could have been specified by the Collector for exclusion, has also not been so excluded, in any case.

4. In view of this position, it can be said that the implementation of the Act has not been properly accomplished in a large number of cases, with the result that there is considerable discontent amongst agriculturists in that behalf, because they have been deprived of their legitimate areas of land which should have remained with them according to the Act. Government therefore feels that it is necessary to set right this situation without any further delay. The following orders are therefore issued.

(i) A village team should be formed for each village wherever private forest areas have been vested in Government. The team should consist of :-

- (i) Circle Inspector/Circle Officer,
- (ii) Round Forest Officer/Forester and
- (iii) Sarpanch of the village.

This team should carry out inspection of all the private forest areas which have been acquired under the Act. This would enable factual position regarding area under cultivation to be ascertained whether it is recorded in village Form VII-XII or not. The village team should prepare a report in respect of each Khatedar whose land has been acquired under the Act, in the proforma attached to this Circular (Annexure-I). The village team should prepare a panchanama of the factual position relating to the area acquired under the Act, particularly the area under cultivation. It should also prepare a sketch of the entire area showing the areas under cultivation on 30th August 1975 and the areas which are used for rotational cultivation though not actually cultivated at the same time and which are considered as required for rotation in respect of cultivation of the area which was actually under cultivation on 30th August 1975. This sketch may also indicate the area not exceeding 2 hectares, which the village team proposes for being excluded in addition to the area under cultivation and the area, if any, required for rotation in regard to such cultivation. It is not necessary that this sketch should be drawn to scale, it is intended to be a rough sketch.

(ii) On receipt of the report in Annexure I from the village Team by the Sub Divisional Officer (who has been delegated the powers of Collector under the Act) should examine the position under Section-6 of the Act, in view of the fact that now the question has arisen as to whether the area referred to above is part of the private forest area which should vest in Government under Act. The Sub Divisional Officer should proceed to decide the question after applying his mind and issue orders in respect of the areas under cultivation including those required for rotation if any, and the area, if any, not exceeding 2 hectares which may in his opinion be specified in accordance with Section 2 (f)(iii) of the Act, if these matters are already not decided. It may be noted that so far as exclusion of area not exceeding 2 hectares vide Section 2(f)(iii) is concerned, the Sub Divisional Officer has to take his decision, as to whether any area should be excluded or not, after taking the circumstances of each into consideration.

While dealing with the question of land held by the occupant or tenant, which is law-fully under cultivation on 30th August 1975, the following position should be borne in mind.

(a) In the case of claim by occupant of the land, it is not necessary that cultivation of any area should be recorded in Village VII-XII in order to establish the legality of the cultivation and any cultivation by the occupant whether it is accordingly recorded or not may be either lawful or otherwise. It is, therefore, necessary to consider whether cultivation of a particular area which is noticed in the inspection made by village team is lawful or not, on the basis of whether there is any legal objection to such cultivation. If there is legal objection to it, the cultivation is not lawful. If there is no legal objection then the cultivation becomes lawful. In respect of private forest areas, the salient position would be briefly as follows subject to the foregoing :-

i) So far as private forest areas covered by section 2(f) (i) of the Maharashtra Private Forests (Acquisition) Act, are concerned namely, and land declared to be a forest under Section 34 A of the Indian Forest Act, there can be no question of any cultivation. As such, if such a cultivation exists in any such land it is not lawful.

ii) Regarding areas in respect of which notification has been issued under sub-section (1) of section 35 of the Indian Forest Act, vide Section 3(f)(ii) of the Maharashtra Private Forests (Acquisition) Act, such notification is usually issued for regulating or prohibiting cultivation in the area covered by the notification. If the cultivation is in accordance with what is permitted by the concerned notification then it is lawful; and

iii) As regards lands in respect of which notices had been issued under sub-Section (3) of Section 35 of the Indian Forest Act, any cultivation would be lawful, if the notices did not prohibit cultivation for a period not exceeding 1 year or till the date for making of the notification under Section 35(1) of the Indian Forest Act. If any such restriction was imposed by a notice which was valid on 30-8-1975 it would be relevant to check the position as to whether the cultivation was prior to the date of the notice and the same existed on 30th August, 1975. If it so existed, it is lawful.

(b) (i) where any land is claimed to be cultivated through a tenant, it will be necessary to examine the claim thoroughly, and to decide whether the person claiming to be a tenant has in fact acquired the status of a legal tenant and is lawful cultivating the land. Section 148 of the Maharashtra Land Revenue Code, 1966, provides that names of tenants be also recorded in the record of rights. Such entries about tenancy rights are usually taken in the "other rights" column of village Form VII-XII. Where the name of a tenant is found to have been so recorded in VF VII-XII, there should normally be no objection to accepting his status as a legal tenant of the land subject, however, to items (ii) and (iii) below.

(ii) The tenancy laws in force in Western Maharashtra provide that a tenant introduced on the land after the Tiller's day must exercise his right of purchase within one year from the creation of tenancy. If the tenant fails to exercise the right of purchase within the said period he is to be evicted from the land and the land is to be disposed of by the Agricultural Lands Tribunal to persons/bodies given in the priority list (see Section 32P of the Bombay Tenancy and Agricultural lands Act, 1948). Therefore, where a tenant was introduced on the land on 1st April 1974 he would cease to have any tenancy rights in respect of the land if he has failed to exercise his right of purchase by 31-3-75. Therefore, if any such tenant, who was on the land on 1-4-1974, now claims the status of a legal tenant, the same would have to be rejected.

(iii) Relevant tenancy law in force, in the area contains provisions reg. right of landlord to resume land for personal cultivation and tenant's right to purchase the non-resumable area. In the case of Mewasi Estates in Akkalkuwa taluka similar provisions have been made under the West Khandesh Mewasi Estates (Proprietary Rights Abolition, etc.), Regulation, 1961. A large no. of proceedings have been held by the local revenue authorities under these provisions in matters of resumption claim of landlords or tenant's right of purchase. To facilitate holding of these inquiries, village-wise lists of tenants or detailed lists were drawn up in the past. In many cases claims of tenancy rights were disputed by landlords successfully. All this record should be available in the Tahsil office. Therefore, wherever any claim reg. tenancy rights is made it can be checked up with the records of tenancy cases or lists of tenants etc. available in the Tahsil office. If this record shows that tenancy claim of the person was not accepted earlier by a competent authority, it should be open to the Sub Divisional Officer to reject his claim.

(iv) There would also be cases in which name of the person claiming to be a tenant is not recorded in the "Other rights" col. He may, however be shown as cultivator of the land in the "Pik pahani" entries made by the Talathi in the normal course of his duties. Such entries however, do not have any "presumptive value." Therefore, whether cultivation by a person as

tenant is evidenced by "Pik Pahani" entries or not, such a claim will have to be carefully examined. It is true that under the Land Revenue Code persons holding land on oral lease is also recognized as a tenant. However, it would be necessary to see that a person claiming to be lawfully cultivating the land as tenant is put to a strict proof thereof. For example, in Western Maharashtra region a tenant is made primarily liable to pay land revenue. Therefore, if a person claiming tenancy rights can and should be asked to produce receipt of land revenue paid by him or to show that land was included in his khata (VFVIII). Mere statement of the landlord or the person claiming to be a tenant of the land cannot and should not be treated as adequate evidence in this behalf.

(c) When any cultivation is lawful and such cultivation, by existing practice and usage, requires area for rotational or shifting cultivation it has to be presumed that the area reasonably required for such cultivation is also under lawful cultivation. Hence, the area which is to be assumed for the purpose of rotation would be such as is reasonably required for the area under lawful cultivation. It may also be possible to ascertain such area required for rotation on the basis of records of earlier cultivation. The required area for rotation would also depend on the nature of crops cultivated. This aspect should be duly kept in view.

(Note :- The relevant records covering the Notification/Notice etc. should be made available by the concerned Forest Authorities to the Village Team without any delay).

(iii) The Tahsildar and the R.F.O. will supervise the working of the village Teams in their jurisdiction and ensure that the work is done in a correct manner. They should ensure that the work is undertaken immediately and completed within a period of 2 months from the date of this circular. It is intended that, as the Village Team goes on completing its inspection khatewise, the team would submit its report forthwith to the S.D.O., who would pass necessary orders within a period of 10 days of the receipt of the report and forward a copy thereof to the Tahsildar and the Range Forest officer for further necessary action. The R.F.O. is thereafter, expected to hand over possession of the areas concerned within a period of 7 days.

iv) The Collector, the Additional Collector, the Conservator of Forests and the D.F.O. should also supervise the working of the Village Teams and other subordinate authorities concerned. They will watch that no laxity is allowed in the matter of achieving expeditious working in this behalf. Services of the District Level Study Teams which have already been appointed, will also be utilised for the purpose of this supervision by the Collector in the three districts viz. Thane, Kolaba and Ratnagiri.

v) The Collectors will submit weekly progress report to Government in the proforma (Annexure-II) attached to this circular.

vi) It is necessary that the Village record is corrected in terms of actual possession as would be obtaining after orders issued by the S.D.O. under Section 6 of the Act, are given effect to. In the interest of the agriculturists it is essential that this work is not delayed. The Tahsildar should be held responsible for ensuring that the village records are corrected promptly. The Tahsildar should organise this work in the Tahsil in an appropriate manner. If delays occur, Government would take a serious view of such delays.

5. Government desires that this work should be given top priority by all concerned. The Collector and Sub Divisional officers should ensure that all the lands which are due to be restored according to law as indicted in this circular are so restored to the concerned persons within the period prescribed in para 4(iii) above. The Collector should hold a meeting of a Sub-Divisional Officers and Tahsildars and also the concerned officers of the Forest

Department and explain these orders to them. Suitable time-table for various stages of operations should also be prepared to facilitate timely implementation.

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

(S. G. SALVI)
Secretary to Government,
Revenue & Forests Department.

ANNEXURE I
Report by Village Study Team
(Vide G.C., R & F.D. No. PRF 1077/146651-F-2, dated 30 Jan, 78)

1. Name of Khatedar
2. Name of Village and Tahsil
3. Details of Lands held by Khatedar.

Land Vested in Government.		Land not Vested in Government		Total	
A		B		C	
Survey No/s	Area in Ha.	Name of Village	Survey No/s	Area in Ha.	Area in Ha.

4. Area under Cultivation on 30.8.1975 out of area shown in 'A' under item (3) above, S.No. wise.

		Actual Cultivation	Requirement of rotation	Remarks regarding crops cultivated (e.g. Nagli, Varai etc).
S.No.	Area	S.No.	Area	

- i) By Khatedar
- ii) By Tenant
(Name/s of Tenant/s to be given)

5. How much of the area under Cultivation shown under item (4) above is lawfully cultivated including that required for rotational cultivation according to existing practice or usage.

S. No.	Area	Reason for considering the Cultivation as lawful.
--------	------	---

6. Proposal in respect of Area not Exceeding 2 Hectares to be given to Khatedar in terms of s.2(f) (iii) of the Private Forests (Acqn) Act.

7. Whether Panchnama is attached.

8. I Lands proposed for release
Area under lawful cultivation

(i) In favour of Khatedar

S.No.	Total Area	Area lawfully cultivated	Requirement of area for rotational purposes According to practice or usage.	Remarks
1	2	3	4	5

(ii) In favour of Tenant.

S.No.	Total Area	Area lawfully cultivated	Requirement of area for rotational purposes According to practice or usage.	Remarks (Reasons why the person be considered as tenant should be given)
1	2	3	4	5

II Area proposed which may be specified with s.2(f) (iii) of Private Forests (Acqn.) Act.

S.No.	Total area	Area proposed to be specified	Remarks (Give justification fully)
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9. Whether Sketch, showing lands vested, areas under cultivation, areas for rotational cultivation and area not exceeding 2 hectares which may be specified under Section 2(f) (III) of the Private Forests (Acqn) Act, is attached.

Place : Circle Inspector Round Forest Officer Sarpanch
Circle Round.....Range Gram.
Division. Division. panchayat.

Progress Report of the Lands acquired under the Mah. Private Forests (Acqn) Act, 1975 restored to Owners.

(Vide G.C., R & F.D. No. PRF 1077/146651-F-2, dated 30 Jan, 78)

District.....

Report for the period ending.....

Taluka	Name of Village	Total No. of Khatedars and Area, affected by the Private Forest Act.		Total area inspected by the village study Team	
		No. of Khatedars	Area in Hectares	No. of Khatedars	Area in Hectares
1	2	3	4	5	6
Grand Total					

Continued.....

Orders issued by S.D.O. U/S 6 of the Private Forest Act		Land released by the Forest Dept., after order issued by the S.D.O.	
No. of Khatedars	Area in Hectares	No. of Khatedars	Area in Hectares
7	8	9	10
Grand Total			

Place:

Date:

Collector

..... District

ANNEXURE 8.14

Maharashtra Private Forest
(Acquisition) Act-1975
as amended by ordinance No. II
of 1978
Implementation of----

Government of Maharashtra,
Revenue & Forests Department,
Circular No.PR-1077/146651-F2,
Mantralaya, Bombay-400 032.
25th May, 1978.

Read : Government circular No. PR-1077/146651-F2,
dated 30th January,1978.

C I R C U L A R

The Maharashtra Private Forests (Acquisition) Act,1975 came into operation with effect from 30th August, 1975. As a result of this enactment, all lands which came within the definition of private forest excluding lands under lawful cultivation within such forest, were vested in the Government free from all encumbrances with effect from that date, and became, reserved forest. Consequently, lands of small farmers were also taken over under the Act and many of them became landless. A large number of small farmers lost their means of livelihood either fully or partially and were constantly representing to Government to remove the hardships caused to them. The Maharashtra Ordinance No. II of 1978, an Ordinance further to amend the Maharashtra Private Forests (Acquisition) Act, 1975 was, therefore, promulgated on 26th April, 1978 so as to remove the grievances of the small farmers. The ordinance, inter-alia, provides that if the total holding of land of the affected person has become less than 12 hectares on the day immediately preceding the appointed day i.e. 30th August, 1975 as a result of the acquisition of their forest or if the total holding of land was already less

that 12 hectares on that day, the Collector shall determine whether the whole of the forest land acquired from such owner or a portion thereof should be restored to him as a result, his total holding of land on that date will not exceed 12 hectares. Thus the affected Khatedars form two categories viz. (1) Khatedars each having total holding, inclusive of acquired land of 12 hectares or less and (2) Khatedars each having total holding, inclusive of acquired land of more than 12 hectares on the day immediately preceding the appointed day. In the implementation of the Ordinance and with a view to achieving the objectives thereof as early as practicable, Government is pleased to issue the following instructions to the concerned Revenue & Forest authorities.

I. Khatedars each having total holding of 12 hectares or less, inclusive of acquired land.

- (i) Where the total holding, inclusive of acquired land immediately prior to the appointed date viz. 30th August, 1975, is 12 hectares or less, only a simple enquiry is required. Information in a simple form with following columns should be prepared by the Forester and the Talathi jointly after checking the concerned records with them. This information should be further checked by the Range Forest Officer and the Circle Inspector / Circle Officer :-

- (1) Name of the Khatedar / Village / Taluka.
- (2) Total holding of the Khatedar immediately prior to the appointed date viz. 30th August, 1975 (give S.Nos. area & assessment/s villagewise in this column)
- (3) Survey No.. and area of land/s acquired as reserved forest out of holding shown in column 2.

A proforma which may be used for this purpose is enclosed.

- (ii) On the basis of the information given in this form and duly authenticated by the concerned officers it should be possible for the Sub-Divisional Officer to pass orders regarding the regrant of the acquired land to the owner in accordance with the provisions of the Ordinance.
- (iii) It may be clarified that in such cases it is not necessary to make any enquiry as envisaged in the Government Circular, dated 30th January, 1978 concerning restoration of lands under lawful cultivation although such lands are not deemed to have been acquired ab initio.
- (iv) Information in the above form should be prepared khatedarwise and orders of the Sub-Divisional officer will issue in each case separately.
- (v) The form should be filled in triplicate : one copy for the forest authorities for action regarding handing over possession to the khatedar concerned, one copy for the Tahsildar's office for further action relating to Revenue record and one copy as office copy of the Sub-Divisional Officer.

II Khatedars having total holding more than 12 hectares inclusive of acquired land.

- (i) Where the total holding (inclusive of acquired land) of a Khatedar exceeds 12 hectares on the appointed date viz. 30th August, 1975, it may be necessary to determine and specify the lands and area thereof which should continue under acquisition, as indicated below :-
 - a) Where the entire land acquired is under lawful cultivation, it should be returned after taking action according to the procedure indicated in Government Circular dated 30th January 1978 irrespective of the area.

- b) Where acquired land consists of land lawfully cultivated and other land, it is necessary to ensure that after following the procedure prescribed in Government Circular, Dated 30th January 1978, the land under lawful cultivation should be first restored and if even after returning such land, the holding of the Khatedar is short of 12 hectares it would be incumbent upon the Sub-Divisional Officer to determine which area out of the remaining acquired land should be regranted in order to bring the total holding to 12 hectares.

In doing so, the following guidelines in the matter of restoration of acquired lands should be followed for purposes of priorities in selection of land to be restored:-

- i) sites of dwelling houses, cattle sheds, if any, taken over;
- ii) land adjacent to the sites mentioned at (i) above;
- ii) land adjacent to cultivated area.

Note:-

As far as possible honeycombing of the land left with the forest department should be avoided. Also, as far as possible, land adjacent to the forest area may not be restored.

- (ii) Orders concerning restoration of lands to such Khatedars should be passed after enquiry according to Government Circular dated 30th January 1978. It may, however, be noted that in view of the ceiling of 12 hectares. It is now not considered necessary to make available to any khatedar additional area of 2 hectares vide section 2 (f) (iii) of the Maharashtra Private Forests

(Acquisition) Act. To that extent the Government Circular dated 30th January 1978 should be treated as modified.

2. The Collectors and the Forest Officers should ensure that the work in respect of the restoration of acquired lands to the concerned Khatedars falling under category (I) should be completed before 30th July 1978 and that to the Khatedars falling under category (II) should be completed before 31st August 1978, positively.

3. In the cases where the afforestation on has been carried out on the acquired lands which need to be restored to the Khatedars according to the provisions of the Ordinance, the Collectors should proceed to negotiate with the concerned Khatedars with the view to their accepting, alternative lands and after obtaining their consent, proposals to disforest the lands to be granted to the Khatedars in lieu of the acquired lands should be submitted to Government.

By order and in the name of Government of Maharashtra.

Sd/-
(P.G. Salvi)
Secretary to Government
Revenue Forests Department

To:

The Commissioner, Bombay/ Pune Division.

The Chief Conservator of Forests, Maharashtra State, Pune.

The Conservator of Forests, Thane, Nashik, Pune / Kolhapur Circle.

The Collector of Bombay Suburban District/ Thane/ Kulaba/ Ratnagiri/

Dhule/ Nashik/ Pune/ Satara/ Sangli/ Kolhapur.

The Deputy Collector (Private Forests) Thane/ Shahapur/ Dahanu/

District Thane.

“ “ “ Kolaba-Alibag/ Roha, Distt. Kulaba

“ “ “ Sawantwadi, Distt. Ratnagiri.

The Divisional Forests Officers/ Sub- Divisional Forests Officers in charge
of independent Sub-Divisions from above Districts.

The Secretary to the Dy. Chief Minister,

The Personal Assistant to Minister of State (Forest),

The Private Secretary to the Minister (Revenue)

The Personal Assistant to Minister of State (Revenue),

The F-2 & F-3 Desks of Revenue & Forests Department.

(P.T.O.)

**Report in respect of Khatedar having total holding of 12 hectares or less,
inclusive of acquiring land**

(Vide G.C., R. & F.D. NO. PRF 1077/146651-F-2, dated 25th May, 1978)

- 1) Name of the Khatedar/Village/Taluka
- 2) Total holding of the Khatedar immediately prior to the appointed date viz.
30th August 1975 (give S.Nos., area & assessment/s villagewise in this
column)
- 3) Survey No. and area of land/s acquired as reserved forest out of holding
shown in column 2.

Prepared by:-

Talathi
.....Saja

Round Officer
.....Round

Checked by

Circle Inspector
.....Circle

Range Forest Officer
.....Range

.....

ORDER

.....

*****.

ANNEXURE 8.15

मसं. १३. १९०

राजपत्र नं. एमएच/बाय-साऊथ/२०



महाराष्ट्र शासन राजपत्र

असाधारण
साधिकृत प्रकाशन

सोमवार, जुलै १७, १९७८/आषाढ २६, शके १९००

स्वतंत्र संकलन म्हणून काहीही दुरुव्यासाठी या भागाला वेगळे पुढे क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल
यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांमधून वगळीत) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Bombay 400 032, dated the 17th July 1978

MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.

No. PRF. 1077/107744-(a)-F2.—In exercise of the powers conferred by clause (c) of section 2 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), (hereinafter referred to as "the said Act"), the Government of Maharashtra hereby appoints the Deputy Collectors in the districts of Thane, Kulaba and Ratnagiri (being Officers holding the posts of Deputy Collectors mentioned in the Government Resolutions, Revenue and Forests Department, No. PRF. 1077/107744-F2, dated the 22nd July 1977 and No. PRF. 1077/107744-F2, dated the 1st October 1977) to exercise the powers and perform the duties of the Collector under the said Act as amended by the Maharashtra Private Forests (Acquisition) (Amendment) Ordinance, 1978 (Mah. Ord. 11 of 1978) in their respective jurisdiction.

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

P. G. SALVI,
Secretary to Government.

भाग चार-ब—१४४

(५१५)

ANNEXURE 8.16

५१६ महाराष्ट्र शासन राजपत्र, असा., जुल १७, १९७८/आषाढ २६, शके १९०० [भाग चार-ब

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Bombay 400 032, dated the 17th July 1978

MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.

No. PRF. 1077/107744-(b)-F2.—In exercise of the powers conferred by sub-section (1) of section 22 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), the Government of Maharashtra hereby authorises each of the Deputy Collectors in the districts of Thane, Kulaba and Ratnagiri (being Officers holding the posts of Deputy Collectors mentioned in the Government Resolutions, Revenue and Forests Department No. PRF. 1077/107744-F2, dated the 22nd July 1977 and No. PRF. 1077/107744-F2, dated the 1st October 1977) for the purposes of the said section 22, within their respective jurisdiction.

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

P. G. SALVI,
Secretary to Government.

ANNEXURE 8.17

The Conservator of Forests
Nasik Circle, Nasik
No. PRF/1577/272756/F-2

Revenue & Forest Dept.
Mantralay, Bombay-400
032.
Dated : 17th April, 1978.

Sub : Felled material from S.No. 169 or village
Nimbarpada Taluka Surgane Dist-Nasik
Ref : Your letter No. Desk/3/TRS/77.78/2375/77.78
Dt. 31/10/77.

2. After coming in to force of the Maharashtra Private Forests (Acquisition) Act-1975 several writ petitions involving felled forest produce were filed in the High Court. It has been held inter alia in the Judgement given in the SCA No. 1553/74 (Copy enclosed) that the felled material which has been lying in the forest, not in its primary or predominantly primary state but is lying there in a highly sophisticated state since prior to the appointed day of the Act is not vested in Government and its owners would be entitled to remove the same or to its price. The court cases involving felled forest produce are being dealt with critically on the merits.

3. In the present case it is seen that the applicants has not filed any petition in the court of law. There might be other cases wherein the parties have not approached the court of law where felled forest produce is involved. In all such cases, you are requested to take necessary action as per the decision of the Full Bench of the High court in Special Civil Application No. 155374

Sd/-
Under secretary to
Government
Revenue & Forest
Department.

Copy with a copy of the High Court's Judgement forwarded for information and necessary action to

- 1) The Chief Conservator of Forests, M.S. Pune
- 2) Conservator of Forests, Thane / Kolhapur
- 3) The Divisional Forest Officer Thane / Dahanu District

ANNEXURE 8.18

Land Revenue
Reduction of ---
of lands acquired under the
Maharashtra Private Forests
(Acquisition) Act, 1975

**Government of Maharashtra,
Revenue & Forests Department,
Resolution No. PRF.1077/54195-F 6.
Mantralaya, Bombay-32.
Dated : 17th, July 1979**

RESOLUTION :-

The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act No. XXIX of 1975 as amended by Maharashtra Act No. XIV. of 1978) came into force from the 30th August 1975. All private forests as defined in the Act but excluding the lands under lawful cultivation within such forests have vested in Government from the above date, free from all encumbrances. The Forest Department has taken over possession of such forest lands as are covered by clauses (i) to (vi) of section 2(f) of the Act aforesaid. However, after coming into force of the Amendment Act of 1978 some of the acquired forest lands have been regranted or are being regranted to the erstwhile owners in accordance with the provisions thereof.

2. Normally, land revenue is reduced or increased according to "Kamī-Jasti Patrahs" prepared by the Survey department. However, pending completion of that work by the Survey Department, Government is pleased to direct that the land revenue in respect of the acquired forest lands should be provisionally reduced from 30th August 1975. The Assistant and Deputy Collectors who are for the time being placed in charge of one or more sub Divisions of the districts and the Deputy Collectors (Private Forests) in Thane, Kulaba and Ratnagiri Collector under the Act aforesaid should issue orders for the reduction of land revenue of the acquired forest lands. The instructions contained in paragraph 313 of the Land Acquisition Manual (Revised Edition 1973) with regard to the reduction of land revenue should be followed wherever applicable. The land revenue for the forest lands re granted to the erstwhile owners in the manner aforesaid should be reassessed and levied from the date of regrant by the same Revenue Officers who are appointed to perform the duties of the Collector under the act.

3. This Government Resolution issues with the concurrence of the Finance Department. (Vide its un-official reference No. 513/Exp. 10, dated 09/05/1979).

By order and in the name of the Governor of Maharashtra

(J.S. GAWKAR)
Assistant Secretary to Government,
Revenue & Forests Department.

ANNEXURE 8.19

Disposal of forest produce
acquired from private forests.

**Government of Maharashtra
Revenue & Forests Department,
Resolution No. PRF. 1278/2919-F6.
Mantralaya, Bombay- 32
Dated : 11th, Oct. 1979**

READ:

- i) Government Circular, Revenue and Forests Department No. PRF.1075/119064-F2, dated 20/02/1976.
- ii) Government Letter, Revenue and Forests Department No. PRF.1577/272756-F2, dated 17/04/78.
- iii) Letter No. XL/MPF/D.6/2/4955/78-79, dated 31/1/79, from the Conservator of Forests, Thane Circle, Thane.

CIRCULAR :-

Under Government Circular No. PRF. 1075/119064-F2, dated 20/2/76, instructions were issued to use the felled timber lying on the private forests vested in Government to subserve the common good and in the best interest of agriculture and agricultural populace of the State and to release to the collectors the felled timber required by them for construction of huts to be allotted to the landless, free of cost. As regards minor forest produce of perishable nature it was directed to dispose it off by action sale, unless prohibited by a Court's order.

2. As regards non-perishable material its disposal will have to be done in the light of the decision of the Full Bench of the High Court, Bombay in Special Civil Application No.1553/74. The Full Bench has held that the felled material which has been lying in the forest prior to the appointed day, i.e. 30th August 1975, not in its primary or predominantly primary state does not come within the expression of forest produce under section 2 (C-i) (v) of the Maharashtra Private Forests (Acquisition) Act, 1975, and consequently does not vest in Government under Section 3 thereof. The felled forest produce lying on the acquired lands and which is in the natural or predominantly natural form, prior to 30/08/1975, however, vests in Government. This forest produce, which vests in Government, should be disposed of after ascertaining from the collectors that the same is not required by them for the purposes as indicated in Government Circular dated 20/02/1976. If the Collectors have not intimated their requirements, though asked for 2/3 years back, it should be presumed that the material is not required by them and the forest produce should be disposed of by Forest Department in open auction immediately, unless prohibited by a Court's order so as to avoid further deterioration of the material. In cases which are pending in the Courts of Law, the disposal will have to wait final decision of the Court, or as may have been directed by the Court.

3. As regards the cases in which the parties have not approached the courts of law and the felling forest produce is not in its primary or predominantly primary state, and which does not vest in Government, orders for return of the forest produce or its price have already been issued under Government Letter No. PRF. 1577/272756-F-2, dated 17/4/78.

By order and in the name of Government of Maharashtra.

(J.S. GAWKAR)
Assistant Secretary to Government,
Revenue & Forests Department.

ANNEXURE 8.20

Maharashtra Private Forests (Acquisition) Act, 1975.
Implementation of ...

Government of Maharashtra
Revenue & Forests Department,
Resolution No.PR.F. 1080/62401-F-6
Mantralaya, Bombay- 32
Dated : 2nd February, 1980

CIRCULAR

In a great number of cases it has been brought to the notice of Government that while considering the cases for restoration of private forest lands to the original owners thereof the Deputy Collectors(Private Forests) have restored land in excess of 12 Hectares to the original owners there by frustrating the very purpose of the Maharashtra Private Forests (Acquisition) Act, 1975.

On coming into force of the aforesaid Act all private forest land confirming to the definition of "Private Forests" have vested in the State Government irrespective of whether possession thereof has been taken or not, by Government.

Instances of sale, transfer, partition etc. of these " Private Forests" have been reported to have been affected by the original owners on the assumption that since these lands were not taken possession of Government they were at liberty to dispose them of in any manner suitable and convenient to them. Their disposal of these lands on or after 30-08-1975 is however not legally correct. In deciding such cases the Deputy Collectors should therefore have considered the position as on 30/08/1975 which they do not seem to have done. In many cases the Deputy Collectors seem to have depended on the Report of the Committee appointed to go into the problems arising out of the introduction of the aforesaid Act. The Deputy Collectors do not seem to have based their enquiry on the Record of rights of these lands as they stood on 30/08/1975 while deciding the cases after 11-08-1978.

It is also reported to Government that in a large No. of cases the lands in the name of a commercial as a whole have been released from acquisition. Such lands are not being cultivated by the persons who are shown in the Record of Rights as holding one aana share or four aanas share and the lands are not demarcated by metes and bounds.

It is therefore necessary that all these cases should be reviewed by the Commissioners of the Divisions, in whose jurisdiction the areas fall, under section 22-A(4) of the Act. The Commissioners should also consider grant of interim stay of the orders issued by the Deputy Collectors in such cases - list, indiscriminate cutting of wood whenever, standing on these lands should be taken up by these owners whose lands have been restored to them.

The Divisional Forest Officer's concerned should also refer such cases direct to the Commissioners, for enquiry under section- 22 A(4) of the Maharashtra Private Forests (Acquisition) Act, 1975.

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

(V.V.Khot)
Deputy Secretary to Government,
Revenue & Forests Department.

ANNEXURE 8.21

The Maharashtra Private Forests (Acquisition) Act, 1975.
Payment of amount to owners of private forests under --

**Government of Maharashtra,
Revenue & Forests Department,
Resolution No. PRF. 1077/103810-F-6,
Mantralaya, Bombay -32
Dated : 21st February 1980.**

Read:-Government Circular, Revenue and Forests Department No. PRF.1076/138008-F-2,
dated 17th December 1976.

Resolution :

The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act No. XXIX of 1975 as amended by Maharashtra Act No. XIV of 1978) came into force on 30th August 1975. Private forests as defined in section 2 (f) but excluding lands under lawful cultivation within such forests have vested in Government and are deemed to be reserved forests. Every owner of a private forest entitled to payment of an amount was required to make an application to the collector in the form prescribed within six months of the appointed day i.e. 30/08/1975 for determining an amount payable to him under section 7 of the Act. All the same it has been brought to the notice of Government that a large number of the owners did not make or have not made their applications within the period stipulated for that purpose. Legally such of the applications as are not made in the manner and within the time limit prescribed could be treated as time barred .

2. However, the provision under section 7 does not indicate in any way that the stipulation of the period for making an application within six months, is condition precedent to the amount being determined by the collector and paid to the land owner. Moreover, the High Court, Bombay, has recently held in the SCA No. 2956 of 1978 (Shriram Anandrao Oze Vs. The State of Maharashtra) that the rejection or an application under section 8 does not bar the land owner's right to get the amount determined and paid to him and so, the apprehension of the petitioner that he would be denied the amount fixed under section 7 is not correct.

It is, thus, clear that the land owner cannot be denied the amounts due to them merely on the ground that they have not made the applications or they did not make application within the time limit prescribed under section 8 of the Act. It is, therefore, pleased to direct that the Collectors should proceed to determine the amounts after giving a notice to each owner whose forest land is finally taken over under the Act and the amounts are paid to them early as provided in Section 7 read with Section 10 of the Act. It should further be ensured that in no case the land owner should be denied the amount on the ground aforesaid.

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

(V.V.Khot)
Deputy Secretary to Government,
Revenue & Forests Department.

ANNEXURE 8.22

PNR-1476/136990-P-6.

Revenue and Forests Department,
Mumbai, Bombay-400 032.
Dated : 7th March, 1980.

To

The Chief Conservator of Forests,
Maharashtra State,

Subj: Issue of notification under Sec.21(1)
of the Maharashtra Private Forests (Acq.)
Act, 1975.

It has been made clear by the Law and Judiciary Department that section 2(f) of the Maharashtra Private Forests (Acquisition) Act, 1975 defines Private Forests as Forests which is not the property of Government and includes lands, sites, mentioned in Sub-clause (i) to (vi) thereof as also those on which tree growth is found though not abundant as natural forest, and that this would vest in Government, on the appointed day i.e., 30th August 1975 whether possession thereof has been taken by Government or not possession of all such lands will have to be taken, after due identification of the lands, under section 5 of the Act and if any objects etc. are received further owners thereof the Collector will have to adjudicate such cases under section 6 of the Act.

By operation of section 3(3) of the Act the rights of the previous owners have been extinguished as all the private forests lands have since 30th August 1975 deemed to have been "Reserved Forests".

In the circumstances the proposal received from you under Section 21(1) of the Act are now redundant and are returned herewith. The concerned Conservator of Forests may be instructed to take necessary further action to take over such of the private forest lands under Section 5 of the Act conforming to the definition of the Private Forests.

Sd/-

Assistant Secretary to Government,
Revenue and Forests Department.

Copy to the Conservator of Forests, Thane Circle, Thane,
with ref. to his letter No. XL/MRF/D-6-7-2-2848 dt. 13-9-1976,
b) XL/MRF/D-6/T-2/2843 dated 13th September, 1976
c) XL/MRF/D-6/T-2/2844 dt. 13-9-1976
d) XL/MRF/D-6/T-2/2779 dt. 13th Sept. 1976
e) XL/D-6/T-2/2847 dt. 13-9-76.
f) XL/MRF/D-6/T-2/2846 dt. 13-9-1976
g) " " /2850 dt. 13-9-76.

No. 40/MRF/D-6(2)/ 5977 of 1979-80,
Thane-3, dated 20th March, 1980.

Copy fd. to the D.P.Os. all (T) for nec. action.

2. They are requested to take further action to take over such of the Private forests lands under Section 5 of the Act conforming to the definition of the Pvt. forests.

3. The date on which the possession ^{of the area} is taken over should reported to this office as early as possible.

4. They should also report the details of the Pvt. forest falling under the purview of Section 2(f) of the M.P.F. (Acq.) Act, 1975 which they intend to take over as per Govt. orders.

ANNEXURE 8.23

Maharashtra Private Forests
(Acquisition) Act, 1975.
Implementation of --

~~GOVERNMENT OF MAHARASHTRA,~~
~~Revenue and Forests Department,~~
Circular No. PRE.1480 / 581 - F-6,
Mentrelaya, Bombay-400 032,
Dated : 31st March 1980.

CIRCULAR :

Representations have been made by the M.L.C., Ex-M.L.As. and some small land holders, that hardships have been caused while implementing the Maharashtra Private Forests (Acquisition) Act, 1975. In spite of instructions issued in regard to the proper action to be taken, it appears that there are still some doubts. The following detailed instructions are hereby issued to finally eliminate complaints in future.

1) While restoring the small holdings as per the 1978 amendment the Deputy Collectors have taken all the Hissedars as individual Khatedars and granted either 12 ha. to each or when the actual area falls short, the whole S.No. In effect only the Hissedars as existing on the appointed day, AM i.e. 30th August 1975, ought to have been considered but looking to the spirit of the amendment made it is not considered now necessary to review any such orders issued by the Dy. Collectors in regard to the joint holdings or community lands. Moreover since the period of Revision must have already expired such cases of restoration might be treated as finalised and the tree growth if failed may be allowed to be removed under transit passes, subject of course to the compliance of other Acts such as The Maharashtra Felling of Trees (Regulation) Act, 1964, The Maharashtra Land Revenue Code, 1966, or Section 35 of the Indian Forest Act, 1927, which automatically becomes applicable on restoration of the land.

2) In regard to the restoration orders of individuals it is reported that in some cases area of more than the maximum ^{of} 12 ha. have been awarded. While marginal cases can be understood there would be no justification in awarding excess areas in case of individual holders. In such cases when the Forest Department has already appealed against such awards to the Commissioner,

within time, the Forest Department should immediately request the Commissioner to issue restraint orders from felling of the treegrowth over the areas and in cases where the treegrowth has already been felled restraint orders may be sought to prevent transport of the material out of the area until the review is done and final orders issued. If there is apprehension of the material being pilfered away, in order to safeguard the same if the party agrees to give adequate deposit, the Forest Department may agree to the transport of the material under their supervision to a safe place mutually agreeable until the final orders.

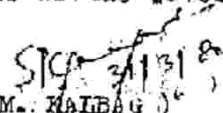
The Divisional Forest Officers should immediately prepare list of the cases where excess land over the prescribed limit have been awarded and ensure that such cases are reported within time to the Commissioner for review. However, in cases where the period of appeal has expired, the Commissioner may, if possible, suo motu review the cases and take suitable action against the officers at fault. In such cases where review ~~xxx~~ is not possible the treegrowth will have to be handed over to the awardee and if already felled allowed to be transported subject to the terms of the other Acts as indicated in 1. above.

3) In certain cases the areas which were taken over following the enactment were utilised for raising plantations by the Forest Department. It has been made clear under Government Circular, Revenue and Forests Department No. PRF.1074/146651-T-2, dated 26th May 1978 that such areas where afforestation work has already been undertaken the Collector may persuade the owners who are eligible for the restoration of such lands to accept alternative lands in lieu thereof. As the treegrowth in these areas has been cleared and disposed off by the Forest Department ~~at~~ during the period, the areas were through enactment declared as Reserved Forest and vested with the Government. The question of returning such material or the value thereof will not arise.

4) Though the private areas have all been vested with Government from the appointed day possession of a number of such areas is still with the owners. It needs however to be clarified that the presumption that since the possession has not been taken they still belong to the original owners is incorrect and that the land as also the treegrowth on it belongs to Government whether possession is taken or not. Wide publicity needs to be given to the fact that the owners cannot claim such lands or the treegrowth thereon merely on the ground that areas have not been yet taken possession of by the Forest Department. The owners will be entitled only ^{to} the land which will be awarded to them as per the amendment subject to a maximum of 12 ha. only and they will be entitled to the treegrowth existing only on the land so restored.

The Forest Department should take over the excess areas which are still in possession of the land owners following the orders by the Deputy Collectors of restoration. In all cases where excess areas have been awarded, they may be reported to the Commissioner for review in time. The officers should note that reviews of cases will be restricted to only cases of individuals and the cases of joint holdings or community lands need not be included, provided they existed on 30th August 1975. If the total area in such cases is ~~the~~ in excess of the land ~~the~~ considering all the holders at the maximum upto of 12 ha. each including his other holdings then such excess will vest in Government and will have to be taken over by the Forest Department.

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


(S.M. NAIBAG)
Deputy Secretary to Government,
Revenue & Forests Department.

EX-11

To

All Commissioners of Divisions.

The Chief Conservator of Forests, Maharashtra State, Pune.

All Conservators of Forests,

All Collectors,

All Divisional Forests Officers,

All Deputy Collectors Private Forest, Thane, Kulaba and
Ratnagiri Districts.

Sub-Divisional Officers in Thane/ Kulaba/Ratnagiri/Pune/Nasik/
Dhule/Ahmednagar/Sangli/Kolhapur/B.S.D.

The F-6 Revenue & Forests Department.

All other Forests Desks of Revenue and Forests Department.

ANNEXURE 8.24

Maharashtra Private Forests (Acquisition)
Act, 1975.

Regulation of --

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

C I R C U L A R

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

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

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

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

(4) In cases where the land holder has already felled trees standing in his holding, with the permission of the Tahsildar (whenever such permission was necessary), and has approached the Forest Department for issue of transit passes for the removal of the felled material, the Divisional Forest Officer may order the issue of transit passes, provided the land holder, on applying produces a certificate from the competent Revenue Officer to the effect that the total holding of such applicant, from whose land the trees have been felled, does not exceed 12 Hectares.

Production of such certificate may be asked for only where there is doubt as to whether the land in question has vested in the State under the Maharashtra Private Forests (Acquisition) Act, 1976.

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

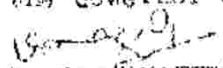
which has vested in the Government. Such lists should be published in the villages concerned for the information of the occupants, and used by the Forest Department as a working basis for the issue of transit passes for the forest produce from the areas so liable to restriction.

On completion of the list, the cases should be taken up for restoration of land under section 22-A of the Act ~~expeditiously~~ expeditiously, subject to the Forest(Conservation) Ordinance, 1980.

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

(7) It is clarified that the area to be treated as under lawful cultivation for the purposes of Section 3(A) of the Act in respect of lands, which were subjected to rotational/shifting cultivation, should be the area actually subjected to rotational/shifting cultivation during one whole period of rotation ending with the Kharif season of 1975-76. The period of rotation practices in the locality should be determined after making local enquiries through the village level committees appointed under Government of Maharashtra, Revenue and Forests Department No.FRF 1077/143651-M-2, dated 30th January 1975. The area actually subjected to rotational/shifting cultivation during the rotational period so determined, should be then ascertained from the revenue records.

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


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

2...

Copy to :

All the Commissioners of Divisions,

The Chief Conservator of Forests, Maharashtra State, Pune.

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

All Collectors,

All the Conservators of Forests,

All Divisional Forests Officers,

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

Sub-Divisional Officers in Thane/Kuleba/Ratnagiri/Pune/Nasik/
Dhule/Ahmednagar/Sangli/Kolhapur/Mumbai Suburban District,

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

All other Forest Desks of Revenue and Forests Department.

ANNEXURE 8.25

No. 25-6/81-FRY (GOORD)
Government of India
Ministry of Agriculture,
Department of Agri. & Cooperation
New Delhi , the 16th June, 1981.

To,
The Secretary,
Forest Department
The Chief Conservator of Forests

Sub : Working of Private Forest – Guidelines regarding.

Sir,

It has come to the notice of this Ministry that there are private forest areas in which permission for felling is required to be granted to remove mature and over mature crop and replace it by a young vigorous crop. Since this operation is not intended to divert forest area for non-forestry purposes it would not attract the provisions of the Forest (Conservation) Act, 1980. It is, however, essential to ensure that by grant of such permissions for felling of trees, the forests do not get degraded for want of regeneration. It is, therefore, essential that felling of trees in private forests is granted by stipulating sound conditions of management practices. The following guidelines are, therefore issued with the view to see that the private forest area do not degrade on account of neglect to ensure regeneration.

- a) If the private forest is large, a proper scheme/working plan for its management should be prepared by the Forest Department and the Private forest owner should be permitted to carry out work in accordance with this scheme/ working plan. The marking for felling of trees should be done by the Forest Department in accordance with the scheme/working plan and the Department should watch the implementation of the prescriptions laid down.
- b) If the area of private forest is small the method of working should be stipulated by the Forest Department while granting permission for felling of trees. This working should normally be in accordance with the working of the forest areas in the locality and sufficient safeguards should be laid down to ensure regeneration of the forest.
- c) It is difficult to ensure that the private forest owner will adhere to the stipulated conditions laid down for ensuring the regeneration which requires monetary inputs. It would, therefore, be desirable to take a deposit from the private forest owner of an amount to fully regenerate the area, on conditions, that if he does not follow the stipulated conditions for regenerations, and fully regenerate the area the Forest Department will carry out the work from the amount of money deposited by the private owner.
- d) No Further permission for felling should be granted unless the stipulated conditions for regenerating the area are fulfilled.

The above guidelines may please be followed scrupulously.

Yours faithfully,
Sd/-
(M. K. Dalvi)
Inspector General of Forests
Ex-Officio Additional Secretary

ANNEXURE 8.26

Maharashtra Private Forests (Acquisition) Act, 1975
Implementation of

**Government of Maharashtra
Revenue & Forests Department,
Resolution No.PR.F.1482/140951-F-6
Mantralaya, Bombay- 32
Dated : 8th, January 1982.**

CIRCULAR

It has been brought to the notice of Government that some of the Divisional Forest Officers particularly in Thane Circle, have denied permission to persons eligible for restoration of forest land under section 22 A of the Maharashtra Private Forests (Acquisition) Act, 1975 (as amended) for felling of trees therein on the premise, that the instructions issued in this regard in Government Circular, Revenue and Forest Department No. PRF 1480/948/F-6, dated 17th December 1980 are not clear on certain points and that consequently no little financial hardship is caused to the persons.

2. In the above context it is hereby clarified, that the instructions contained in paragraph (5) of the aforesaid Government Circular, Revenue and Forests Department, dated the 17th December 1980, apply to standing trees on any forest land, which is liable for restoration under section 22-A of the Maharashtra Private Forests (Acquisition) Act, 1975 (as amended). Other words, the person who are eligible for restoration of the forest land in question under section 22-A of the said Act, may be allowed to fell trees therein, subject to obtaining the permission, wherever necessary, under the Maharashtra Felling of Trees (Regulation) Act, 1964 or the Maharashtra Land Revenue Code, 1966 or Section 35 of the Indian Forest Act, 1927, as the case may be, on production of a certificate from the competent Revenue Officer, to the effect that the total holding (including forest land) of the applicant, did not exceed 12 hectares as on 30th August, 1975, i.e. the appointed day under the Maharashtra Private Forests (Acquisition) Act, 1975 (as amended). Action to issue forest transit passes in such cases need not therefore be held up, pending completion of statutory proceedings for restoration of land under section 22-A of the said Act after obtaining the requisite permission under the Forest (Conservation) Act, 1980.

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

(L.H.A. REGO)
Deputy Secretary to Government
Revenue & Forest Department.

ANNEXURE 8.27

Maharashtra Private Forests
(Acquisition) Act, 1975.

Implementation of -

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Circular No. PRF 1482/140951-FS,
Mantralaya, Bombay 400032, 20th March 1982.

READ: Government Revenue and Forests Department Circular
No. PRF 1482/140951-FS dated the 8th January 1982.

C I R C U L A R.

It has been reportedly complained to Government that the small holders are being denied the benefit of their acquired forest lands on account of undue delay in restoration of the same under Section 22-A of the Maharashtra Private Forests (Acquisition) Act, 1975. In order to solve the difficulty of at least ~~of~~ such of the ex-owners of forest land deemed to be prima facie eligible for restoration under Section 22-A ~~ibid~~ orders were issued, in paragraph 2 of the aforesaid Government Circular dated 8.1.1982 that such persons whose total land holding, including forest land, did not exceed 12 hectares on the appointed date viz. the 30th August 1975, be allowed to fell trees thereon, subject inter alia to the production of a certificate from the competent Revenue Officer to the effect that their total holding did not exceed 12 hectares on that date.

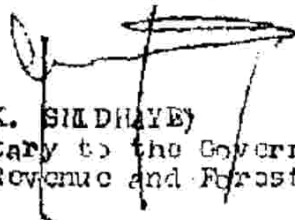
2 As however, complaints have continued to pour in, on behalf of the small holders in the aforesaid matter, Government is pleased to issue the following instructions in amplifications of those referred to in the foregoing paragraph :

- (a) The Tahsildar of the Taluka in which the forest land (in respect of which permission is sought) is situate, should be considered as the competent Revenue Officer for the purpose of issuing the certificate mentioned above. In his absence the Resident Naib Tahsildar should be considered as the competent Revenue Authority for the purpose.

P.T.O.

(b) The Tahsildar may issue the certificate on the strength of the 'khato utara' pertaining to the land in question, supported by an affidavit from the holder to the effect that his total holding in the State as on the relevant date (30.8.1975), inclusive of his private forest, which vested in the State on that date, did not exceed 12 hectares.

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



(C.K. SHINDE)
Under Secretary to the Government of
Maharashtra, Revenue and Forests Department.

Copy to:

- All the Commissioners of Divisions,
- The Chief Conservator of Forests, Maharashtra State, Pune,
- The Chief Conservator of Forests (Special),
Maharashtra State, Pune,
- The Additional Chief Conservator of Forests,
Maharashtra State, Pune,
- All Collectors,
- All Conservators of Forests,
- All Divisional Forest Officers and Sub-Divisional Officers
in charge of Independent Sub-Divisions,
- All Deputy Collectors (Private Forests),
Thane, Raigad and Sindhudurg Districts,
- Sub-Divisional Officers, Thane/Raigad/Sindhudurg/Pune/
Nashik/Dhule/Ahmednagar/Sangli/Kolhapur and Bombay
Suburban Districts.
- The F-3 Desk, Revenue & Forests Department.

ANNEXURE 8.28

No.8-66/82-TRY (CONS),
Government of India,
Ministry of Environment & Forests,
(Department of Forest and Wildlife.)
Krishi Bhawan, New Delhi,
17th March 1985.

To

The Secretary,
Revenue & Forests Department,
Govt. of Maharashtra, Nathalaya,
Bombay-400032.

Subject:- Release/dedenserve 2915.7581 ha. of deemed
reserve forest acquired under the Maharashtra
Private Forest (Acquisition) Act, 1975
in Thane and Raigad District.

Sir,

I am directed to refer to your d.o. letter No.F.D.1082/
2457/II/F-3, dt.28.6.84 on the abovementioned subject seeking
prior approval of the Central Govt. in accordance with Section 2
of the Forest (Conservation) Act, 1980.

2. The proposal has been examined by the Advisory Committee
constituted by the Central Govt. under section 3 of the aforesaid
Act.

3. After careful consideration of the proposal of the State
Govt. and on the basis of the recommendations of the abovementio-
ned Advisory Committee, the Central Govt. hereby conveys its
approval under section 2 of the Forest (Conservation) Act, 1980
for release of 2915.7581 ha. of reserve forest acquired under the
Maharashtra Private Forest (Acquisition) Act, 1975 in Thane and
Raigad Districts subject to the following conditions :-

- i) Land adjacent to the area cultivated by the holders
to be restored in preference to other lands;
- ii) As far as possible the restoration should avoid honey
combing of forest land acquired by the Forest Department
for scientific management purposes.
- iii) The land so restored should continue as a forest and not
to be brought under village or to be put to other uses and
felling of trees thereon regulated strictly under the provisions
of the Indian Forest Act, 1927 relating to private forests and
Maharashtra (Felling of Trees) Act. Such land will continue
to be recorded as forest area in the revenue records. However,
the portion of such restored lands, having huts, cattle sheds,
yards should not be treated as forest and be recorded as such
on revenue records and details reported to this Ministry. Any
diversion of such restored land (recorded as forest) for non-
forestry use will require prior approval of GOI under Forest
(Conservation) Act, 1980,
- iv) Land restored to original owners will retain its
forest cover; and
- v) Whenever the land restored is barren/deficient in tree
cover, the land holders should be required to plant sufficient
number of trees thereon under the directions of the Forest
Department.

Yours faithfully,

Sh/-
(Saroj Kapoor)
Under Secretary to the Govt. of India.

ANNEXURE 8.29

Violation of Section 2 of the Forest (Conservation) Act, 1980, following the order passed by Collectors under Section 6 & 22A of Maharashtra Private Forests (Acquisition) Act, 1975, and approval from Government of India prior to issue of such order, by Collectors.

GOVERNMENT OF MAHARASHTRA,

Circular No. FLD/1000/CR 243/F-3,

Revenue & Forests Department,

Mantralaya, Mumbai-400032.

Dated the 16th December 2004.

C I R C U L A R

Attention of all Collectors is invited to the Government of Maharashtra's Letter No. FLD/1000/CR 243/F-3 dated 29-8-2000 and Letter No. S-30/2001/CR-180/F-3 dated 1-11-2001 circulated earlier on the subject above. It has been found that in spite of all these communications, the Collectors/Deputy Collectors have been issuing certificates under Sections 6 and 22A under the provisions of Maharashtra Private Forests (Acquisition) Act, 1975.

2. It is emphasised for the information of all concerned that the Forest (Conservation) Act, 1980, Section 2 provides that -

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;

- (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

This being the Act of Parliament, its provisions would override the provisions of Maharashtra Private Forests (Acquisition) Act, 1975. In view of this, it is clarified that no certificate should be issued under Section 6 or 22A of Maharashtra Private Forests (Acquisition) Act, 1975, unless approval from the Government of India is obtained under Section 2 of Forest (Conservation) Act, 1980. This provision should be followed scrupulously. Violation, if any, in future should be dealt with strictly by initiating the departmental action against the concerned officer.

3. The Hon'ble Supreme Court in its judgement on 12-12-1996 in the Writ Petition No. 202/95 & 171/96 T.N. Godavarman versus Union of India and others has removed all the ambiguity regarding the Section 2 of Forest (Conservation) Act, 1980. The Hon'ble Supreme Court made it clear that-

The Forest (Conservation) Act, 1980, was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and, therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest (Conservation) Act.

Hon'ble High Court of Bombay in its order on 10-10-2001 in Writ Petition No. 2801/2001 has ordered that the Collector of the districts are directed not to issue any certificate under Section 6 of Maharashtra Private Forests (Acquisition) Act, 1975, without obtaining prior approval from Government of India under Section 2 of Forest (Conservation) Act, 1980. They shall also initiate proceedings for the recall/cancellation of all such certificates that they may have been issued in breach of Section 2 of the Forest (Conservation) Act, 1980, after the same came into force. In view of this all the orders that have been passed under Section 6 of Maharashtra Private Forests (Acquisition) Act, 1975, will need revision and may be issued only after getting the approval from Government of India under Section 2 of Forest (Conservation) Act, 1980. This action should be taken in a time-bound manner.

5. Procedure for issuing this certificate under Section 6 and 22A of the Maharashtra Private Forests (Acquisition) Act, 1975, is prescribed as below :

- (a) The Collector shall prepare the proposal and submit to the Government of India for seeking approval under Section 2 of Forest (Conservation) Act, 1980, as per the procedure laid down under Rule 4 of Forest (Conservation) Rules, 1981.
- (b) After receiving the approval from Government of India the Collector shall issue order under Section 6 and 22A of Maharashtra Private Forests (Acquisition) Act, 1975.

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

(Ashok Khot)

Additional Chief Secretary (Forests)

To :

1. Principal Secretary to Governor of Maharashtra,

2. Principal Secretary to Chief Minister,
3. Principal Secretary to Deputy Chief Minister,
4. Private Secretary to Minister (Forests),
5. Private Secretary to Minister of State (Forests),
6. Private Secretary to Minister of State (Revenue),
7. Principal Chief Conservator of Forests, Maharashtra State, Nagpur,
8. Settlement Commissioner & Director of Land Records, Maharashtra State, Pune,
9. Inspector General of Registration, Maharashtra State, Pune,
10. Managing Director, Forest Development Corporation of Maharashtra Ltd. (FDCM), Nagpur,
11. Managing Director, Maharashtra State Farming Corporation, Model Colony, Pune-411016,
12. All Divisional Commissioners,
13. All Additional Principal Chief Conservator of Forests,
14. All Chief Conservator of Forests,
15. All Deputy Directors of Land Records,
16. All Conservator of Forests,
17. All Conservator of Forests (Wildlife),
18. All Collectors,
19. All Superintendents of Land Records,
20. All District Joint Registrars,
21. All Deputy Conservator of Forests,
22. All Departments of Mantralaya,
23. All Desk Officers of Revenue & Forests Department,
24. P.A. to Addl. C.S. (Forests), R. & F.D.,
25. P.A. to Principal Secretary (Revenue), R. & F.D.,
26. P.A. to Principal Secretary, L. & J.D.,
27. P.A. to Secretary (Relief & Rehabilitation), R. & F.D.,
28. Select File (F-3).

ANNEXURE 8.30

महाराष्ट्र खाजगी वन (संपादन) अधिनियम, १९७५
च्या कलम ६ अंतर्गत मुक्त व कलम २२-अ अंतर्गत
पुनःस्थापित जमिनीच्या खरेदी-विक्रीबाबत..

महाराष्ट्र शासन
महसूल व वन विभाग

शासन परिपत्रक क्रमांक :- एस-३०/२००८/प्र.क्र.२८१/भाग-१/फ-३

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई ४०० ०३२,
दिनांक : ८ डिसेंबर, २०१७.

वाचा :-

- १) शासनपत्र, महसूल व वन विभाग क्रमांक एस-३०/२००४/प्र.क्र.२००/ल-६, दिनांक २२.२.२००५.
- २) शासन परिपत्रक, महसूल व वन विभाग क्रमांक एस-३०/२००४/प्र.क्र.२००/ल-६, दिनांक १४.७.२००५.
- ३) प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे पत्र क्रमांक कक्ष-१२/जमीन/३/१११/०६-०७, दिनांक २७.४.२००७.
- ४) केंद्रीय सशक्तता समितीचा (CEC) अहवाल क्र.१-१९/सी.ई.सी./एस.सी./२००८-पी-XXI, दिनांक १३.७.२००९.
- ५) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांचे पत्र क्रमांक कक्ष-१२/जमीन/३/खाजगी वने/मार्गदर्शक/१/१३-१४, दिनांक ६.४.२०१३.
- ६) पर्यावरण, वन आणि जलवायु परिवर्तन मंत्रालय, केंद्र शासन यांचे पत्र क्रमांक ७-९६/२०१६-एफ.सी., दिनांक ३१.७.२०१७.

शासन परिपत्रक :

महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम २२-अ नुसार (१९७८ मधील सुधारणा) एखाद्या मालकाची वन जमीन संपादन केल्यामुळे नियत दिवशी अशा मालकाजवळ असलेली एकूण धारण जमीन १२ हेक्टर पेक्षा कमी झाली आहे किंवा नियत दिवसाच्या निकटपूर्वीच्या दिवशी अशा मालकाजवळ असलेली धारण जमीन १२ हेक्टर पेक्षा कमी होती, याबद्दल खात्री झाली असेल तर जिल्हाधिकाऱ्याने नियत दिवशी अशा मालकाजवळ असलेली एकूण धारण जमीन १२ हेक्टर पेक्षा अधिक होणार नाही, अशा रितीने सदर मालकास १२ हेक्टर पर्यंत जमीन पुनःस्थापित (Restore) करण्याबाबत तरतूद आहे.

महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ कलम २२-अ अंतर्गत दिनांक २५.१०.१९८० पूर्वी पुनःस्थापित झालेले आहेत किंवा दिनांक २५.१०.१९८० नंतर वन (संवर्धन) अधिनियम, १९८० अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्रीबाबत हरकत घेता येणार नाही असे, प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांनी संदर्भ क्र. ३ च्या पत्रान्वये सर्व संबंधितांना कळविले होते.

तथापि, सी.ई.सी. ने दिनांक १३.०७.२००९ रोजी खाजगी वनाबाबत मा.सर्वोच्च न्यायालयास सादर केलेल्या अहवालातील परिच्छेद ७ तसेच शिफारशीतील परिच्छेद क्र. २१ मध्ये नमूद केल्याप्रमाणे कलम - २२ अंतर्गत पुनःस्थापित जमिनीच्या खरेदी विक्रीसाठी केंद्र शासनाच्या पूर्व मान्यतेची आवश्यकता आहे, असे नमूद केले होते. सी.ई.सी. च्या सदर शिफारशीच्या अनुषंगाने प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांनी

संदर्भ क्र. ५ च्या पत्रान्वये त्यांच्या उपरोक्त दिनांक २७.०४.२००७ रोजीचे पत्र रद्द करुन यापुढे कलम २२-अ खाली पुनःस्थापित जमिनीच्या खरेदी विक्रीसाठी केंद्र शासनाच्या मान्यतेची आवश्यकता राहिल, असे सर्व संबंधितांना कळविले आहे.

दरम्यान मा.सर्वोच्च न्यायालयाने स्पेशल लिक्व् पिटीशन क्र. १०६७७/२००८ व इतर १९ मध्ये दिनांक ३०/०१/२०१४ रोजी खाजगी वनासंदर्भात न्याय निर्णय पारित केला आहे. सदर न्याय निर्णय व त्यानुषंगाने मा.महाधिवक्ता यांनी दिलेले अभिप्राय विचारात घेऊन, राज्यातील खाजगी वनासंदर्भात धोरणात्मक निर्णय घेण्यासाठी प्रस्ताव केंद्र शासनाच्या मान्यतेसाठी सादर करण्यात आला होता. त्याबाबत केंद्र शासनाच्या पर्यावरण, वन आणि जलवायु परिवर्तन मंत्रालयात दिनांक २०.०६.२०१७ रोजी झालेल्या बैठकीचे इतिवृत्त संदर्भ क्र. ६ च्या पत्रान्वये शासनास प्राप्त झाले आहे. सदर इतिवृत्तामध्ये महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम ६ अंतर्गत मुक्त व कलम - २२ अंतर्गत पुनःस्थापित जमिनीच्या खरेदी विक्रीबाबत पुढीलप्रमाणे अभिप्राय दिले आहे -

"The FC Act prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibit the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state so long there is no change in land use of forest. Any change in land use from forest to non-forest after 25.10.1980 shall be as per the provisions of Forest (Conservation) Act 1980. "

उक्त पार्श्वभूमी विचारात घेता, प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर यांच्या संदर्भ क्र. ५ चे पत्र अधिक्रमीत करुन महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम ६ अंतर्गत मुक्त व कलम - २२ अंतर्गत पुनःस्थापित जमिनीच्या खरेदी विक्रीबाबत खालीलप्रमाणे निर्देश देण्यात येत आहे :-

- १) जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या २२-अ अंतर्गत दिनांक २५.१०.१९८० पूर्वी पुनःस्थापित झालेले आहेत किंवा दिनांक २५.१०.१९८० नंतर वन (संवर्धन) अधिनियम, १९८० अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्री करण्यास वन विभागातर्फे कोणतेही बंधन राहणार नाही. मात्र सदर जमिनीचा वनेतर वापर करावयाचा झाल्यास त्यासाठी वन (संवर्धन) अधिनियम, १९८० अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे संबंधितांवर बंधनकारक राहिल.
- २) वरील खरेदी-विक्री बाबतची नोंद महसूली अभिलेखात घेताना, भोगवटदार सदरी जरी मालकाच्या नावात बदल होत असला तरी इतर हक्कात खाजगी वनाबाबतची नोंद कायम राहिल.
- ३) महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम ६ अंतर्गत मुक्त व कलम २२ अंतर्गत पुनःस्थापित क्षेत्राच्या खरेदी-विक्री नंतर त्याबाबतच्या महसूली अभिलेखातील नोंदीनुसार वन विभागाचे अभिलेख तातडीने अद्यावत करण्यात येतील.
- ४) जे क्षेत्र दिनांक २५.१०.१९८० नंतर केंद्र शासनाच्या पूर्व परवानगी शिवाय महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम ६ अंतर्गत मुक्त किंवा २२-अ अंतर्गत पुनःस्थापित झाले असेल, असे आदेश मूळतः नियमबाह्य असल्यामुळे विधीग्राह्य ठरत नाही. अशा क्षेत्राची खरेदी-विक्री करता येणार नाही.

- ५) जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ कलम ६ व कलम २२-अ खाली चौकशीवर प्रलंबित असतील, अशा क्षेत्राचा वैधानिक दर्जा सद्यःस्थितीत मानीव राखीव वन असल्यामुळे त्या क्षेत्राची खरेदी-विक्री करता येणार नाही.
- ६) ज्या क्षेत्राची खरेदी - विक्री कलम ६ व कलम २२-अ खालील चौकशी प्रलंबित असताना करण्यात आलेली असेल तर असे व्यवहार नियमबाह्य असल्याने ते विधीग्राह्य ठरत नाही.
- ७) महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या २२-अ अंतर्गत पुनःस्थापित झालेल्या जमिनीचा वनेतर वापर करावयाचा असल्यास त्यासाठी वन (संवर्धन) अधिनियम, १९८० अंतर्गत केंद्र शासनाची पूर्व परवानगी घेणे बंधनकारक असल्यामुळे, अशा प्रकरणात संबंधित महसूल प्राधिकाऱ्यांनी अकृषक परवाने / बांधकाम परवाने देऊ नयेत. तसेच वृक्ष अधिकाऱ्यांनी अशा क्षेत्रावरील वृक्षतोडीस परवानगी देऊ नये.
- ८) *The FC Act prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibit the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state so long there is no change in land use of forest. Any change in land use from forest to non-forest after 25.10.1980 shall be as per the provisions of Forest (Conservation) Act 1980.*

सदर शासन परिपत्रक हे केंद्र शासनाचे उपरोक्त अभिप्राय विचारात घेऊन तसेच महसूल विभागाने अनौ.संदर्भ क्र.मुद्रांक-२०१७/अनौ.३०/म-१, दिनांक २६.१०.२०१७ अन्वये दिलेल्या सहमतीने निर्गमित करण्यात येत आहे.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेत स्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१७१२०८१३५२०५९७१९ असा आहे. हा शासन निर्णय डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

**Virendra R
Tiwari**

Digitally signed by Virendra R Tiwari
DN: cn=, o=Government Of Maharashtra, ou=Revenue
And Forest Department, postalCode=400032,
st=Maharashtra,
2.5.4.20a9f61a9750029e190ed794641a8a7db840ec1
75cd52ab9a64780e31008811; cn=Virendra R Tiwari
Date: 2017.12.08 13:56:54 +05'30'

(वीरेन्द्र तिवारी)

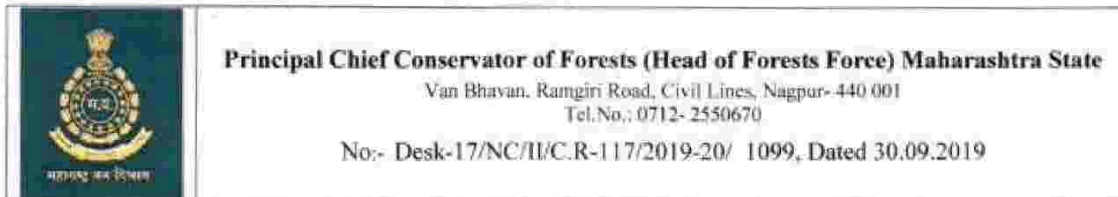
मुख्य वनसंरक्षक (मंत्रालय)

प्रत :-

- १) मा.मुख्यमंत्री यांचे अपर मुख्य सचिव, मंत्रालय, मुंबई-३२.
- २) मा.मंत्री (वने) यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
- ३) मा.मंत्री (महसूल) यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
- ४) मा. राज्यमंत्री (वने) यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
- ५) मा.मुख्य सचिव, महाराष्ट्र राज्य, मंत्रालय, मुंबई-३२.
- ६) प्रधान सचिव (महसूल, मुद्रांक शुल्क व नोंदणी), महसूल व वन विभाग, मंत्रालय, मुंबई-३२.
- ७) प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- ८) अपर प्रधान मुख्य वनसंरक्षक (संधारण) महाराष्ट्र राज्य, नागपूर.

- ९) सर्व विभागीय आयुक्त.
- १०) सर्व संबंधित मुख्य वनसंरक्षक.
- ११) महानगर पालिका आयुक्त (सर्व).
- १२) सर्व जिल्हाधिकारी.
- १३) सर्व संबंधित उप वनसंरक्षक / विभागीय वन अधिकारी.
- १४) सर्व उप जिल्हाधिकारी.
- १५) सर्व उप निबंधक.
- १६) सर्व दुय्यम निबंधक.

ANNEXURE 8.31



CIRCULAR

Subject: Implementation of section 22A of the Maharashtra Private Forests (Acquisition) Act, 1975 in view of the provisions contained in the Forest (Conservation) Act, 1980 and orders passed by Hon'ble Supreme Court in WP (Civil) 337 / 1995.

Read:-

1. Revenue and Forests Department Circular No.FLD/1000/CR 243/F-3 dated 16.12.2004
2. Revenue and Forests Department Circular No.S-30/2008/CR 281/Part-1/F-3 dated 8.12.2017
3. Order dated 13.11.2000 passed by Hon'ble Supreme Court in Writ Petition (Civil) 337/1995

It has come to the notice of the undersigned that the Collectors have been passing orders under the Maharashtra Private Forests (Acquisition) Act, 1975 which are not only in violation of the provisions contained in the Forest (Conservation) Act, 1980 but also stand in contempt of orders passed by Hon'ble Supreme Court.

2. The Maharashtra Private Forests (Acquisition) Act, 1975 came into force on 30th August, 1975. Section 3 of the said Act, have vesting provisions of the private forests in State Government. The same are reproduced as under.—

3(1) Notwithstanding anything contained in any law for the time being in force or in any settlement, grant, agreement, usage, custom or any decree or order of any Court, Tribunal or authority or any other document, with effect on and from the appointed day, all private forests in the State shall stand acquired and vest, free from all encumbrances, in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government, and all rights, title and interest of the owner or any person other than Government subsisting in any such forest on the said day shall be deemed to have been extinguished.

(2) Nothing contained in sub-section (1) shall apply to so much extent of land comprised in a private forest as is held by an occupant or tenant and is lawfully under cultivation on the appointed day and is not in excess of the ceiling area provided by section 5 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, for the time being in force or any building or structure standings thereon or appurtenant thereto.

(3) All private forests vested in the State Government under sub-section (1) shall be deemed to be reserved forests within the meaning of the Forest Act.

Thus, subject to sub-section (2), with effect on and from the 30th day of August, 1975, (appointed day), all the private forests in the State stand vested in the State Government as deemed to be reserved forests, within the meaning of the Indian Forest Act, 1927.



3. Section 22A was inserted through an amendment in the year 1978, which authorizes the Collector to restore to the owner, up to 12 ha. of the private forests, which were vested as deemed reserved forests in the State Government on 30th August, 1975 by virtue of sub-sections (1) and (3) of section 3. With effect from date of orders passed by the Collector u/s 22A, such restored forest lands cease to be the reserved forests within the meaning of the Indian Forest Act, 1927.

4. However, thereafter the Forest (Conservation) Act, 1980 came into force with effect from 25th October, 1980. Sub-section (i) of section 2 of the said Act stipulates that—

Notwithstanding anything contained in any other law for time in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing, that any reserved forest (within the meaning of expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved.

5. In addition to above, Hon'ble Supreme Court, vide Order dated 13.11.2000 in Writ Petition (Civil) 337/1995 (Centre for Environmental Law, WWF-I v/s the Union of India and Others) has directed as follows,—

"THAT pending further orders no dereservation of Forests/Sanctuaries/National parks shall be affected."

6. It may therefore be seen that as per section 22A(2) of the Maharashtra Private Forests (Acquisition) Act, 1975, the consequence of the order of restoration is that the forest-land so restored, ceases to be reserved forest. Considering the fact that the subject matter of "Forests" is enumerated in the Concurrent List of the Constitution [Entry 17-A of List III in Seventh Schedule], the conjoint reading of Section 22A of the Maharashtra Private Forests (Acquisition) Act, 1975 and sub-section (i) of section 2 of the Forest (Conservation) Act, 1980 makes it clear that, on and after 25 October, 1980, the Collector shall be legally bound to seek prior approval of the Central Government under the Forest (Conservation) Act, 1980 before passing any Order of restoration u/s. 22 A (due to which a forest-land ceases to be reserved forest). To clarify this position, the State Government vide Circular under reference 1 has laid down the procedure for issuing orders u/s 22A, which is reproduced as under:-

(a) The Collector shall prepare the proposal and submit to the Government of India for seeking approval under section 2 of the Forest (Conservation) Act, 1980, as per procedure laid down under rule 4 of the Forest (Conservation) Rules, 1981.

(b) After receiving the approval from the Government of India the Collector shall issue order under section 6 and 22A of the Maharashtra Private Forests (Acquisition) Act, 1975.

7. This simply means that with effect on and from 25th October, 1980 no restoration order u/s 22A can be passed without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980. Further on and from 13th November, 2000, no such order can be passed without order from the Apex Court as well as without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980. The fact, that the orders passed u/s 22A in absence of such prior approvals stand null and void *ab initio* has been reiterated in the Government Circular under reference 2, para 4 of which reads as follows—

जे क्षेत्र दिनांक २५.१०.१९८० नंतर केंद्र शासनाच्या पूर्व परवानगी शिवाय महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम ६ अंतर्गत मुक्त किंवा २२-अ अंतर्गत पुनःस्थापित झाले असेल, असे आदेश मूळतः नियमबाह्य असल्यामुळे विधीग्राह्य ठरत नाही.



8. Needless to mention that the action on part of the authorities passing restoration orders u/s 22A, without completing the legal formalities mentioned above, not only amounts to gross violation of the Forest (Conservation) Act, 1980 but stands as wilful disobedience of the orders of Hon'ble Supreme Court and the directives of the State Government.

9. However, a careful reading of the orders passed u/s 22A by some of the revenue officers, which have come to notice of this Office, it has been observed that such orders are passed after 25th October 1980 without obtaining the prior approval of the Central Government. Some of such orders have been passed even after Hon'ble Supreme Court Order dated 13.11.2000 without bothering to obtain leave of the Apex Court prior to passing of such orders. It is also disturbing to note that, instead of seeking such prior approvals and orders beforehand, the concerned Collectors in their orders passed u/s 22A, have directed the Forest-Officers to submit proposals under the Forest (Conservation) Act, 1980. This also amounts to wilful disobedience of Government Orders under reference.

10. Cases have also come to notice of this Office, when based on such null and void restoration orders, the User Agencies move proposals for diversion of forest lands covered under such unlawful restoration orders on the pretext that such forests lands have been purchased by them. However, as stated above, unless the private forests are lawfully restored in accordance with the process laid down as stated above, their legal status remains as reserved forests, duly acquired and vested in State Government free from all encumbrances. So the question of sale/purchase of such Government vested lands does not arise at all. Thus, the wrong action on part of the authorities exercising their powers u/s 22A, causes inconvenience to public also.

11. The above facts are brought to the notice of all the concerned. In order to prevent the wrong implementation of the statutory provisions and to avoid inconvenience to the public and authorities, it is hereby directed that.-----

11.1 The Collectors must take a thorough review of the orders passed u/s 22A under their territorial jurisdictions and to formally revoke all such orders, which have been passed on and after 25th October, 1980 without seeking the prior approval of the Central Government under section 2(i) of the Forest (Conservation) Act, 1980.

11.2 The Collectors are also directed to submit a compliance report up to 30th November, 2019 to this Office in the following format.---

Sno.	Taluka	No. and date of Restoration orders passed u/s 22A after 25.10.1980.	Name and Designation of the Authority, who has passed the order mentioned in Col 3.	Whether prior approval of the Central Government obtained before passing order mentioned in Col 3? If yes the no. and date of the prior approval. (Copy to be enclosed)	If prior approval of Central Government not taken, then no. and date of the formal order of the Collector, revoking the order passed in Col 3. (Copy to be enclosed)
1	2	3	4	5	6

11.3 In all such cases, where the restoration orders are not lawfully passed as stated in para 11.1, since the legal status of the forest-land in question remains as reserved forests, acquired and vested in the State Government free from all encumbrances, the Collectors must ensure to take back the possession of such forest-lands and hand them over to the Forest Department and correct the entries in the revenue records accordingly.

11.4 The respective Disciplinary Authorities must initiate disciplinary proceedings against the concerned officers, who have passed such erroneous orders in violation of the Government Circulars under reference.



11.5 The Competent Authorities may also take appropriate decision to prosecute the concerned officers, u/s 3A of the Forest (Conservation) Act, 1980, who have passed erroneous orders by following due process of law.

12. This Circular is also available on the official website of the Maharashtra Forest Department [www.mahaforest.nic.in]

(U.K. Agrawal)

Principal Chief Conservator of Forests (Head of Forests Force)
Maharashtra State

To-

The Principal Chief Conservator of Forests (All)
The Additional Principal Chief Conservator of Forests (All)
The Divisional Commissioners (All).
The Chief Conservator of Forests (T.) (All)
The Collectors (All)
The Dy. Conservator of Forests (T.) (All)
The Divisional Forest Officers (T) (All)
The Sub-Divisional Officers (All)

Copy to-

The Additional Chief Secretary (Revenue), Revenue and Forests Department, Mantralaya, Mumbai.
The Principal Secretary (Forests), Revenue and Forests Department, Mantralaya, Mumbai.



ANNEXURE 8.32

महाराष्ट्र खाजगी वन (संपादन) अधिनियम,
१९७५ च्या २२-अ अंतर्गत पुनःस्थापित
क्षेत्राभोवती काटेरी तारेचे / जाळी तारेचे
कुंपण करण्यासंदर्भात..

महाराष्ट्र शासन
महसूल व वन विभाग
शासन परिपत्रक क्रमांक : एस-१०/२०१९/प्र.क्र.६३५/फ-३
मंत्रालय, मुंबई ४०० ०३२,
दिनांक: ०८ सप्टेंबर, २०२०

वाचा :-

- १) शासन परिपत्रक, महसूल व वन विभाग क्र.एफ.एल.डी-१०००/प्र.क्र.२४३/फ-३,
दिनांक १६.१२.२००४.
- २) शासन परिपत्रक, महसूल व वन विभाग क्र.एस-३०/२००८/प्र.क्र.२८१/भाग-१/फ-३,
दिनांक ८.१२.२०१७.

पार्श्वभूमी :-

महाराष्ट्र खाजगी वन (संपादन) अधिनियम, १९७५ च्या कलम २२-अ अनुसार (सन १९७८ मधील सुधारणा) एखाद्या मालकाची वन जमीन संपादन केल्यामुळे नियम दिवशी अशा मालकाजवळ असलेली एकूण धारणा जमीन १२ हेक्टर पेक्षा कमी झाली आहे किंवा नियम दिवसाच्या निकटपूर्वीच्या दिवशी अशा मालकाजवळ असलेली धारणा जमीन १२ हेक्टर पेक्षा कमी होती, याबद्दल खात्री झाली असेल तर जिल्हाधिकाऱ्याने नियत दिवशी अशा मालकाजवळ असलेली एकूण धारणा जमीन १२ हेक्टर पेक्षा अधिक होणार नाही, अशा रितीने सदर मालकास १२ हेक्टर पर्यंत जमीन पुनःस्थापित (Restore) करण्याबाबत तरतुद आहे.

उपरोक्त तरतुदीच्या अनुषंगाने राज्यातील सुमारे ८१४८०.८५५ हे.आर क्षेत्र दिनांक २५.१०.१९८० पूर्वी तर सुमारे ८७४२.१८९ हे.आर क्षेत्र दिनांक २५.१०.१९८० नंतर केंद्र शासनाच्या मान्यतेने पुनःस्थापित करण्यात आले आहे. (एकूण ९०२२३.०४४ हे.आर)

२.०० वन (संवर्धन) अधिनियम, १९८० हा कायदा दिनांक २५.१०.१९८० रोजी अंमलात आला. त्यामुळे नियतदिवसानंतर महाराष्ट्र खाजगी (वने) संपादन अधिनियम, १९७५ च्या कलम ६ अन्वये मुक्त व कलम २२-अ अंतर्गत पुनःस्थापनेचे आदेश पारित करताना संबंधित जिल्हाधिकारी यांनी वन संवर्धन अधिनियम, १९८० च्या कलम २ अन्वये प्रस्ताव सादर करुन केंद्र शासनाची पूर्वमान्यता घेण्याबाबत शासन परिपत्रक क्र.एफ.एल.डी-१०००/प्र.क्र.२४३/फ-३, दिनांक १६.१२.२००४ अन्वये सर्व संबंधितांना कळविण्यात आले आहे.

जे क्षेत्र महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम २२-अ अंतर्गत दिनांक २५.१०.१९८० पूर्वी पुनःस्थापित झालेले आहे किंवा दिनांक २५.१०.१९८० नंतर वन (संवर्धन) अधिनियम, १९८० अंतर्गत केंद्र शासनाच्या पूर्व परवानगीने पुनःस्थापित झाले आहे, अशा क्षेत्राच्या पुनःस्थापनेनंतर खरेदी-विक्री करण्यास वन विभागातर्फे कोणतेही बंधन राहणार नसल्याबाबत शासनाचे धोरण निश्चित करुन शासन परिपत्रक क्र.एस-३०/२००८/प्र.क्र.२८१/भाग-१/फ-३, दिनांक ८.१२.२०१७ अन्वये सर्व संबंधितांना कळविण्यात आले आहे.

उपरोक्त पार्श्वभूमी विचारात घेता, महाराष्ट्र खाजगी वने (संपादन) अधिनियम, १९७५ च्या कलम २२-अ अंतर्गत पुनःस्थापित (Restore) क्षेत्राचे व त्यावरील झाडोरा / लागवडीच्या संरक्षणासाठी, क्षेत्राच्या सिमेवर कंपणा संदर्भात खालीलप्रमाणे निर्देश देण्यात येत आहे :-

- सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेतांक २०२००९०८१६३५४३१८१९ असा आहे. हे शासन परिपत्रक डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

[illegible]

- १) प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- २) प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर.

- ३) सर्व अपर प्रधान मुख्य वनसंरक्षक
- ४) सर्व मुख्य वनसंरक्षक (प्रादेशिक / वन्यजीव).
- ५) सर्व जिल्हाधिकारी.
- ६) सर्व उप वनसंरक्षक / विभागीय वन अधिकारी / उप विभागीय वन अधिकारी.

GOVERNMENT OF INDIA
ENVIRONMENT & FORESTS

M. K. Jiwrajka.

O.S.D. Project

Fax No

011/3782804

Telegram : PARIYAVARAN
NEW DELHI

地址：

Telua 11/06/2015

ਪੰ: ੪੫ ਨੰ: ੧

पर्यावरण भवन सी. जी. भा. कॉम्प. ,
PARYAVAHAN BHAWAN, C.G.U. CAMP.

लोदी रोड, नई दिल्ली-110006.
LODI ROAD, NEW DELHI 110006.

February 12, 1992.

To

The Secretary Forests
Revenue & Forests Department
Govt. of Maharashtra
Bombay.

Subject: Legal status of Zudpi Jungle in Maharashtra.

Sir,

Sir,

The issue of applicability of Forests (Conservation) Act 1980 to areas recorded as 'Zudpi Jogle' in revenue records of Maharashtra was discussed earlier in Bombay & Nagpur and the details by the Union Minister for Environment & Forests with Minister for Forest, Govt. of Maharashtra, Forest Secretary, Maharashtra & Principal Chief Conservator of Forests, Maharashtra on 28.1.92 at New Delhi. After detailed discussions it has been decided that:-

1. Areas recorded as 'Zudpi Jogle' in revenue records -

- has been decided that:-
- (i) The land shown as 'Zudpi Jungle' in Revenue records will continue to be treated as forest land under Forest (Cons.) Act, 1980.
 - (ii) State Government will transfer all such lands to Zudpi Jungle Land Bank and utilise such lands for compensatory afforestation.
 - (iii) In the five districts of Vidarbha, viz. Chandrapur, Gadchiroli, Nagpur, Wardha and Bhandara, the Central Govt. will accept land out of 'Zudpi Jungle Land Bank' for compensatory afforestation instead of non-forest without insisting on Chief Secretary's Certificate regarding non-availability of non-forest land. However, compensatory afforestation will have to be done over double Zudpi Jungle land as per existing guidelines of Ministry of Environment & Forests.
 - (iv) For land part of Zudpi Jungle which has already been used for certain non-forestry purpose (for example land used for Gaathan, land falling in Nagpur City used for urban buildings etc.), but corresponding mutation entries have not been made in the revenue records, specific proposals will be sent by the State Govt. for approval of the Central Government under Conservation Act, 1980.
 - (v) As a measure of general compensation and also in the interests of the ecology in Maharashtra, a massive campaign will be taken up by the Maharashtra Govt. for canal side plantation, and periodic reports on the progress of this effort, will be sent to the Central Government on an on-going basis.
 - (vi) Notification under Section 4 of Indian Forest Act would be issued in respect of rest of the Zudpi Jungle area to facilitate protection of these areas from

21-

encroachment etc.

(vii) Government orders issued by the State Govt. of Maharashtra regarding regularisation of encroachments on non-forest areas will not be applicable to Zudpi Jungle areas.

*enclosed
for
info*
(viii) State Government may take up fuel wood/fodder plantation under compensatory afforestation scheme depending upon the needs of the local population. Similarly grazing rights of the local population as per Nistar Patrak (निस्तार पत्रक) may be continued subject to reasonable controls.

It is requested that further necessary action may kindly be taken by the State Government at the earliest, and the Central Government be kept informed.

Yours faithfully,

(M.K. JIWRAJKA)
DEPUTY INSPECTOR GENERAL OF FORESTS.

Copy to :

1. Principal Chief Conservator of Forests, Govt. of Maharashtra, Nagpur.
2. The CCF(Central), Regional Office, Bhopal.
3. Guard file.

[Signature]
(M.K. JIWRAJKA)
DEPUTY INSPECTOR GENERAL OF FORESTS.

ANNEXURE 9.02

Grant of tenure rights to residents
of Forest Villages and In-forest
Settlements - in lands held on temporary
leases.

Government of Maharashtra,
Revenue and Forests Department,
Resolution No. FLD 4267/I-Y,
Bachiyaleya, Bombay-22, 22nd May 1967.

Resolution :

Government has established Forest Villages and In-forest Settlements in the midst of reserved forests in several districts of this State, with the main purpose of securing the supply of adequate and assured labour of the right type for various forestry operations in the interior areas. The residents of these villages given cultivable lands on their maintenance at a concessional rent and indulged in meeting their basic agricultural needs. They are also given several concessions and privileges regarding grazing, timber etc. In return, the forest villagers have to perform various duties which include provision of labour at reasonable wages for various forestry operations, protection of forest areas etc. In order to ensure proper performance of these duties by the villagers and to exercise necessary control over this, proprietary rights overlands granted to the forest villagers are not conferred on them, but have been retained by the Forest Department. A breach of any of the conditions of the agreement would render the holder of the land liable to eviction.

2. In the absence of full occupancy rights, the forest villagers cannot offer their lands as security for loans and are thereby deprived of the loan assistance offered by various Departments, Zilla Parishads and Cooperative Credit Institutions. They also suffer from a feeling of insecurity. There has, therefore, been a demand for the grant of full occupancy rights to these Villagers. The fear of Forest Villagers about insecurity of tenure is largely unreal since evictions are, in practice, resorted to only in exceptional cases of misbehaviour. All the same it is quite necessary to give due regard to the aspirations of these people.

It is further necessary to ensure that the interests of the Forest Department are also safeguarded. The entire question had been engaging the attention of Government for some time past and the following decisions have now been taken :-

- (1) A special impartible and inalienable tenure should be created in respect of the present holdings in Forest Villages and In-forest Settlements; and the grant thereof should be made in favour of the existing recognised holders in these Villages and Settlements.
- (2) In conformity with the historical background, the Villages/Settlements should continue to be designated as Forest Villages/In-Forest Settlements.
- (3) The administration of Forest Villages/Settlements should continue to be with the Forest Department.
- (4) Only persons who are by race, caste or occupations habituated to the extraction or handling of forest produce should, along with their immediate families and dependant, be admitted into the Forest Villages/Settlements.
- (5) The holders in these Villages/Settlements should continue to be responsible for provision of labour on forest works and for protection of forests.
- (6) The holders discharging their responsibilities in respect of forest protection and provision of labour on forest works should, at the discretion of Forest Department, be charged land revenue at concessional rates, not exceeding the fair assessment determined under the provisions of the Land Revenue Code, and also be given various other privileges and concessions (regarding grazing, timber etc.) as at present.

...2...

(7) The holders in these Villages/Settlements should be given tagai and all other facilities available in Revenue Villages, but these should be administered by the Forest Department.

3. In order to confer upon the present holders fixity of tenure, the lands hitherto held by them as lessees of Government on temporary basis should be granted to them on a permanent basis under the provisions of the Maharashtra Land Revenue Code, 1966 (Maharashtra Act No. XLI of 1966) after it comes into force. Under this Code grants on a permanent basis are made in occupancy rights and the holders are classified into 2 Categories, viz, (a) occupants Class I having full rights of transfer and (b) occupants Class II who cannot transfer without Collector's permission. The pastures and cultivable lands in Forest Villages/Settlements should be disforested and granted under the Land Revenue Code to the present recognised holders as Class II. Under Section 30(4) of the Code such occupants are eligible for the grant of Tagai loans by mortgaging such holdings to Government and Co-operative Societies. Moreover under Section 31 of the Code the Collector can annex such conditions to the grant as may be prescribed by rules. The conditions specified in item (9) of the foregoing para should accordingly be annexed to the grant of these lands to the Forest Villagers/Settlers.

4. The Forest Officers of different categories should be invested with the powers of Revenue Officers as mentioned below, so far as the areas covered by the Forest Villages/Settlements are concerned :-

Designation of the Forest Officer	Revenue Officer whose powers are to be conferred under the Revenue Code.
1. Forest Guard	Talathi.
2. Divisional Forest Officer	Additional Collector.
3. Conservator of Forests	Additional Commissioner.

The Circle Inspectors and Mamlatdars should continue to exercise control over Forest Villages as in the Revenue Villages; and for this purpose, they should be subject to the control of the Divisional Forest Officer in his capacity as Additional Collector. Appeals against the order of the Conservator in his capacity as Additional Commissioner should lie with Government but as a matter of convention, Government will take decisions thereon in consultation with the Chief Conservator of Forests.

5. The above decisions should be implemented after necessary rules are framed under the Maharashtra Land Revenue Code, 1966 (Maharashtra Act No. XLI of 1966) and brought into effect.

6. The Chief Conservator of Forests should submit proposals for disforestation of the lands which are at present held by the Forest villagers, and different settlers, and which are to be granted to them on an impartible and inheritable tenure, according to the above decisions.

7. This Resolution issues with the concurrence of the Pignose Department vide its un-official reference No. 1619/III dated the 18th May 1967.

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

Sd/-
M.K. Thakur
Under Secretary to Government.

ANNEXURE 9.03

Forest Villages

To Entrust the Administration to the Revenue Department.

GOVERNMENT OF MAHARASHTRA

Revenue and Forests Department

Resolution No. FLD 3675/87519-F-6

Mantralalya, Bombay-400 032. Dated : 24th August-1977

READ :- Government Resolution, Revenue and Forests Department No. FLD 4267/I-Y, Dated 22nd May 1967.

Forest Villages and inforest settlements were initially established in forest areas in several districts of the States apparently with the object of ensuring adequate and assured supply of labour for various forestry operation. Residents of these villages were given cultivable lands for their maintenance at a concessional rent. They were also granted privileges like nistar, grazing etc. and provided with amenities like schools, dispensaries, roads, tanks, wells, where possible. The forest Department administered these villages and the allottees of lands were not conferred with proprietary or occupancy rights over them. In the absence of occupancy rights these villagers could not avail of facilities such as loans for agricultural development. Consequently, the demand for occupancy rights was constantly made.

In May 1965, Government appointed a Committee under the Chairmanship of the then Deputy Minister (Revenue and Forests) to go into their demands. The Committee suggested, inter alia, eventual discontinuance of the forest villages. This was, however, not accepted by Government. It was ultimately by Government to create a special impartible and inalienable tenure in respect of such villages and inforest settlements and grant it to the recognized holders of the lands therein. It was also decided, inter alia that administration of these villages/ settlements should continue with the Forest Department and that the land holders in these Villages / Settlements should continue to be responsible for provision of labour on forest works and for protection of forests. (vide the Government Resolution mentioned above).

Consequently, lands under cultivation in these villages were surveyed and demarcated and areas under actual cultivation disforested and the villages declared as revenue villages. The cultivators were granted land on permanent basis on inalienable tenure and they thus got the status of occupants Class II under the Maharashtra Land Revenue Code. The Forest Officers were delegated with powers and functions of the Revenue officers for the purpose of administration of these villages.

It was observed subsequently that the Forest Department was not properly equipped to deal adequately with the revenue administration of these villages and to that extent the interest of the local residents suffered. The forest Villages also desired that the revenue administration of these villages should be entrusted to the Revenue

Department so that they would not be isolated from the main stream of progress through Five Year Plans and other development schemes.

RESOLUTION :- After considering the present position of the forest villages, Government decided that the revenue administration of the forest villages should be entrusted to the Revenue Department. As such the Forest villages shall hereafter be in charge of the Revenue Department like other revenue villages. The land holders in these villages will however continue to be responsible for provision of labour on forest works and for protection of forests as hitherto. Nor should these orders be construed as justifying deforestation of any forest lands.

2. There are in all about 442 forest villages in Thana, Nasik, Dhule and Jalgaon Districts of Bombay Revenue Division, in Chandrapur, Nagpur, Wardha, Bhandara, Yeotmal, Amravati, Akola and Buldhana Districts of Nagpur Revenue Division. Each of the Villages should be annexed to the nearest convenient saza and brought under the jurisdiction of the concerned Revenue Officers. Except in Amravati, Yeotmal, Dhule, Thane and Jalgaon Districts wherein the number of these villages is comparatively large, no additional staff will be provided for the purpose of administration of these villages. For the aforesaid five Districts, 32 additional temporary posts should be created for this purpose as follows.

Additional Temporary Posts sanctioned :-

Sr No.	District	N.T.	C.I.	Talathi	Junior Clerk	Peon	Total
1	Amravati	1	1	15	1	2	20
2	Yeotmal	-	-	3	-	-	3
3	Dhule	-	1	4	-	-	5
4	Thane	-	-	1	-	-	1
5	Jalgaon	-	-	3	-	-	3
	Total	1	2	26	1	2	32

The 32 additional posts an aforesaid should be created with effect from the 1st September, 1977 and treated as temporary addition to the respective permanent cadres.

One temporary post of Junior Clerk which exists in North Dhulia Forest Division under the Forest Department continued under the Government Resolution, Revenue and Forests Department No. FLD/1076/124091/F-6, Dated 28th February, 1977 should be abolished with effect from the 15th September, 1977.

3. Administration of the Forest Villages will vest in the Revenue Department with effect from the 1st September, 1977. Accounts and other works for the Revenue year 1976-77 should be finalized soon by the Forest Department and the charge of the villages should be handed over along with relevant records, etc. to the concerted Revenue Officers before 1st September, 1977.

4. The Forest Officers who have been invested with the powers of and assigned the duties and functions of Revenue Officers shall cease to exercise such powers and cease to function as Revenue Officer with effect from the 1st September, 1977.

5. The concerned Conservators and Collectors should ensure time and smooth implementation of this decision of Government.

6. Expenditure on account of creation of the aforesaid 32 temporary posts should be met from the advance obtained from the contingency fund of Rs. 45,600/- (Rupees Forty Five Thousand six hundred only) sanctioned vide Government Memorandum, Finance Department No. CNF-1177/68/BUD-4, Dated 23rd August, 1977 for the period of 1st September 1977 till 30th November, 1977 and for the remaining period i.e. from 1st December 1977 onwards the expenditure should be debited to the budget head "Demand No 2-253 Dist. Administration-C-Other-Estt. (c) (i) Sub Divisional Establishment (c) (ii) Circle Officers and Circle Inspectors and (c) (iii) village officers accordingly and get from the sanctioned budget grants for the year 1977-78 and placed at the disposal of the respective Divisional commissioners.

Accordingly total amount of Rs. 45,600/- is placed hereby as sanctioned vide Government memorandum Finance Department, referred to above at the disposal of the Commissioners of Bombay and Nagpur Divisions to meet the expenditure of the staff sanctioned above for the period from 1st September, 1977 till 30th November, 1977.

A Token Supplementary Demand should be presented to the Legislature in the next Session to bring to its notice the above new item. The procedure laid down in Rules 6 and 12 of the Contingency Fund Rules should be carefully followed and expenditure incurred every month out of the Contingency Fund advance sanctioned should be debited to the Contingency Fund. This expenditure should also be reported regularly to Government in Revenue and Forests Department and Finance Department and to the Accountant General, Maharashtra II, Nagpur from time to time.

The Divisional Commissioners of Bombay and Nagpur should take prompt steps to fill in the posts sanctioned above immediately and report to Government accordingly.

7 This Government Resolution issues with the concurrence of the Finance Department vide that Department's un-official reference No. 6269 SFD, Dated 8th August-1977.

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

Sd/-

A.D. Meshram

Deputy Secretary to Government

To,

The Commissioners of all Divisions
The Collectors of all Districts.

ANNEXURE 9.04

2609
9/5/12
No 23011/33/2010-FRA
Government of India
Ministry of Tribal Affairs

Ghasri Bhawan, New Delhi.

Dated: 8.11.2013

To,

1. The Chief Secretaries of all State Governments
(except Jammu & Kashmir, Punjab, Haryana and Delhi)
2. The Administrators of all Union Territory Administrations
(except Lakshadweep and Puducherry)

Sub: Conversion of all forest villages, old habitations, unsurveyed villages etc. into revenue villages under Section 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

As you are aware, the rights of settlement and conversion of all forest villages, old habitations, unsurveyed villages etc. into revenue villages has been recognized as one of the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands under Section 3(1)(h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, Forest Rights Act, 2006). The Ministry has last year issued comprehensive guidelines to all the State/ UT Governments on various aspects of implementation of the Act, which also emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages and other such villages into revenue villages, without any exceptions or exemptions being provided to such villages in any category of forest lands. The State Governments were advised to convert all erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. It was also clarified that the conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 notified on 6.9.2012 also contains a similar provision.

2. Though the Forest Rights Act, 2006 has been in operation for more than five years now, the State/ UT Governments have reported very slow progress towards conversion of forest villages and other such villages into revenue villages so far. It has come to the notice of the Ministry that the State Governments are not taking any action for conversion of forest villages and other such villages into revenue villages as the State Forest Department officials still consider that the provisions of the Forest Rights Act, 2006 do not supersede the provisions of Forest (Conservation) Act, 1980 and the Hon'ble

Supreme Court judgment dated 13.11.2000 in I.A.No.2 in WP No.337/1995 regarding diversion/ denotification of forest land and that the de-reservation/ de notification of forest villages and other such villages is stayed. There are several other issues also connected with the conversion of forest villages and other such villages into revenue villages on which there is no clarity to the State Government officials responsible for implementation of the Act, namely, whether approval of the Ministry of Environment & Forests is required under Section 2 of the Forest (Conservation) Act, 1980 for conversion of forest villages and other such villages into revenue villages; whether such conversion would require denotification of the forest land; whether on conversion of forest villages and other such villages into revenue villages, the legal status of the land would be altered from "forest" to "revenue"; how the habitations, unrecorded or unsurveyed settlements and other villages on the forest land which are not in the records of the Forest Department are to be converted, etc. There is also no clarity on the procedure to be followed for conversion of such forest villages and other such villages into revenue villages amongst the State Government officials.

3. In order to bring about clarity on the above issues and to expedite the conversion of the forest villages and other such villages into revenue villages under Section 3(1)(h) of the Act, the following clarifications are issued to all the State Governments/ UT Administrations:

Sl.No.	Issue	Clarification
1.	Whether the provisions of the Forest Rights Act, 2006 supersede the provisions of Forest (Conservation) Act, 1980 and the Hon'ble Supreme Court judgment dated 13.11.2000 in I.A.No.2 in WP No.337/1995	➤ It is a well settled principle of statutory interpretation that a subsequent statute supersedes all preceding court judgments or orders of prior date. ➤ Section 4(1) of the Forest Rights Act, 2006, which recognizes and vests forest rights in the forest dwelling Scheduled Tribes in the States or areas in States where they are declared as Scheduled Tribes and the other traditional forest dwellers, lays down that the forest rights under Section 3(1) of the Act, including the right under Section 3(1)(h), are recognized and vested in the forest dwelling Scheduled Tribes and other traditional forest dwellers <i>"notwithstanding anything contained in any other law for the time being in force"</i>. This <i>non-obstante</i> clause, therefore, recognizes and vests the

forest rights under Section 3(1) in accordance with the provisions of the FRA, regardless of whether such forest rights might be contrary to other laws, which includes statutory law as well as judicial precedent, if any.

- Further, Section 4(7) of the Act provides that the forest rights under the said Act shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in the said Act. The plain meaning of this provision is that recognition and vesting of all forest rights, including the settlement and conversion of forest villages and other such villages into revenue villages under Section 3(1)(h), has been exempted from the requirements of Section 2 of the Forest (Conservation) Act, 1980, as well as the requirement of compensatory afforestation as well as payment of net present value.

- After operationalization of the Forest Rights Act, 2006 with effect from 31.12.2007, the interim order dated 13.11.2000 of the Apex Court in I.A.No.2 in WP No.337/1995, which was passed in the context of the widespread violation of the provisions of the Forest (Conservation) Act, 1980 would, therefore, be guided by the provisions of Section 3(1)(h) of the FRA, 2006 and that the forest right relating to conversion of forest villages and other such villages into revenue villages under this Section has also to be vested and recognised as per the laid down

		procedure, like any other forest right specified in Section 3 (1) of the Act
2.	Whether approval of the Ministry of Environment & Forests under Section 2 of the Forest (Conservation) Act, 1980 is required for conversion of forest villages and other such villages into revenue villages.	➤ In view of the position indicated against issue No. 1 above, approval under Section 2 of the Forest Conservation Act, 1980 of the Ministry of Environment & Forests is not required for conversion of forest villages and other such villages into revenue villages. ➤ As per the provisions of the Forest Rights Act, 2006, the District Level Committee is the final authority for approving the record of forest rights specified in Section 3(1) of the Act, including the right relating to conversion of forest villages and other such villages into revenue villages under Section 3(1)(h) of the Act.
3.	Whether conversion of forest villages and other such villages is required in lands which are not classified as forest lands.	• The Supreme Court in a landmark judgment dated 12.12.1997 in the Godavaman case, held as under: <i>"The term 'forest land' occurring in Section 2 (of the Forest Conservation Act, 1980) will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership."</i> • Since then the term 'forest land' is to be widely understood in its wider definition, that is, including not only forest land classified as such, but also all other forests, which would include revenue forests, private forests, community forests, and any other kind of forest lands. • Since the rights conferred under the Forest Rights Act apply to all forest lands, if there are forest villages or any other such villages on forest lands which are not necessarily classified as forest land, these villages are also required to be converted into revenue villages.
4.	Whether the conversion of forest villages and other such villages into revenue villages would require de-	➤ The FRA, 2006 envisages recognition and vesting of all forest rights, including the right relating to

	notification/ de-reservation of the forest land, or alteration of status of land.	conversion of forest villages and other such villages into revenue villages, over all forest lands within the larger definition of forests (see above). ➤ Some forest villages may be on lands which are revenue forests or private forests or community forests or any other kind of forests. ➤ The FRA, 2006 does not require de-notification/ de-reservation of the forest land for recognition of the forest right relating to conversion of forest villages and other such villages into revenue villages. ➤ However, it is necessary that every village thus converted are recorded in the revenue records as "village" to ensure that its legal status as such is secure. The specific method will depend upon State level Land Revenue laws, which are varied.
5.	Whether the forest villages and other such villages located inside the Wildlife Sanctuaries and National Parks are also required to be converted into revenue villages under Section 3(1)(h) of the Act.	➤ The FRA, 2006 envisages recognition and vesting of the forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, including the Sanctuaries and National Parks. ➤ The forest villages and other such villages located inside the Wildlife Sanctuaries and National Parks are also, therefore, required to be converted into revenue villages under Section 3(1)(h) of the Act.
6.	Whether the process of recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers can be taken up/ continued, pending conversion of forest villages and other such village	➤ As per the provisions of the FRA, 2006, conversion of forest villages and other such villages into revenue villages under Section 3(1)(h) of the Act is not a pre-condition for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other

	into revenue villages.	traditional forest dwellers ➤ The process of recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers can, therefore, be taken up/ continued without waiting for conversion of forest villages and other such villages into revenue villages.
7.	How the old habitations, unrecorded or unsurveyed settlements and other villages on the forest land which are not part of any Revenue or Forest village record are to be converted into revenue villages.	➤ As provided under Rule 2-A, in order to ensure that the Act is implemented in letter and spirit, it is necessary that the district administration under the leadership of the Collector, and the panchayati raj institutions, take pro-active steps to ensure that all forest villages and other such villages are identified, as a preliminary to conversion. ➤ The process for identification of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, and their inclusion as villages for the purposes of the FRA, 2006 is laid down in Rule 2A of the Forest Rights Rules, 2008, as amended vide the Forest Rights Amendment Rules, 2012 notified on 6.9.2012. This Rule also provides that on recognition of such hamlets and habitations as a village, the process of recognition and vesting of rights in these hamlets and habitations is to be undertaken without disturbing any rights, already recognized.
8.	In the case of forest villages and other such villages which are primarily inhabited by other traditional forest dwellers, whether it is necessary for the other traditional forest dwellers to establish that they had been	➤ Section 4(1)(b) read with Section 2(o) of the FRA, 2006 requires that, for purposes of recognition of forest rights under the Act, a "member or community" of other traditional forest dwellers must establish that it has for at least three generations (being 75 years)

primarily residing in the said village for 75 years at one place prior to the 13th day of December, 2005, before such forest villages and other such villages could be converted into revenue villages.	prior to the 13th day of December, 2005 'primarily resided in or depended on the forest or forest land for bona fide livelihood needs'. ➤ There is no requirement in the Act that, for purposes of recognition and vesting of forest rights, a person or community of other traditional forest dwellers must have been specifically located in a particular and identifiable location in the forest for 75 years. As long as they are able to establish that they have been primarily residing in and dependent on forests or forest land for bonafide livelihood needs for 75 years prior to 13th day of December, 2005, they are to be considered eligible for recognition and vesting of forest rights under the Act. The same approach has to be adopted while taking up the conversion of forest villages and other such villages primarily inhabited by other traditional forest dwellers into revenue villages.
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4. As regards the procedure is to be followed for settlement and conversion of forest villages, old habitations and other settlements on forest land etc. into revenue villages, Certain guidelines as indicated in the Annexure to this letter are accordingly being issued for compliance by all the State Governments/UT Administrations.

5. It is requested that the above clarifications/ procedure may be brought to the notice of all the implementing agencies in your State/ Union Territory for guidance and necessary action. This Ministry may be apprised of the action taken for conversion of forest villages into revenue villages at an early date.

6. This issues with the approval of competent authority.

Yours faithfully,



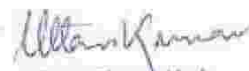
(Dr. Sadhana Rout)

Joint Secretary to the Government of India

Tel: 23383622

Copy to:

All Principal Secretaries/ Secretaries/ Commissioners of State Tribal/ Welfare Departments for information and necessary action.



(Uttam Kumar Kar)

Under Secretary to the Government of India

2000
24/12/22
2000
24/12/22

ANNEXURE

No.23011/33/2010-FRA
Government of India
Ministry of Tribal Affairs

Guidelines for conversion of forest villages into revenue villages under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This is in supersession of this Ministry's D.O.NO. 17014/2/2007 PC&V (Vol VI) dated February 25, 2008, and further supersession of this Ministry's letter No. 23011/28/2008-SG-II dated 3.12.2008.

Section 3(1)(h) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter 'the Act') which defines 'forest rights' includes therein:

"3.(1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers in **all forest lands**, namely:-

xxx

(h) rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages;"

Section 2 (d) defines "forest land" as under:

"forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing of deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;"

Section 2(p)(iii) of the Act, while defining 'village' includes:

"(iii) forest villages, old habitation or settlements and un-surveyed villages, whether notified as village or not;"

Section 2(f) of the Act defines 'forest villages' as follows:

"forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes lands for cultivation and other uses, permitted by the Government;"

Rule 2A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (hereafter 'the Rules') as amended up-to-date, states as follows:

"2A. Identification of hamlets or settlements and process of their consolidation -
The State Government shall ensure that, -

- (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or un-surveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.
- (b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.
- (c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.¹

Further, Rule 12B (5) of the Rules states as follows:

"12 B. Process of Recognition of Community Rights:-

xxx

- (5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces."²

In July 2012, Guidelines also issued by this Ministry which emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages into revenue villages, without any exceptions or exemptions being provides to such villages in any category of forest lands, such as protected areas. Clause (iii)(d) states:

"(iii) Community Rights:

xxx

- (d) The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlement and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognises the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion of forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore,

¹ Inserted by Rule 4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E) dated 6th September, 2012)

² Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E) dated 6th September, 2012)

convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right."

Pursuant to the above, this Ministry is issuing the present Guidelines to provide for the procedure for settlement and conversion into revenue villages.

Suggested Procedure for Settlement and Conversion into revenue villages:

The following procedure may be followed for the settlement and conversion of forest villages, old habitations and other settlements on forest land into revenue villages:

1. All villages/settlements on forest land should be identified with the help of District Statistical Handbooks and Census Village Directories. All settlements with zero revenue land should be presumed to be forest villages in order to be converted into revenue villages under the Act. In addition, public suggestions and inputs should be invited through a public notice in all panchayat offices, forest offices and market places informing the public of this right and requesting villages on forest land to submit claims or to contact the concerned officials for assistance. The Collector of each district shall be responsible for getting lists of such villages prepared.
2. The Sub-Divisional Officers of the Sub Divisional Level Committee shall consolidate the lists of hamlets and habitations which at present are not part of any village but which fall within the definition of 'forest villages' under Section 3(1)(h) of the Act, and shall forward the same to the Collector.
3. Collector shall be responsible for ensuring that residents of such villages/old habitations are enabled to claim their conversion/settlement.
4. In each such village / habitation a notice should be posted stating that such a claim can be filed, giving the procedure for doing so (as per this order), and inviting the filing of a claim.
5. The list as prepared in each district, with updates of new additions where applicable, shall be communicated to the State Level Monitoring Committee, which should maintain a consolidated state-wide list of forest villages and old habitations and the status of their conversion. A progress report, with the district-wise list of forest villages and the status of their conversion, should be communicated to the Ministry every three months.
6. For the purposes of the Act, the assembly of all adult residents of each such village/habitation is recognized as the Gram Sabha, as per Section 2(p)(iii) of the Act, and shall elect its own Forest Rights Committee (FRC).
7. In cases where the number of adult residents of an old habitation or an unsurveyed village are less than the number specified for a forest rights committee, they may form a smaller FRC. If such small habitations are in the vicinity of a revenue village, they may pass a unanimous resolution if they so desire, that they will be included in the larger village after conversion.
8. A claim for the conversion of forest villages, old habitations, unsurveyed villages

and other villages on forest land, whether recorded, notified, or not, into revenue villages under section 3(1)(h) of the Act, shall be made collectively by the Gram Sabha of the settlement (see below). If any settlement fails to submit such a claim within a period of three months after posting of a notice as referred to above, the Collector should direct a revenue official not below the rank of Tehsildar to visit the settlement and inform the residents of their right to file a claim.

9. Any village/habitation on forest land which is not a revenue village shall be considered eligible for conversion, including;

- All Forest Villages including Taungya Villages of all types which the Forest Department established, and recorded/recognised as forest villages from time to time.
- All forest Villages including Taungya Villages which the Forest Department established for forestry and other works on forest land, but which have not been recorded/recognized as forest villages.
- All forest villages including Fixed Demand Holdings which have come up as a result of the Forest Department granting various types of leases on forest land from time to time to various individuals.
- All villages/habitations on forest land established by any Government Department /Agency for persons displaced by development projects or for labour/workers for any type of work, but which have not been recognized, surveyed and recorded as revenue villages.
- All old habitations or unsurveyed villages on forest land which have escaped proper survey and settlement due to the land over which they are located getting classified as forest land.

10. The Gram Sabha/Forest Rights Committee of the concerned forest village/habitation shall first define the boundaries of the village/habitation and then prepare, with help as required and requested by the community from the local land revenue officials, and/or representatives from the Sub-divisional Committee, a detailed map showing the present land use of the village. The Map would contain:

- Extent and location of cultivable area, homestead lands/buildings, forests, water bodies and common lands such as grazing/pasture lands, burial grounds, etc.
- Extent and location of other land uses (such as school building, religious places, playgrounds, health facilities and other community buildings/facilities)
- Extent and location of their community forest resource over which various community forest rights are exercised.

11. The Gram Sabha shall approve the map thus prepared and submit the same to the Sub-Divisional Level Committee, along with its resolution claiming the right to conversion to a revenue village. The claim shall include a list of all adult residents of the village. Incomplete claims shall not be rejected but remanded to

the Gram Sabha with specific instructions on the additional required information.

12. After examining the claim, map and the List, the Sub-Divisional Level Committee shall pass it on to the District Level Committee which shall take the necessary steps to recognize the right of conversion for the concerned village. Within two weeks of the decision of the District level Committee, the Collector will initiate necessary proceedings to convert the village into a revenue village and settle the land rights of the residents under revenue laws;

Provided that such conversion would in no way curtail or restrict the forest rights of the residents of the converted village;

13. In the case of villages/habitations consisting entirely of Scheduled Tribe inhabitants, or mixed villages with majority of Scheduled Tribe inhabitants, conversion of the village/ habitation should follow if the settlement existed prior to December 13, 2005.
14. On finalisation of the lists of hamlets and habitations as provided above, the process of recognition and vesting of rights in these hamlets and habitations shall be undertaken without disturbing any forest rights already recognised.

ANNEXURE 9.05

Forest Lands leased on eksali basis
Permanent grant of ---

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department.
Resolution No. FID.1069/43178-Y.
Sachivalaya, Bombay-32(BH), 22nd March 1969.

- READ:-
- (i) Government Resolution, Revenue and Forests Department No.FID-4863/25769-B, dated 3rd September 1960,
 - (ii) Government Resolution, Revenue and Forests Department No.FID-4863/17494-Y, dated 21st July 1964,
 - (iii) Government Resolution, Revenue and Forests Department No.FID 4867/70039-Y, dated 8th July 1967 and 31st January 1968,
 - (iv) Government Resolution, Revenue and Forests Department No. FID 4267-I-Y, dated 22nd May 1967,
 - (v) Government Resolution, Revenue and Forests Department No. LMD.1067-A, dated 21st May 1968,
 - (vi) Government Resolution, Revenue and Forests Department No.LMD.1068/201750-A, dated 14th January 1969.

RESOLUTION:- The question regarding the permanent release of Forest lands given on eksali basis was under consideration of Government. After a full examination of this matter Government is now pleased to issue the following instructions :-

- (i) all forest lands given on eksali basis should now be released permanently for cultivation to the respective eksali lease-holders;
- (ii) such of these lands as are on the border of forests should be disforested and transferred to Revenue Department for release to respective eksali lease-holders;
- (iii) such of these lands as are in the midst of the forest should also be disforested and released to the respective lease holders. However the control over the lands should remain with the Forests Department. For this purpose the forest officers should be empowered to exercise the powers of revenue officers on the lines of the orders issued in respect of Forest villages and settlements vide Government Resolution No.FID-4267/I/Y, dated 22nd May 1967;
- (iv) in all cases the lands should be given to the existing eksali holders on impartible and inalienable tenure as occupants Class II;
- (v) the permanent grant of land to the eksali lessees should be so made that the private land held by the lessee as owner or tenant or both and the leased Government land to be granted to him would not together exceed one economic holding;
- (vi) in order to avoid a recurrence of the problem, no forest lands should hereafter be leased on eksali basis;
- (vii) the residents of Forest villages and inforest settlements will continue to be governed by the orders in Government Resolution No. FID.4267-I-Y, dated 22nd May 1967.

2. The extent of Forest lands which will be liable to be released in the various districts will be communicated shortly and only that much area should be permanently released in each district.

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

M.K. SHARMA,
Under Secretary to the Government of Maharashtra
Revenue and Forests Department.

GOP.FOTA/R.&F.D.-H-1537(2,000+6-4-69)

To

The Chief Conservator of Forests, Maharashtra State, Poona,
All Commissioners of Divisions,
The Settlement Commissioner and Director of Land Records, Poona,
All Conservators of Forests,
All Divisional Forests Officers and Sub-Divisional Forests Officers
in charge of independent Sub-Divisions,
All Collectors,
The Revenue and Forests Department 'A' Branch,
The Revenue and Forests Department 'Y' Branch (select file),
Personal Assistant to Minister (Forests),
Personal Assistant to Deputy Minister (Forests).

No.

of 1969.

Copy forwarded for information and guidance to -

ANNEXURE 9.06

Dalhi Lands
Leased for cultivation
permanent grant of-

Government of Maharashtra,
Revenue and Forests Department,
Resolution No.F.R.D.4263/27223-4,
Machivillage, Bombay-32,
Dated: 16th January 1979.

Resolution :- In Kolaba District Dalhi lands were given out to Adiwasis for cultivation. The issue of granting Dalhi land plots permanently to Adiwasis was under consideration for some time past. The total extent of Dalhi lands in Kolaba Division and Bohn Sub-Division is 29,438 Acres 5 Guntra and 12 As.(11913-1 Hectares) spread over 497 number of plots. After a full examination of this matter Government is now pleased to issue the following instructions :-

- 1) All Dalhi forest lands given on ekdali basis should now be released permanently for cultivation to the respective plot holders
- (i) The right to the land should vest with the actual tenants and not to the Headman(Haik)who executes the agreement at present for the Co-cultivator.
- (ii) The lands under cultivation should be surveyed and such plots as are unproductive or unfit for permanent cultivation should be resumed by the Forest Department and equivalent alternative land suitable for cultivation should be released to the respective plot holders.
- iv) Such of these lands as are on the border of forests should be disforested and transferred to Revenue Department for release to respective plot holders.
- v) Such of these lands as are in the midst of the forest should also be disforested and released to the respective plot holders. However the control over the lands should remain with the forest department. For this purpose the forest officers should be empowered to

P.T.O.

exercise the powers of revenue officers on the lines of the orders issued in respect of forest villages and settlements vide Government Resolution No. F.D. 4067/1/1, dated 22nd May 1967;

vi) In all cases such lands should be given to the existing plot holders on impartible and inheritable tenure as occupants - Class II;

vii) The permanent grant of land to the ^{plot holders} ~~the Government~~ should be so made that the private land held by the plot holders as owner or tenant or both and the Government land to be granted to him would not together exceed one economic holding ;

viii) In order to avoid a recurrence of the problem, no Dalhi forest lands should hereafter be leased.

By order and in the name of the Governor of
Maharashtra,
(S.K. ...)
(V.S. AULKARNI)

Under Secretary to Government of Maharashtra,
Revenue and Forests Department.

To:

The Chief Conservator of Forests, Maharashtra State, Poona
The Commissioner Bombay Division, Bombay
The Conservator of Forests, Thana Circle, Thana
The Collector of Kolaba-411002
The Revenue and Forests Department 'A' Branch
The Revenue and Forests Department 'W' Branch
The Divisional Forests Officer, Kolaba-411002
The Sub-Divisional Forests Officer, Roha-Sub-Division,
Roha, District Kolaba
Personal Assistant to Minister (Forests)
Personal Assistant to Deputy Minister (Forests)

ANNEXURE 9.07

NOTIFICATION.

Nagpur, the 28th November 1913.

No. 1121.—In modification of *Residency Orders* Notifications No. 184, dated the 6th June 1892, and No. 440, dated the 12th December 1894, and in supersession of *Central Provinces Gazette* Notification No. 1384, dated the 27th November 1907, the Chief Commissioner is pleased to declare, under Section 75 (a) of the Indian Forest Act, 1878, as amended by Act XV of 1911, and as applied to Berar, that State Forests in Berar shall in future be divided into two classes—A and C—*vis.*—

Class A shall comprise all forest areas hitherto notified as Class A, Division I; Class A, Division II; and Class B, and such areas as may in future be notified as Class A.

Class C shall comprise all other Reserved Forests.

J. HULLAH,
*Third Secretary to the Chief Commissioner,
Central Provinces.*

ANNEXURE 9.08

Forest land – Removal of
encroachment & Return of
Revenue Forest land to Forest
Department.

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Departments
CIRCULAR NO. LND-1076/2186-G1,
Sachivalaya, Bombay-32
Dated 14th April, 1976

READ

- 1) Government Resolution, Revenue and Forests Department No.FLD.4863/23372/Y, dated 29th January, 1965.
- 2) Government Resolution, Revenue and Forests Department No.FLD.1069/43178/Y, dated 22nd March, 1969.
- 3) Government Resolution, Revenue and Forests Department No.LEN.1069/23477/All, dated 14th August, 1972.
- 4) Government Resolution, Revenue and Forests Department No.LND.1075/1092/G1, dated 31st October, 1975.

CIRCULAR

Although Forest lands are largely in-charge of the Forest Department, sizeable area of the forest land is still in charge of the REvenue Department. The Forest area in the State being grossly inadequate, Government has always viewed with concern the encroachments on forest land in charge of the Forest Department. It is for this reason that the Govt. Resolution, dated the 14th August 1972 specifically excluded the forest land in charge of Forest Department from the application the orders contained therein. Govt. has also reiterated its policy with regard to these encroachments in the orders contained in Govt. Resolution, dated 31st October 1975 which clearly lay down that all encroachments on forest lands in charge of Forest Department are to be removed save where Govt. had expressly directed otherwise in any specific cases. Govt. desires that expect in the cases where specific orders have been issued by Govt. immediate action should be taken to remove all encroachments on Forest land in charge of Forest Department and the Collector should actively assist the forest officials in the removal of such encroachments.

2. There have also been encroachments on forest lands in charge of the Revenue Department. These encroachments are to be dealt with in accordance with the Govt. Resolution, dated 14th August, 1972. According to these orders only those encroachers who are continuously in occupation of the land as encroachers from a date prior to 15th August, 1972 and are otherwise eligible to the grant of land according to the Maharashtra Land Revenue (Disposal of Govt. Lands) Rules, 1971, are entitled to a grant of land to make up a maximum of 2 hectares. In the remaining cases and in cases where larger areas are in occupation, the encroachers are to be removed from the revenue forest land or from the excess area which cannot be settled with them. Govt. desires that the Collectors should immediately take action to regularise the encroachments in cases where the same is required to be done according to the orders in force and evict summarily those who are ^{not} entitled to regularisation so as to enable the Forest Department to chalk out plans for their early afforestation

3 In a number of cases, forest lands in charge of Revenue Department were given out on eksali lease for cultivation. The Govt. Resolution dtd. 22nd March, 1969 deals with such leases. After this Resolution came into force, fresh eksali leases of forest land have been prohibited. As regards the leases already made, in the case of persons who are continuously in occupation on eksali lease basis from a date prior to 22nd March, 1969 in pursuance of the eksali leases given to them by the Collectors from year to year, the grant of the land is to be made on new and impartible tenure. In all the remaining cases, the occupiers are to be evicted from the revenue forest lands.

4 The attention of the Collectors is also invited to the Govt. Resolution, dtd. 29th January, 1965 which directs that all forest lands in charge of the Revenue Department should be returned back to the Forest Department where these are sizeable blocks exceeding 100 acres of forest land or areas which are contiguous to other managed forest lands. It is presumed that all such transfers have been made and where not so made, it should be immediately done. Further Government considers that in view of the inadequacy of the forest area and the desirability to develop these revenue forest lands by afforestation under the various schemes, the Collectors should lose no time in handing over to

the Forest Department all the revenue forest lands regardless of their size which the Forest Department is willing to take over, except in cases where the lands have been assigned for a public purpose or have to be regularized for cultivation as mentioned above.

5 Govt. desires that special drive should be made in the next two months to implement these orders fully.

By order and in the name of the Governor of Maharashtra

SD/-
(L .S. LULLA)
Secretary to Government

To,

All the Collectors (except Bombay & B.S.D.),
All the Divisional Forest Officers
All the Conservators of Forests,
The Chief Conservator of Forests, M.S. Pune

Copies to

All commissioners of Divisions,
F3 & G2 Desks of Revenue and Forests Department.

ANNEXURE 9.09

Subject:- Afforestation of forest land removal of unauthorized cultivation on forest lands allotment to forest Department of unallotted Government land.

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Departments
CIRCULAR NO. FLD-1076/110-F-3,
Sachivalaya, Bombay-32
Dated 4th August 1976

READ:-Govt. Resolution, Revenue and Forests Department No.LND.1075/1092-G1, dated 31st October 1975.
Govt. Circular, Revenue and Forests Department No.LND.1076/2186-G1, dated 14th April 1976.
Govt. Circular, Revenue and Forests Department No.LND.1076/78392-F-3, dated 28th May 1976.

CIRCULAR:

Instructions have previously been issued that it is the considered policy of the Government not to disforest any forest lands and to remove all encroachment thereon. Government desire to reiterate the strict instructions that all encroachment on forest lands (whether they are forests vested in the Forest Department or forest areas under the management of the Revenue Department or unclassified forests) must be removed and no land shall in any case be hereafter disforested either with a view to settle the encroachers or resettle displaced persons. As already mentioned earlier, no forest land can be disforested nor can possession of any forest land be handed over to any Department or party or institutions without the prior approval of the Cabinet and it also has been decided that such approval shall not be accorded except in cases of inescapable necessity which provide no alternative.

2. A natural corollary of the above is that forest lands cannot hereafter be leased out for cultivation, and any lease granted in respect of such lands should not be renewed. Such forest lands should be handed over to Forests Department for afforestation. Similarly, any encroachments on forest lands should be speedily removed.

3. It is clarified that the above instructions and orders supersede all previous instructions, and both the Collectors and the Forest Officers must implement them strictly.

4. The above instructions have been desired to be reiterated since requests still continue to be received by Government suggesting disforestation of forest lands for rehabilitation grant to encroachers. As mentioned above, a firm decisions have been taken that under no circumstances will Government hereafter agree to disforest forest land for these purposes and not reference need therefore, be made to Government for disforestation on these grounds. In other cases, where disforestation is desired on grounds of inescapable necessity providing no other alternative, the Department seeking disforestation

has to submit the justification to the Revenue and Forests Department as mentioned in the Circular letter of 28th May 1976 to enable it to examine the matter and put up to the Cabinet if considered necessary.

5. Instructions have been issued on 14th April 1976 that forest lands under the management of the Revenue Department should be handed back to the Forest Department if that Department is willing to take over the same. These instructions are again reiterated and it is directed that all revenue forest land not already assigned for a public purpose should be handed back to the Forest Department and mutation entries made.

6. Government waste land comprising pockets in forest areas or considered unsuitable for cultivation should likewise be handed over to the Forest Department for afforestation. Similarly, 'surplus' land considered not suitable for cultivation or comprising of pockets in forest lands should be handed over to the Forest Department if that Department is willing to take it over for afforestation. In both cases, mutation entries be made.

7. Should any clarification be desired in any particular case, the Collector may refer the same by demi official letter to Secretary (I)

By order and in the name of the Governor of Maharashtra

SD/-
(L. S. LULLA)
Secretary to Government

To,

The Chief Conservator of Forests, Maharashtra State, Pune,
Commissioners of Divisions,
All Conservators of Forests,
All Collectors of Districts,
All Divisional Forest Officers/ Sub-Divisional Forest Officers of
Independent Sub-Divisions.
G1, G2, G3, G4, G6, G8, L7, R1, R2 and R12 Desks in Revenue and Forests
Department.
All Forests Desks in Revenue and Forests Department.
All Chief Executive Officers of Zilla Parishada.
All Departments of Sachivalaya.

ANNEXURE 9.10

शासकीय जमिनीवरील कांदळवन क्षेत्रास 'राखीव वने' म्हणून अधिसूचित करण्याबाबत.

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन निर्णय क्रमांक : एस-१०/२०१३/प्र.क्र.६४/फ-३.
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : २५ जून, २०१३.

वाचा :-

प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य यांचेकडील पत्र क्र.कक्ष-१२/जमिन/
३/मॅग्नो/प्र.क्र.१ (०८-०९)/भाग-३/०३७, दिनांक २१.०२.२०१३.

प्रस्तावना :-

रिट याचिका क्र. ३२४६/२००४ मध्ये मा.मुंबई उच्च न्यायालयाने दिनांक ६.१०.२००५ च्या आदेशानुसार राज्यातील कांदळवनाचे व्यवस्थापन, संरक्षण व संवर्धनासाठी प्रभावी पाऊले उचलण्याचे निदेश दिले होते. त्यानुषंगाने शासकीय जमिनीवरील कांदळवन क्षेत्रास भारतीय वन अधिनियम, १९२७ अनुसार संरक्षित वन म्हणून अधिसूचित करण्याबाबतची प्रक्रिया सुरु आहे.

२. राज्यात कांदळवन क्षेत्राची व्याप्ती, कांदळवनांचे पर्यावरणीय महत्व, सुनामी, फयान तसेच चक्रीवादळ सारख्या नैसर्गिक आपत्तीपासून बचाव करण्यासंदर्भात कांदळवनाचे महत्व इत्यादी विचारात घेता उक्त संदर्भान्वये प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) यांनी शासकीय जमिनीवरील कांदळवन क्षेत्रास भारतीय वन अधिनियम, १९२७ अनुसार राखीव वने म्हणून अधिसूचित करण्याबाबतचा प्रस्ताव शासनास सादर केलेला आहे. उक्त पार्श्वभूमीवर शासकीय जमिनीवरील कांदळवन क्षेत्रास पुरेसे वैधानिक संरक्षण प्रदान करण्याच्या दृष्टीने त्यास राखीव वने म्हणून गतीत करण्याची बाब शासनाच्या विचाराधीन होती. त्यानुषंगाने शासनाने आता पुढीलप्रमाणे निर्णय घेतला आहे.

शासन निर्णय :-

३. कांदळवनाचे पर्यावरणीय महत्व विचारात घेता, शासकीय जमिनीवरील कांदळवन क्षेत्रास पुरेसे वैधानिक संरक्षण प्रदान करण्याच्या दृष्टीने पुढीलप्रमाणे निर्देश देण्यात येत आहे.

१. आतापर्यंत संरक्षित वन म्हणून अधिसूचित करण्यात आलेल्या सर्व कांदळवन क्षेत्रास भारतीय वन अधिनियम, १९२७ मधील तरतुदीनुसार 'राखीव वने' म्हणून अधिसूचित करण्याबाबत कार्यवाही करावी.

२. यापुढे शासकीय जमिनीवरील कांदळवन क्षेत्रास संरक्षित वनाऐवजी 'राखीव वने' म्हणून अधिसूचित करण्याबाबतचे प्रस्ताव शासनास सादर होतील, याची दक्षता घ्यावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने.


(सजीव मौड)
सह सचिव (वने)

प्रति,

- १) अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२
- २) अपर मुख्य सचिव, गृह विभाग, मंत्रालय, मुंबई ३२.
- ३) सचिव (पर्यटन), पर्यटन व सांस्कृतिक कार्य विभाग, मंत्रालय, मुंबई-३२.
- ४) सचिव, पर्यावरण विभाग, मंत्रालय, मुंबई ३२
- ५) आयुक्त, बृहन्मुंबई महानगर पालिका, मुंबई.
- ६) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- ७) प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर.
- ८) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई.
- ९) जमाबंदी आयुक्त आणि संचालक, भूमी अभिलेख महाराष्ट्र राज्य, पुणे,
- १०) अपर प्रधान मुख्य वनसंरक्षक (प्रशासन-दुय्यम संवर्ग), महाराष्ट्र राज्य, नागपूर.
- ११) अपर प्रधान मुख्य वनसंरक्षक (अर्थसंकल्प, नियोजन व विकास), महाराष्ट्र राज्य, नागपूर.
- १२) अपर प्रधान मुख्य वनसंरक्षक (केंद्रस्थ अधिकारी), महाराष्ट्र राज्य, नागपूर.
- १३) अपर प्रधान मुख्य वनसंरक्षक (संधारण), महाराष्ट्र राज्य, नागपूर.
- १४) अपर मुख्य वनसंरक्षक (वन्यजीव) पश्चिम, मुंबई.
- १५) पोलीस आयुक्त, मुंबई.
- १६) आयुक्त, ठाणे महानगर पालिका, ठाणे.
- १७) आयुक्त, कल्याण-डोंबिवली महानगर पालिका, कल्याण.
- १८) आयुक्त, नवी मुंबई महानगर पालिका, नवी मुंबई.
- १९) आयुक्त, मिरा-भाईंदर महानगर पालिका, भाईंदर.
- २०) आयुक्त, भिवंडी महानगर पालिका, भिवंडी.
- २१) आयुक्त, उल्हासनगर महानगर पालिका, उल्हासनगर.
- २२) व्यवस्थापकीय संचालक, सिडको, नवी मुंबई.
- २३) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, बांद्रा-कुर्ला संकुल, मुंबई.
- २४) जिल्हाधिकारी, मुंबई / मुंबई उपनगर / ठाणे / रायगड / रत्नागिरी / सिंधुदूर्ग.
- २५) पोलीस अधिक्षक, ठाणे / रायगड / रत्नागिरी / सिंधुदूर्ग.
- २६) सर्व मुख्य वनसंरक्षक (प्रादेशिक) / सर्व वनसंरक्षक (प्रादेशिक)/ सर्व संबंधित उपवनसंरक्षक.
- २७) संचालक, एम.आर.एस.ए.सी., नागपूर,
- २८) अधिक्षक भूमी अभिलेख (ठाणे / रत्नागिरी / रायगड / सिंधुदूर्ग.)
- २९) सर्व कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई - ४०००३२
- ३०) फ-३ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई-३२. (निवडनस्ती).

ANNEXURE 10.01

Forest Lands-
Release of forest lands for
public purposes.

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department,
Resolution No. FLD.1080/1580/F-3,
Mantralaya, Bombay-400 032.
Dated the 1st April, 1980

RESOLUTION OF GOVERNMENT

It is the firm policy of Government not to release forest lands unless it is inescapable. Release of forest land is, therefore, possible only where there are general or special orders of Government authorising the same. Government has considered the question of giving general authorisation for release of forest land for public purposes where no other land is available, and is pleased to issue the following instructions :-

- (1) The scope of these orders is restricted to the lands required by any of the Departments of the State Government or by the Government of India for their own purposes or by local authorities for public purposes.
- (2) The proposals contemplating release of forest land for any of the purposes mentioned in (1) above should be initially scrutinized by the Collector of the District concerned with reference to the following points-
 - (a) The proposal is restricted to the barest minimum of the land required.
 - (b) No other Government lands or land owned by local authorities is available.
 - (c) There is no suitable private land which can be acquired.

N.B. In deciding availability of suitable private land which could be acquired for the purpose, the cost of acquisition should be no consideration as it has to be weighed against the release of forest land contrary to the firm policy of Government against disforestation.

- (d) The work for which the land is required has been technically approved and administratively sanctioned.
- (e) The work is likely to be taken up in the very near future.
- (f) The proposal does not involve commercial user of the land.

N.B. For the purposes of these orders, the use of land for public utility services such as Railways, Post and Telegraph, etc. shall not be construed as commercial user.

- (3) If after scrutinizing the proposal accordingly the Collector is personally satisfied that the land is required for the purposes of Government Departments or local authorities, etc., and that no other suitable land can be made available for the purpose he may approach the territorial Conservator of Forests concerned for release of the minimum of the forest land required for the purpose with a certificate that on the basis of the

enquiries made by him with reference to the foregoing points, he is personally satisfied about the inescapable need to release the forest land.

- (4) On ground of the proposal, if the territorial Conservator of Forests is satisfied that the land can be released without involving any complications from the point of management of forest (such as honey combing of forest areas, facilitating or encouraging trespass in forest areas, etc.) he should release in individual cases area up to 2 hectares in his own authority and an area upto 4 Hectares with the prior approval of the Chief Conservator of Forests. Area over 4 Hectares should in no case be released without obtaining the specific prior approval of the State Government.
- (5) As soon as decision to release of forest land is accordingly taken the land should be got demarcated and handed over to the Revenue Department after removing the tree growth which the authority requiring the land is unable to agree to retain and maintain consistent with the purpose for which the land is to be used. The statutory disforestation may follow thereafter in due course. The cost of removal of tree growth should, however, be recovered from the said authority.
- (6) As soon as the Revenue Department gets possession of the land it should take further action relating to transferring the same to the Department of the Government or the local authority, etc., concerned, strictly in accordance with the Maharashtra Land Revenue Code, the Rules there under and the relevant orders governing the same. Release of forest land by the Forest Department as per these orders does not by itself constitute any authority for disposal of the same. The disposal will have to be governed appropriately by the aforesaid provisions of law, rules and orders and subject to the approval of the prescribed authority, if any.
- (7) The following additional conditions shall however, apply to the disposal of such land :-
 - (i) As far as possible removal of trees will be restricted to the minimum.
 - (ii) The authority to whom the lands are transferred should plant and maintain maximum number of trees in the land which it can do consistent with the user.
 - (iii) If after a reasonable time the lands are found not to have been utilized for the purpose for which they were released the land shall be relinquished to Forest Department.

2. The Departments of Mantralaya should advise the various offices under their control to approach the Collector of the District for release of the forest lands in accordance with these orders, whenever occasions arises for them to have such lands either for their own purpose or for the purpose of Government of India or for the purpose of local authorities.

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

Sd/-

(C.K. SHIDHAYE)

Under Secretary to the Government of Maharashtra
Revenue and Forests Department.

To,
The Chief Conservator of Forests, Maharashtra State, Pune
All Territorial Conservators of Forests,
All Commissioners of Divisions
All Collectors of Districts,
All Divisional Forest Officers
The Settlement Commissioner and Director of Land Records, Maharashtra State, Pune,
All Departments of Mantralaya,
All Desks in the Revenue and Forests Department.

ANNEXURE 10.02

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

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

Govt. Circular, Revenue and Forests Department, NO. FLD. 1075/
1082-G1, dated the 31st October 1975.

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

CIRCULAR.

The forest area in Maharashtra is inadequate, being below 2% against 33.1/3% recommended by the National Commission on Agriculture. During the last decade or so, disforestation has assumed serious proportions and considerable forest areas have been disforested for various purposes such as cultivation establishment of model colonies, rehabilitation of project affected and other persons, construction of dams, establishment of gasheams and even for industrial and commercial purposes. This in turn must have adverse effects in various fields, including soil erosion, floods, droughts, scarcity conditions, extinction of wild life habitat in which wild life can survive, pastures, etc. Government has accordingly decided that it is necessary that the disforestation of forest lands should be severely discouraged and proposals made for disforestation only in very exceptional circumstances when inescapably necessary. It takes many years to grow a forest and the forest areas are not easily substitutable. Government has accordingly decided that every case where disforestation is proposed should be brought before the Cabinet to enable it to scrutinise and satisfy itself that the disforestation is absolutely inescapable and there is no alternative.

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

(p.t.c)

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

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

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

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

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

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

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

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

M. S. Lulla
28/5/76
(L.S. LULLA)
Secretary to Government.

MA

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

ANNEXURE 10.03

Dalhi lands :
Leased for cultivation Permanent
Grant of -

Government of Maharashtra,
Revenue and Forests Department,
Resolution No. FLD.4268/27023-W,
Mumbai, Bombay-40, 20th July, 1971.

Read :- Government, Resolution, Revenue & Forests Department
No. FLD.4268/27023-W, dated 14th January 1970.

RESOLUTION :- In Government Resolution, Revenue & Forests
Department No. FLD.4268/27023-W, dated 14th January 1970 ,
Government has taken a decision that the Dalhi lands in Kolaba
District which were given on lease to plot holders should be
granted permanently to these holders. As per instructions
issued in para 1 (iii) of that Government Resolution, Dalhi
lands were to be surveyed and such of the plots as are un-
productive or unfit for cultivation were to be resumed by the
Forest Department and equivalent alternative land suitable for
cultivation was to be released to the respective plot holders.
However, on examination of this question, it is now found that
there are no alternative lands available in ^{Kolaba District} ~~the Forest Department~~
which could be given to these Dalhi holders.
If these unproductive lands are not distributed, Dalhi plot
holders are bound to get very small area. Government has,
therefore, decided that all the available Dalhi lands should
be ^{disforested and} granted to these Dalhi plot holders. Accordingly in modifi-
-cation of the orders issued in para 1(iii) of the Government
Resolution under reference Government is pleased to direct
that the enquiry regarding fitness or suitability of the Dalhi
lands need not be held and that all the 28000 acres of Dalhi
land should be distributed among the 8000 plot holders.

The Chief Conservator of Forest should now take
further immediate steps regarding disforestation, removal of

tree growth and survey and demarcation of these lands
and grant of these lands on permanent basis.

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

Under Secretary to Government of Maharashtra,
Revenue and Forests Department.

Copies to:-

The Chief Conservator of Forests, Maharashtra State, Poona.

The Commissioner, Bombay Division, Bombay.

The Conservator of Forest, Thane Circle, Thane.

The Collector of Kolaba, Alibag.

The Revenue and Forests Department, '4-II' Section Officer.

The Revenue and Forests Department, 1st Branch.

The Divisional Forest Officer, Kolaba, Alibag.

The Sub-Divisional Forest Officer, Rohna Sub-Division,
Rohna District, Kolaba.

Personal Assistant to Minister (Forests)

Personal Assistant to Deputy Minister (Forests).

-X-X-X-

ANNEXURE 10.04

Encroachments
Regularization of – made on
Government waste, Forest and gairan,
for cultivation

Government Of Maharashtra
Revenue and Forests Department.
Government Resolution No. LEN 1069/23477-A-II
Sachivalaya, Bombay-32 (BR), Dated the 14th August 1972

RESOLUTION OF GOVERNMENT

With a view to meet the increasing demand of land from landless persons, particularly from backward classes, systematic efforts have been made by Government since 1960 to distribute all available Government lands for cultivation. As a result, substantial area of Government lands has so far been distributed to landless persons, most of whom were back-ward class persons. In spite of these efforts to satisfy the needs of the landless persons by distributing all available lands, it is noticed that the tendency of occupying Government lands unauthorisedly and bringing them under cultivation was increasing day by day. Necessary instructions therefore been issued to the Collectors in Government circulars No. LND-4764/154896-B, dated 7th August 1965 and No. LEN 1067/107879/B, dated 22nd December 1967 directing that all encroachments of Government lands should be seriously dealt with and the encroachers evicted from the lands. It was, however, noticed that the encroachers are generally reluctant to vacate the encroached lands and that it becomes difficult to remove the encroachments after a lapse of considerable time. In view of this, Government had issued instructions in Government Circular No. LND 1068/197549/A, dated 23 rd August 1968 that the encroachers should be summarily evicted from the Government lands unauthorisedly occupied, without waiting for the crops raised by them to be harvested.

2. A recent survey undertaken by Government has revealed that a substantial area of Government waste lands, forest lands transferred to the Revenue Department and the grazing lands have been heavily encroached upon throughout the State, and that most of the encroachers belong to backward classes and are landless agricultural labourers, who belong to weaker sections of the Society. It is also reported that almost all of them have no other source of livelihood, except the lands unauthorisedly occupied by them. Having regard to a large number of encroachers who have occupied Government lands and the fact that they belong to the weaker sections of the society and have made encroachments out of economic necessity and will be put to great hardship if their only means of livelihood taken away, Government is of the view that a lenient view of the unauthorized action on the part of the encroachers should be taken. Government has, therefore, decided that as a matter of grace the encroachments existing at present i.e. those made upto the 15th August 1972 on Government lands vesting in the Revenue department should be settled as a special case with the encroachers to the extent mentioned below:-

i) **Government waste lands and forest lands transferred to the Revenue department:-** Encroached lands upto the area of 2 Hectares should be granted to the encroachers, provided they are otherwise eligible for the grant of Government lands in accordance with the provisions of Part III of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971;

ii) **Grazing Lands:-** Grazing lands, which have been encroached upon, should be resumed by Government as being not required by the Village Panchyats for the purpose for which they were vested in them in case the encroachments relate to the period after 1st October 1965 and do not cease to vest in the Village Panchayats, as provided for in Section 51(1-A) of the Bombay Village Panchat Act, 1958, and granted to the encroachers on the same conditions as in the case of (i) above;

and

iii) **Forest Lands in charge of the Revenue Department:-** The encroached forest lands should be disforested and then granted to encroachers subject to the same terms and conditions as in the case of (i) above.

3. All the encroachments now existing should be settled with encroachers by 30th April 1973 as indicated above. Government is pleased to hereby declare that in future no further encroachment be tolerated on Government Lands under any circumstances and the action will be taken against the encroachers if any unauthorized cultivation is made in Government lands hereafter.

4. Government also is pleased to direct that all waste and forest lands transferred to the Revenue Department available for distribution should be distributed as far as possible during the current agri year.

5. The above orders are only applicable to the encroachments existing on lands in charge of the Revenue Department and not to lands in charge of the Forest Department.

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

A.D.VAIDYA ,
Section Officer,
Government of Maharashtra.

To
All the Commissioners of the Divisions,
All the Collectors of the Districts,
The Chief Conservator of Forests, Maharashtra State, Poona,
All Conservators of Circles,
The Rural Development Department,
A-III Section and W Branch of Revenue and Forest Department,
All other Branches and Sections in the Revenue and Forest Department,
All Officers in the Revenue and Forest Department,

No. _____ of 1972

Copy forwarded for information and guidance to-

ANNEXURE 10.05

Encroachments.

Regularisation of - made on Government waste lands, gairan lands and Forest lands for cultivation.

GOVERNMENT OF MAHARASHTRA

Revenue and Forests Department.

Government Resolution No. LEN-1078/3483-G1.

Mantralaya, Bombay-400 032, Dated 27th December 1978.

READ:- Government Resolution, No. LEN-1069/23477-A-IX, dated 14th August 1972.

Government Resolution, Agriculture and Forests Department, No. FLD-4860/25760-E, dated 3rd September 1960 (as amended from time to time).

Government Resolution, Agriculture and Forests Department, No. FLD-4861/20878-E, dated 1st September 1961 (as amended).

GOVERNMENT RESOLUTION:- Orders were issued in the past for regularisation of encroachments on Government waste lands, Revenue forest lands, Forest lands in charge of Forest Department (in Nasik and Thane Districts) and gairans, made for cultivation, subject to certain terms and conditions. Accordingly, action has been taken by the Officers of the Forest Department and of the Revenue Department to regularise these encroachments. In a number of such cases, however, the encroachments are yet to be dealt with according to these orders. Besides, new encroachments have also taken place. In most of these cases the encroachers belong to Backward Classes or economically weaker sections of the community. Government have, therefore, decided that all the subsisting encroachments on Government lands (including Forest lands) which were existing on 31st March 1978 should be regularised and for that purpose is pleased to direct, in exercise of its powers under section 40 of the Maharashtra Land Revenue Code, 1966 and all other powers enabling it in that behalf, as under.

2. Eligibility for regularisation.

All subsisting encroachments on Government waste lands, gairan lands, Revenue forest lands and Forest lands in charge of the Forest Department made for cultivation, which existed on 31st March 1978 should be regularised provided

(i) The encroacher is—

- (a) a person belonging to Backward Class, i.e. Scheduled Castes, Scheduled Tribes, Nomadic Tribes, Vimukta Jatis or Neo-Buddhist, or
- (b) a person whose total annual income including the income of members of his family does not exceed Rs. 3,600/-.

NOTE:- In most cases encroachers belong to Backward Classes as mentioned above, which constitute economically weaker sections of the community. In very few cases, if at all, such an encroacher is likely to have annual income of more than Rs. 3600 in spite of his falling within the total holding limit. In view of this, in the interest of speedy disposal of regularisation work, it has not been considered necessary to specifically

impose the income condition in respect of encroachers of Backward Classes (other than Other Backward Classes). However, if in any case the Collector considers that regularisation of encroachments would not be desirable or advisable on account of the fact that the encroacher is affluent or well-to-do, he may refer the case to Government for orders.

- (ii) The usual place of residence of the encroacher is within the radius of 8 kilo-meters from the land encroached upon;
- (iii) The encroacher is a landless person or the total land lawfully held by him in any capacity is less than 2 hectares of jirayat land;

a n d

- (iv) The encroachment to the extent of an area equal to 2 hectares of jirayat land shall only be regularised. Where the encroacher is holding some jirayat land either as owner or in any other capacity, the regularisation shall be limited to such area as would bring his such total holding equal to 2 hectares of jirayat land.

3. Encroachments basically ineligible.

The following encroachments shall not in any case be regularised —

- (a) Encroachments made after 31st March 1978;
- (b) Encroachments in areas along the border of this State made by persons domiciled in other States.

NOTE:- In border areas the encroacher whose name does not appear in the Voters' List of the last Assembly Election should be deemed to be a person belonging to other State, unless he proves otherwise.

4. Encroachments on Forest Lands.

The encroachments made in the midst of the forest or on forest lands with more than 10% gradient should not be regularised though otherwise eligible. The encroachers on such land should, however, be allowed to remain on the encroached land only to the extent of the area to the regularisation of which they are otherwise eligible, till they are provided alternate land to the permissible extent. Suitable alternate land should be found out from other encroachments not eligible for regularisation, or from the areas on the fringe of the forest. The suitability of the alternate land for cultivation proposed to be brought under cultivation for the first time should be decided in consultation with the Block Agricultural officers concerned and the land so decided should be granted to the encroacher to the extent to which they are found otherwise eligible for regularisation of encroachments.

5. Land in Metropolitan Region.

Encroachments on lands in any Metropolitan Region established under the Maharashtra Regional and Town Planning Act, 1966 all not be regularised except with the previous approval of the State Government.

6. Disforestation.

The Forest land (including Revenue forest land), the encroachments on which are to be regularised or to which the encroachers are to be shifted, should be disforested.

7. Gairan land.

The gairan lands, the encroachments on which are eligible for regularisation should be resumed to Government by the Collectors under section 51 of the Bombay Village Panchayats Act, 1958.

8. Fragment.

In case the land encroached upon is a fragment (i.e. less than the standard area fixed under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1948) and the encroacher is found entitled to regularisation of encroachment as per the foregoing orders, the encroachments should be regularised in the following cases by granting additional Government land, wherever necessary to make the area equal to the standard area --

- (a) The encroacher holds other land of his own which is contiguous to such a fragment:- In such a case the encroached area would merge with the other land of the encroacher and therefore, the question of creation of fragment would not arise.
- (b) The encroached fragment is separated from the other land of the encroacher only by a strip of uncultivable Government land:- In such a case the entire land i.e. the encroached portion and the intervening strip of Government land should be given to the encroacher (subject to other conditions) to avoid creation of a fragment.
- (c) Adequate Government land is available adjacent to the encroached fragment and the encroacher is not having any other land of his own:- In such a case encroacher be granted so much land as would together with encroached area make up the standard area.
- (d) The encroacher holds some land of his own but away from the encroached fragment and adequate Government land is available adjacent to the encroached fragment:- The encroacher be given Government land (in addition to encroached fragment) to make up the standard area only if the encroached fragment is not less than 40% of the standard area.

In all other cases of encroached fragments, the encroachment should be removed.

9. There may also be some cases in which the encroacher, having regard to the other land held by him, may be found eligible to get only a part of the encroached area (situated away from the other land held by him). If the area which he is thus entitled to get is less than the standard area, regularisation of encroachment

would not be possible. This will be clear from the following example (the data wherein is hypothetical)---

(i) Encroached area	... 1 hectare
(ii) Other land held by the encroacher.	... 1.3 hectare
(iii) The area eligible for regularisation.	... 0.7 hectare
(iv) The standard area.	... 0.8 hectare

In this case, if additional area of 10 Ares is granted the creation of fragment would be avoided. In such cases, therefore, the encroachment may be regularised by granting, where necessary, additional area not exceeding 10 Ares. In other cases wherein the additional area of encroachment required for regularisation exceeds 10 Ares the encroachment should not be regularised.

10. Removal of ineligible encroachments.

The encroachments or parts thereof not eligible for regularisation according to the foregoing orders should be removed forthwith. The Officers of Revenue Department and Forests Department should henceforth be vigilant and should not allow any fresh encroachment. Any laxity in this behalf will be viewed seriously.

11. These orders apply to all the subsisting encroachments. The scheme envisaged in these orders should be implemented as per the Time-bound programme given in Annexure 'A' and in the light of the instructions given in Annexure 'B'. The Officers concerned should however, feel free to deviate marginally from these instructions, provided they are thereby able to implement the Scheme better, more speedily and without any confusion. The listing of the encroachments as stipulated in the instructions should not, however, be dispensed with.

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

C.K. SHIDHAYE,
Under Secretary to Government.

G.R., R.&F.D. No. LEN-1078/3483-G-1, dated the 27th December 1978.

To

All Commissioners,
The Chief Conservator of Forests, Pune,
The Settlement Commissioner and Director of Land Records, Pune,
All Collectors of Districts,
All Territorial Conservators of Forests,
The Deputy Directors of Land Records, Nagpur, Aurangabad, Pune and Bombay,
All Sub-Divisional Officers,
All Divisional Forests Officers and Sub-Divisional Forests Officers of Independent Sub-Divisions,
All Tahsildars
All District Inspectors of Land Records,
The Chief Director of Information and Public Relations,
The Rural Development Department, the Agriculture and Cooperation Department/the Urban Development & Public Health Department,
The F-3 Desk of Revenue and Forests Department,
All Other Desks of Revenue and Forests Department,
All Officers of Revenue and Forests Department.

NO. of 1978
Copy forwarded for information and guidance to -

H-1085(2,500+3-1-79)-2a.

ANNEXURE - 'A'

Time-bound programme for regularisation of encroachments.

S t a g e 1	Time limit. 2	By Revenue Department. 3	By Forest Department. 4
I. Preparation of list of all subsisting encroachments made prior to 1st April, 1978.	20-1-1979	For :- (i) Govern- ment Waste Land (ii) Revenue Forest land (iii) Gairan land.	For Forest land.
I-A. Preparation of list of encroachments from I above in case of :- (i) Encroachments in the midst of forest. (ii) Encroachments on land with more than 10% gradient.	NIL		For Forest land.
II. Determination of the eligibility and extent of land admissible with reference to:- (i) the other lands lawfully held by encroacher. (ii) the place of residence.	20-2-1979	For all lands including Forest land.	

(iii) Income wherever necessary.			
III.	(a) Provisional measurement.		(a) & (b) for Forest land.
	(b) Adhoc' Demarcation.	15- 3-1979	(i),(ii) and(iii) lands at above.
	(c) Fixation of provisional Land Revenue on adhoc basic.		(c) for lands at (i),(ii) and (iii) above and also for forests land.
	(d) Formal handing of forest lands to Revenue Department for regularisation of encroachment.		(d) for Forests land.
IV.	Issue of order of regularisation and grant of sanads with provisional details of land and assessment.	31- 3-1979	For all lands including forest land.
V.	Completion of final measurement and levy of assessment as also correction of sanads accordingly.	31- 5-1979	For all lands with the help of Survey and Settlement Department.

ANNEXURE - 'B'

INSTRUCTIONS

1. (i) These orders relate to encroachments which satisfy both the following criteria, viz:

(a) the encroachment is at present subsisting;

and

(b) the encroachment existed on 31st March, 1978.

Essentially, the decision is regarding regularisation (as distinct from grant), and if there is no subsisting encroachment, there can be no regularisation. The question of regularising earlier encroachments which have ceased to exist should not therefore arise.

The earlier encroachments which are still subsisting should now be dealt with according to the present orders and not as per similar decisions in the past which were not implemented in their cases.

Stage I

*List-A

(ii) As a first step for implementing these decisions all continuing encroachments made prior 1st April, 1978 and subsisting should be *listed. The Forest Department should list such encroachments on forest land and the Revenue Department should separately list such encroachments made

(a) Government waste land,

(b) Grazing lands,

(c) Forest lands in charge of Revenue Department

@List-B

These lists should be prepared villagewise. In addition the Forest Department should prepare @list of subsisting encroachments made in the midst of the forest or on forest land with more than 10% gradient which are not eligible for regularisation though otherwise eligible according to the above criteria.

(iii) It is true that in 'kharif' areas no encroacher could be in physical possession of land on 31st March, 1978 when kharif season of 1977-78 was over. But if he had encroached on the land in the kharif season of 1977-78 as also in the kharif season of 1978-79, the circumstantial evidence is clearly and logically in favour of the view that he was an encroacher on 31st March, 1978 and his encroachment has continued and is subsisting. He is thus eligible for regularisation upto the permissible extent provided he is otherwise entitled.

(iv) In deciding the factum of encroachment as on 31st March, 1978 and its subsistence, all evidence (of every relevant sort) on record as also the evidence which the encroacher may be in a position to produce should be relied upon and recorded. The encroacher should be given an opportunity to produce his evidence for the purpose. Normally entries in the 'Pik Pahani Patrak' would form the

basic evidence of encroachment. However in those cases where other sufficient evidence is available to establish the fact of encroachment, absence of entry in 'Pik Pahani Patrak' need not disqualify the encroacher for getting his encroachment regularised under this Scheme.

(v) In the areas along the border of the State the subsisting encroachments made by persons belonging to other States should not be considered eligible for regularisation even-though they may be of the relevant period. To weed out such encroachers only those encroachers (or their heirs) whose name appeared in the voters' list of the relevant Assembly Constituency followed in the last General Election should be considered as the persons belonging to this State.

Land in
metropo-
litan
Region.

(v-a) Encroachments on lands in any Metropolitan Region established under the Maharashtra Regional and Town Planning Act, 1966 should not be regularised except with the previous approval of Government. Proposals in that behalf should be restricted to 'No Development Zones' or 'Green Zones' and should be accompanied by the opinion of the Development Authority.

*List-E

(vi) Such of the subsisting encroachments as are not included in the list prepared as per (ii) above (as they were found to have been made after 31st March, 1978) should be separately *listed so that these lists together would record all the subsisting encroachments and it would be easier to detect and evict encroachments made after 31st March, 1978. While preparing the lists utmost care to cover all encroachments correctly and thoroughly should be taken. Copies of the lists of subsisting encroachments which existed on 31st March, 1978 should be sent to the District Collector and Divisional Commissioner by the Tahsildar in case of Government lands, Revenue Forest lands and grazing lands and to the Conservator of Forests and Chief Conservator of Forests by the Divisional Forests Officer in case of forest lands. One copy of the list of subsisting encroachments which existed on 31st March, 1978 should be displayed in Tahsildars' and Range Forest Officers' Offices for public information.

The work of these lists should be completed by the 20th January, 1979.

Stage II

(vii) As soon as these lists are completed and the lists of subsisting encroachments found eligible for consideration of their regularisation is thus available, the work of deciding eligibility of encroachers appearing in that list and the extent of encroachment entitled for regularisation should be taken in hand with reference to the relevant factors, viz. other lands lawfully held by the encroachers, income limit of Rs. 3600/- p.a. in case of persons other than those belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis, Neo-Budhists and Nomadic Tribes and the distance of the usual residence of the encroachers. This work should be done by the Revenue Department for encroached forest lands also. A *list of eligible encroachers and the extent of area upto which regularisation is permissible

*List-C

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@List-D

accordingly found out should then be prepared. Similarly list of encroachers who are found ineligible should be prepared. This work should be completed by the 20th February 1979.

In case of fragments to be dealt with in accordance with the para 8 of the Government Resolution, the question whether the encroachment on fragment can be regularised and whether the encroacher is required to be granted additional area and is entitled to get it as stipulated in the aforesaid para, should be decided along with deciding his eligibility to get the encroachment regularised.

Similarly the extent of area of encroached land that would have been admissible to the encroachers on the forest lands (in the midst of the forest or with more than 10% gradient) if their encroachments were to be regularised, should also be determined simultaneously.

Stage III

(viii) Thereafter the work of provisional measurement of area which is found entitled for regularisation and its provisional demarcation should be done by the Forest Department for forest lands and that Department should then formally hand over possession of those lands to Revenue Department for further action regarding regularisation of encroachment. In the meantime, the Revenue Department should complete the work of provisional measurement and provisional demarcation of other encroached lands entitled for regularisation. Adhoc assessment of all these lands (including forest land) should also be done by the Revenue Department simultaneously.

For the purposes of identifying unsurveyed encroached lands the following procedure may be followed:-

- (1) If the land encroached upon is unsurveyed and consequently does not bear a survey number, it should be provisionally assigned the number consecutive to the last survey number of the revenue village to which the land would go.
- (2) If the land encroached upon bears a survey number it should be provisionally assigned the number consecutive to the number of the last sub-division of that survey number.

Rough sketch of these lands should then be prepared.

(ix) All this should be completed by the 15th March, 1979. For that purpose the Forest Department ought to complete its work of demarcation etc. well in time to permit the Revenue Department to complete the subsequent work of provisional assessment etc. within the prescribed time.

Stage IV

(x) In the fortnight's period between the 15th March, 1979, and the 31st March, 1979, the Revenue

Department must issue orders for regularisation of encroachments on all the eligible lands and grant sanads to the encroachers showing therein the area of the land and the provisional measurement and rough sketch of the land as also provisional assessment, subject to correction, in area as well as assessment after final measurement, demarcation and fixation of land revenue. It is of utmost importance to finish all this work by the 31st March, 1979 so that the holders of the land can raise institutional finance required for cultivation of these lands in the next season.

Stage V

(xi) Thereafter the work of final measurement, demarcation, preparation of maps and fixation of land revenue as also that of correcting the sanads (earlier granted) accordingly should be completed within a period of two months i.e. by the 31st May, 1979 with the help of Land Records Department. The Forest Department should then disforest the lands already handed over to the Revenue Department and formally transfer them to that Department. It should also, similarly disforest the lands of Revenue Forests where the encroachments are regularised.

(xii) In regard to the grant of alternative land to the encroachers on the lands in the midst of the forest as also on forest lands with more than 10% gradient whose encroachments are not to be regularised but are to be suffered to the admissible extent till they are granted alternative lands, it is not feasible nor necessary to lay down a time-bound programme. Nevertheless, it is necessary to settle them quickly on alternative lands so that they can raise loans required for bringing the land under cultivation and cultivate the land properly. The Forest Department should, therefore, quickly decide the alternative lands to be granted to them according to their eligibility, either from out of other encroachments which cannot be regularised or from out of the forest lands on the fringe. In such cases, it is necessary to make sure that the encroachers get lands that can be brought under cultivation. Therefore, the suitability of the land should be decided in consultation with the Block Agricultural Officer concerned. As soon as the alternative lands are decided upon they should be transferred to the Revenue Department, after due measurement and demarcation for granting the same to the eligible encroachers to the extent admissible to them. On grant of the alternative land, the concerned encroachments should be totally removed.

2. Where the encroached area is a fragment, its regularisation should be governed by paragraph 8 of the Government Resolution. If such fragments are contiguous to the encroacher's other land there should be no problem. If such encroached fragment is separated from the encroacher's other land only by a strip of Government land which is uncultivable, it is clear that the encroacher had intention to encroach upon Government land contiguous to his own land; but had to avoid the intervening strip only

because it was uncultivable. In such cases the intervening strip of Government land should also be granted to him, so that the encroached fragment can merge in his holding.

Where the encroached fragment is away from the encroacher's other land and there is sufficient Government land available, it may be granted to him to make up the standard area. But the encroached fragments which are less than 40% of the standard area should not be eligible for such treatment. In case, however, the encroacher is totally landless and has no land of his own, he may be granted adjoining Government land if any to make up the standard area, irrespective of the size of his encroached fragment.

3. If only a portion of the encroachment is found eligible for regularisation and that portion is only marginally less than the standard area, the remaining encroachment should also be eligible for regularisation upto maximum extent of 10 Ares, if that would avoid creation of fragment. In all other such cases the encroachment should be removed.

4. In cases of gairan, they will have to be resumed to Government before final action regarding grant of the sanads.

5. While all this is being done, it is necessary to bear in mind that the Government decision is also to prevent any encroachment in future. The Forest Officers and Revenue Officers should hereafter be vigilant and take care to ensure that no fresh encroachment takes place, and if any is detected, to remove the same promptly and thoroughly. Any laxity in this regard should be viewed seriously by all concerned. So also, such of the subsisting encroachments as are not found eligible for regularisation, should be removed quickly.

FORM OF LIST 'A'

Subsisting Encroachments existing on 31st March 1978.

Village: _____ Taluka: _____ District: _____

Sr. No.	Name of Encroacher	Place of Residence.	*Community	Date/Duration of Encroachment.
1	2	3	4	5

Details about Encroached Land

Estimated Area (Hectares)	Location (Survey No. Village or Block/Compartment as the case may be)	If gradient is more than 10%	If situated in midst of forest.
6	7	8	9

Whether cultivated/Steps taken to cultivate.		Nature of documentary evidence available.	Remarks.
In 1977 Kharif Season	In 1978 Kharif Season		
10	11	12	13

*NOTE:- i.e. whether the encroacher belongs to Scheduled Caste, Scheduled Tribes, Nomadic Tribes, Vinukta Jatis, Neo-Budhist or any community other than the aforesaid communities.

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FORM OF LIST 'B'

ENCROACHMENT BEING IN THE MIDST OF FOREST OR ABOVE
10% GRADIENT AND NOT ELIGIBLE FOR REGULARISATION.

Village: _____ Taluka: _____ District: _____

Sr. No.	Reference from List 'A'	N a m e	Residence
1	2	3	4

Estimated area. (Hectares)	Details of Forest area		Remarks.
	Gradient when over 10%	Situation when in the midst of Forest.	
5	6	7	8

FORM OF LIST 'C'
LIST OF ELIGIBLE PERSONS.

Village: _____ Taluka: _____ District: _____

Sr. No.	Reference Number in list 'A'.	Name	Other lands held.	
			Survey Number.	Area (Hectares)
1	2	3	4	5

Annual income in case of persons
other than persons belonging to
the Scheduled Caste/Scheduled
Tribes/Mao-Budhist/Vimukta Jatis
and Amdic Tribes.

Distance of residence
from encroached land

6	7
---	---

Extent of encroached land eligible for regularisation with reference to Columns 4, 5, 6 and 7 (Hectares)	Extent of encroached land not qualified for regularisation with reference to Columns 4, 5, 6 and 7. (Hectares)	Remarks.
8	9	10

H-1085(2,500+3-1-79)-7a.

LIST OF INELIGIBLE PERSONS.

Sr. No.	Reference Number in list 'A'.	Name.	Other land held.	Survey Number.	Area (hec- tares)
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Distance between the place of residence and encroached land.

6

7

R e m a r k s.

8

5

FORM OF LIST 'E'

LIST OF SUBSISTING ENCROACHMENTS MADE AFTER 31st MARCH 1948.

Village : _____ Taluka : _____ District : _____

Serial Number	N a m e .	R e s i d e n c e
1	2	3

Details of Encroachments.			Remarks
D a t e .	Survey Number or Block/Compartment.	Area (Hectares)	
4.	5	6	7

085(2,500+3-1-79)-Ba.

ANNEXURE 10.06

Encroachments

Regularisation of made on forest lands during 1-4-1972 to 31-3-1978 for cultivation..

Government of Maharashtra,
Revenue and Forests Department,
Resolution No.FLO-1079/1386-F-3,
Mantralaya, Bombay-400 032.
Dated:-12th September.1979.

Re:- Government Resolution, Revenue and Forests Department,
No.WEN-1078/3483-G-1 dated 27-12-1978.

RESOLUTION:-

Under Government Resolution, Revenue and Forests Department No. LEN-1078/3483-G-1 dated 27th December 1978 orders were issued for the regularisation of encroachments, made for cultivation on Government waste lands, gairan lands, revenue forest lands and forest lands in-charge of the Forest Department. The criterion prescribed for regularisation was that the encroacher should be in possession of the encroached land on 31st March, 1978. It has been represented to the Government that the ambit of the Resolution should be enlarged to provide for regularisation of encroachments made from 1-4-1972 to 31-3-1978 irrespective whether an encroachment was ~~existing~~ ^{subsisting} on 31-3-78 or not.

2. Government has considered and accepted the demand that the land so encroached upon within the aforesaid period should (subject to the conditions appearing hereafter) be made available for regularisation. This is designed to benefit large number of encroachers, whose encroachments were removed, in the past and majority of whom are widows and landless. Accordingly Government is pleased to direct as under:-

3. All forest lands which were encroached upon during the period from 1-4-1972 to 31-3-1978, irrespective of the period for which they were encroached, should be released for distribution. Following categories of encroached lands during the same period, shall be, however, excluded:-

- i) Lands eligible for regularisation being subsisting encroachments as on 31-3-1978 and regularised or being regularised under the provisions of Government Resolution No.LEN-1078/3483-G-1 dated 27-12-1978;
- ii) Lands brought under plantation, afforestation, fodder development or put to some specific use like construction of roads, buildings, etc., after the encroachments thereon were removed;
- iii) Lands already disforested or proposed to be disforested in favour of any Government Department, Zilla Parishad or a public institution; and
- iv) Lands situated in the midst of the forest or on slopes of gradient exceeding 10 percent. (However, if the encroached land is not utilized or proposed to be utilized in terms of sub-para (ii) and (iii) above, an equivalent suitable area shall be made available either on the fringe of the forests or some other Government land nearby).

4. Government is further pleased to direct that until the encroached forest land to be released for distribution, is identified, all existing encroachments (except those made on the lands mentioned in para 3 supra and those eligible for regularisation under Government Resolution dated 27th December 1978) should be treated as new encroachments and removed summarily.

5. The Forest Department shall first prepare village-wise list in form I) of all the encroachments made in any one year during the period 1-4-1972 to 31-3-1978. Thereafter two separate lists in Form 1A and Form 1B shall be prepared. In Form 1A, the details of encroachments made in any one year during 1-4-1972 to 31-3-1978) on the fringe of forests shall be entered. The total of column 9 shall be the area available for distribution and to be transferred to Revenue Department for allotment to the eligible encroachers. In Form 1B a separate list of encroachments made in the midst of forest or on a forest land with more than 10% gradient, shall be prepared. This area being in the midst of forest, or with more than 10% gradient is not to be released, but an area equivalent to the total area mentioned in column 9 of Form 1B shall be made available either on the fringe of the forests or from some other Government lands nearby. It is hereby clarified that all encroached lands which are governed by paragraph 2 (ii) and (iii) i.e. they are either brought under plantation or otherwise proposed to be used are not to be made available for distribution. Only the lands which are now available or equivalent area against the area in the midst of forest or more than 10% gradient which have not been planted or otherwise put to any other use, are to be released for distribution. Subsequently another list giving details of encroached lands which is available for distribution, shall be prepared in Form II thereafter, the lists in Form 1A, Form 1B and Form II should be forwarded to the Collector for deciding the eligibility of the erstwhile encroachers.

6. After receipt of the list of eligible persons (Form II) from the Collector, the Divisional Forest Officer should release the area which is available for distribution. Naturally the area to be released would be on the fringe of the forest.

7. The lands which are released by the Forest Department would be - granted to the erstwhile encroachers (who had encroached in any one year during the period 1-4-1972 to 31-3-1978) notwithstanding that they comprise one or more fragment, provided:-

The erstwhile encroacher is:-

- a) a person belonging to backward class, i.e. Scheduled Caste, Scheduled Tribes, Nomadic Tribes, Vimukta Jatis, or Neo Buddhist or a person whose total annual income including the income of members of his family does not exceed Rs. 3,600/-.
- b) a person whose usual place of residence is within the radius of 8 kilometers from the land which was encroached upon;
- c) a person who is landless or the total land lawfully held by him in any capacity is less than 2 hectares of jirayat land;
- d) a person whose name appears in voters' list of the last assembly Election of this State.

8. The encroached land to the extent of an area equal to the standard area (as determined under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947) of jirayat land shall only be granted. Where the erstwhile encroacher is holding land either as owner or in any other capacity, the grant shall be limited to a standard area or to such area as would bring his total holdings equal 2 hectares of jirayat land, whichever is less.

9. After deciding the eligibility of the erstwhile encroacher to get the land for cultivation, the extent of land to be granted to erstwhile encroacher and the procedure to be followed shall be as follows:-

Contd..3..

If the erstwhile encroached land is less than the "standard area" (as determined under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947) and only one person is a claimant, the erstwhile encroached land shall be granted to him.

- II) If the erstwhile encroached land is less than the "Standard area" and the number of claimants are more than one-
- a) the land shall be granted to the claimant who is landless; if however there are more than one claimants who are landless, then lots should be drawn and the person in whose favour, lot is drawn should be granted the land;
 - b) If none of the claimants are landless persons, then the claimant whose private holding is the least should be granted the land.
- III) If the erstwhile encroached land is more than one unit of "standard area" (as determined under section 5 of the Bombay-Prevention of Fragmentation and Consolidation of Holdings Act, 1947) and
- a) if ~~only~~ one person is a claimant, he should be granted land equal to the standard area only;
 - b) if the claimants are more than one, the land should be first divided into units of standard area and each eligible claimant should be granted one unit; provided priority is given to those who are landless; followed by those whose private holdings are the least. If the number of landless claimants or the claimants whose private holdings are the least, are more than the units available for distribution, then the units should be distributed after drawing lots, surplus units, if any, should be granted to landless encroachers, whose encroached land is not available for distribution, because of the conditions in para 3(ii)(iii) and (iv) above.
 - c) fragment resulting from the division of the area into units of standard area should be granted to the person whose unit is adjacent to it.

10. ~~Mis~~forestation and distribution of the land should be done as per the time bound programme given in Annexure "A" appended to this Government Resolution.

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

Sd/-

(D.N. ADIVAREKAR)

Under Secretary to Government,
Revenue and Forests Department.

The Chief Conservator of Forests, Pune.
All Territorial Conservators of Forests.
All Sub Divisional Forest Officers.
All Divisional Forest Officers and Sub Divisional Forest Officers of Independent Sub Divisions.

ANNEXURE - A

Time-Bound Programme for distribution of land under encroachments
between 1-4-1972 to 31-3-1978

Sr. No.	Stage	Time limit	Action to be taken by
1.	Preparation of list of encroachers and the lands encroached in Form-I, I-A, I-B and forwarding it to the Collector.	15th October 1979	Forest - Department.
2.	Preparation of list encroached lands available for distribution & showing encroachers of the same in Form II and forwarding it to the Collector.	15th November 1979	Forest - Department.
3a.	Preparation of a list of eligible persons and area to be granted to each of them, in Form III.	31st December, 1979	Revenue - Department.
3b.	Note: This list is to be prepared with reference to details in Form II.		
4.	Rough demarcation of the encroachment qualifying for distribution and of the alternate forest lands to be given on the fringe of the forests.	29th February, 1980	Forest - Department.
5.	Clearance of tree growth, if any from the demarcated patches.	31st March, 1980.	Forest - Department.
6.	Laying out of plots and their distribution.	30th April, 1980.	Revenue Depart- ment, /Land- Records Deptt.
	Final Demarcation measurement and allotment of survey members/ levy of assessment etc.	31st May, 1980.	Revenue Depart- ment/Land Record Department.

ANNEXURE 10.07

केंद्र शासनाच्या पर्यावरण व वन विभागाच्या
दि.३.११.२००५ च्या मार्गदर्शक तत्त्वानुसार
वन जमिनीवरील अतिक्रमणदारांची पात्रता
तपासण्यासाठी महाराष्ट्रात गावपातळी
तालुकापातळी व जिल्हा पातळीवर समिती
नेमण्याबाबत.

महाराष्ट्र शासन

महसूल व वन विभाग

शासन निर्णय क्रमांक : संकीर्ण २००६/प्र.क्र.९८/ज-१

मंत्रालय, मुंबई- ४०० ०३२

दिनांक : २३ एप्रिल , २००७

- वाचा :- १) शासन निर्णय महसूल व वन विभाग क्र. एलईएन १०७८/३४८३/ग-१,
दि.२७.१२.१९७८.
- २) शासन निर्णय महसूल व वन विभाग क्र. संकीर्ण १०९५/२३२५/प्र.क्र.९६/ज-१,
दि.२०.१२.१९९५.
- ३) शासन निर्णय महसूल व वन विभाग क्र. संकीर्ण २००२/प्र.क्र.३७२/ज-१,
दि.१० ऑक्टोबर, २००२.

प्रस्तावना :-

पड जमिनीवरील / गायरान जमिनीवरील आणि वन जमिनीवरील शेती प्रयोजनासाठी केलेली अतिक्रमणे नियमानुकूल करण्याबाबतचे आदेश उक्त शासन निर्णयान्वये पारीत करण्यात आले आहेत. त्यानुसार अतिक्रमणे नियमानुकूल करण्यासाठी तयार केलेल्या पात्रता यादीबाबत मा. सर्वोच्च न्यायालयामध्ये दावे दाखल करण्यात आले होते. या दाव्यामध्ये मा. सर्वोच्च न्यायालयाच्या आदेशानुसार शासन निर्णय, महसूल व वन विभाग, क्रमांक संकीर्ण १०९५/२३२५/प्र.क्र.९६/ज-१, दि. २०.१२.१९९५ अन्वये महाराष्ट्रातील निरनिराळ्या जिल्ह्यांसाठी प्रत्येकी एक उपजिल्हाधिकारी, एक सहाय्यक वनसंरक्षक व आदिवासी आयुक्त यांनी पदनिर्देशित केलेले एक सहाय्यक प्रकल्प अधिकारी वर्ग-२ यांचा समावेश असलेली एक समिती संबंधित जिल्हाधिकारी यांच्या नियंत्रणाखली स्थापन करण्यात आली होती. त्या समितीने आदिवासींच्या ताब्यातील वन जमिनीवरील अतिक्रमणांचे दावे तपासून संबंधित अतिक्रमणदारांना त्यांचे हक्क शाबीत करण्यासाठी आणि पुरावे दाखल करण्यासाठी संधी देऊन अतिक्रमणे नियमानुकूल करण्यास पात्र आहेत किंवा कसे याची तपासणी करावयाची होती. या कामकाजास अचूकता व गती याची

यासाठी शासन निर्णय महसूल व वन विभाग क्र. संकीर्ण २००२/प्र.क्र.३७२/ज-१, दि.१० ऑक्टोबर, २००२ अन्वये गाव तसेच तालुका पातळीवर समिती नियुक्त करण्याचा निर्णय घेण्यात आला होता.

आता केंद्र शासनाच्या पर्यावरण व वन विभागाने दि.३.११.२००५ च्या पत्रान्वये वन जमिनीवरील आदिवासींचे आणि जंगलामध्ये निवास करणाऱ्यांच्या (Forest dwellers on forest land) हक्कांची, वन (संवर्धन) अधिनियम १९८० च्या तस्तुदीनुसार छाननी करताना अंगीकारावयाची मार्गदर्शक तत्वे विहित केली आहेत. त्या तत्वांनुसार दि.२५.१०.१९८० च्या कालावधीपर्यंतचे वन जमिनीवरील अतिक्रमणदारांचे दावे तपासावयाचे आहेत.

शासन निर्णय क्र. संकीर्ण २००२/प्र.क्र.३७२/ज-१, दिनांक १० ऑक्टोबर, २००२ अन्वये दि.३१.३.१९७८ पर्यंत वन जमिनीवरील अतिक्रमणदारांचे दावे तपासावयाचे आदेश देण्यात आले होते. परंतु केंद्र शासनाच्या पर्यावरण व वन विभागाने दिलेल्या आदेशानुसार आता दि.२५.१०.१९८० च्या कालावधीपर्यंतचे वन जमिनीवरील अतिक्रमणदारांचे दावे तपासावयाचे आहेत आणि त्याबाबत केंद्र शासनाने दि.३.११.२००५ च्या पत्रानुसार मार्गदर्शक तत्वेही विहित केली आहेत. सदर मार्गदर्शक तत्वांची अंमलबजावणी करण्याकरीता शासनाने राज्याच्या सर्व जिल्ह्यांमध्ये गाव पातळी, तालुका पातळी आणि जिल्हा पातळीवर पुढीलप्रमाणे समिती नियुक्त करण्याचा निर्णय घेतला आहे.

शासन निर्णय :-

१. आदिवासींचे व अपात्र अतिक्रमणदारांव्यतिरीक्त जंगलात निवास करणाऱ्यांचे (Forest Dwellers on Forest Land) वनजमिनीवरील अतिक्रमणाचे दावे तपासण्यासाठी खालील सदस्यांचा अंतर्भाव असलेली स्थानिक समिती स्थापन करण्यात यावी.

अ) संबंधित गावाचा सरपंच

ब) संबंधित गावातील दोन जाणकार ज्येष्ठ नागरीक (यापैकी किमान एक

महिला असावी) या दोन सदस्यांची नियुक्त या नियुक्तीच्या प्रयोजनार्थ विशेष

सभा

बोलावून ग्रामसभेने करावी.

क) संबंधित गावाचा तलाठी / पटवारी

ड) अध्यक्ष संयुक्त वन जमीन व्यवस्थापन समिती (अस्तित्वात असल्यास)

इ) वनरक्षक / वनपाल. हे समितीचे सचिव म्हणून काम करतील. तसेच

समितीने घेतलेला निर्णय संबंधितांना कळविण्याची जबाबदारी याचेवर

असेल.

१.२ ग्रुप ग्रामपंचायतीतील गावासंदर्भात ग्रामपंचायतीच्या मुख्यालयाव्यतिरिक्तच्या इतर गावांसाठी संबंधित गावातून निवडून गेलेला ग्रामपंचायत सदस्य हा सदर समितीचा अध्यक्ष असेल. जेथे वन जमीन ग्रामपंचायतीच्या अखत्यारीत नसेल तेथे स्थानिक जनतेने परंपरेनुसार निवडलेला नेता (मुखिया) हा सदर समितीचा अध्यक्ष असेल.

२. वर नमूद केलेल्या स्थानिक समितीने दिलेला निर्णय मान्य नसल्यास अशा अतिक्रमणदाराने आपले म्हणणे स्थानिक समितीचा निर्णय प्राप्त झालेपासून ३० दिवसांच्या आत तालुका पातळीवरील पुनर्विलोकन समितीकडे मांडावे. त्याकरीता तालुका पातळीवर खालील सदस्यांचा अंतर्भाव असलेली पुनर्विलोकन समिती स्थापन करण्यात यावी.

- अ) जिल्हा परिषदेच्या अध्यक्षांनी नामनिर्देशित केलेला जिल्हा परिषद सदस्य हा पुनर्विलोकन समितीचा अध्यक्ष असेल.
- ब) पंचायत समितीच्या सभापतींनी नामनिर्देशित केलेला पंचायत समितीतील सदस्य.
- क) तहसिलदारांनी नामनिर्देशित केलेला नायब तहसिलदार
- ड) सहाय्यक, आदिवासी विकास अधिकारी / सहाय्यक प्रकल्प अधिकारी (एकात्मिक आदिवासी विकास प्रकल्प)
- इ) विभागीय वन अधिकाऱ्याने नामनिर्देशित केलेला वनपरिक्षेत्र अधिकारी, हा अधिकारी संबंधित क्षेत्राचा असावा व तो समितीचा सचिव म्हणून काम करेल. समितीचा निर्णय संबंधितांना कळविण्याची जबाबदारी सचिव यांची असेल.

३. पुनर्विलोकन समितीने दिलेला निर्णय मान्य नसल्यास संबंधितांनी आपले म्हणणे निर्णय प्राप्त झाल्याच्या दिनांकापासून ३० दिवसांच्या आत जिल्हा पातळीवरील समितीसमोर मांडावे. जिल्हा पातळीवरील समितीमध्ये खालील सदस्यांचा अंतर्भाव असावा.

- अ) जिल्हाधिकारी यांनी नामनिर्देशित केलेला उपजिल्हाधिकारी हा समिती अध्यक्ष म्हणून काम पाहील.
- ब) सहाय्यक वनरक्षक हे या समितीचे सचिव म्हणून काम पाहतील. समितीच्या बैठका आयोजित करणे व समितीचा निर्णय संबंधितांना कळविण्याची कार्यवाही सचिवांकडून केली जाईल.
- क) आदिवासी विकास विभागाने नियुक्त केलेला प्रतिनिधी.

४. समितीची कार्यपद्धती :-

४.१ दि. २५.१०.१९८० या दिनांकपर्यंत वनजमिनीवर अस्तित्वात असलेल्या सर्व अतिक्रमणदारांच्या दाव्यांवर निर्णय होणे आवश्यक आहे. तथापि असा निर्णय घेताना केंद्र शासनाच्या दि.१८.९.१९९० रोजीच्या तसेच दि.३.११.२००५ रोजीच्या मार्गदर्शक तत्वांचे पालन करणे आवश्यक राहिले.

४.२ दावेदारांना विहित कार्यपद्धतीची माहिती व्हावी, अतिक्रमणदारांना त्यांचे दावे त्यांच्या भाषेत मांडणे सुलभ व्हावे, आर्थिकदृष्ट्या दुर्बल घटकातील अतिक्रमणदारांचा जाण्या येण्याचा खर्च व वेळ वाचावा तसेच सर्व अतिक्रमणदारांपर्यंत पोहोचणे शक्य व्हावे व कोणत्याही दावेदारास दावा सादर करण्याची संधी मिळाली नाही अशी परिस्थिती उद्भवू नये यासाठी प्रत्येक गावात ग्रामसभा आयोजित करण्यात यावी.

४.३ ग्रामसभेच्या तारखा व वेळा दर्शविणारे वेळापत्रक तयार करून या वेळापत्रकास पुरेशी पूर्वप्रसिध्दी देण्यात यावी. या वेळापत्रकात खालील बाबींचा उल्लेख असावा.

अ. स्थानिक पातळीवरील समितीत सदस्य म्हणून समाविष्ट करावयाच दोन जेष्ठ जाणकार नागरीकांची निवड कोणत्या दिवशी व कोणत्या वेळेस संपन्न होणाऱ्या ग्रामसभेत होणार आहे.

ब. स्थानिक समिती कोणकोणत्या दिवशी अतिक्रमणदारांनी पुराव्यासहित सादर केलेले दावे दाखल करून घेणार आहे.

क. दाखल करून घेतलेल्या दाव्यांची स्थानिक समिती कोणकोणत्या दिवशी व कोणकोणत्या वेळेस तपासणी करणार आहे.

४.४ या संपूर्ण मोहिमेत / कार्यक्रमात स्थानिक महिला व पुरुषांचा जास्तीत जास्त सहभाग असावा यासाठी तालुका पातळीवरील महसूल, वन व आदिवासी विकास विभागाचा प्रत्येकी एक अधिकारी समाविष्ट असलेले पथक स्थापन करण्यात यावे.

४.५ अतिक्रमणदारांच्या पात्रतेची तपासणी करण्याच्या कार्यक्रमाची माहिती लोकांना मिळावी यासाठी स्थानिक भाषेत व पारंपारिक पद्धतीने प्रसिध्दी करण्यात यावी. तसेच वन विभाग, संयुक्त वन व्यवस्थापन समित्या (अस्तित्वात असल्यास), ग्रामविकास विभाग, समाजकल्याण विभाग, एकात्मिक महिला व बाल कल्याण विभागाच्या क्षेत्रिय अधिकाऱ्यांचेही या

कार्यक्रमाच्या पुरेशा प्रसिध्दीसाठी सहकार्य घेण्यात यावे. तसेच या कार्यक्रमाची माहिती अधिकाधिक महिलांपर्यंत पोहोचावी यासाठी स्वयंसहाय्यता गट व महिला मंडळांचेही सहकार्य घेण्यात यावे.

४.६ या कार्यक्रमाबाबतचा उद्देश, कार्यप्रणाली इत्यादीबाबतची माहिती संबंधित गावातील चौकात, ग्रामपंचायत कार्यालयात तसेच पंचायत समिती कार्यालय, वन विभागाची कार्यालये, तहसील कार्यालये, आरोग्य व शिक्षण विभागाची कार्यालये इत्यादी सर्व कार्यालयात नोटीसबोर्डावर लावण्यात यावी. या कार्यक्रमाची सर्वंकष माहिती दुर्गम भागातील वसाहती व सर्वेक्षण न झालेल्या गावांमध्ये पोहोचविण्यासाठी वन विभागाने विशेष लक्ष पुरवावे.

४.७ किमान तीन आठवडे पूर्वप्रसिध्दी देऊन स्थानिक समितीने अतिक्रमणदारांचे दावे दाखल करून घेण्यासाठी ग्रामसभेची बैठक आयोजित करावी.

४.८ ग्रामसभेमध्ये अतिक्रमणदारांनी त्यांचे परिपूर्ण दावे सादर केल्यानंतर किमान दोन आठवड्यांनी पुन्हा अतिक्रमणदारांनी सादर केलेले दावे तपासण्यासाठी ग्रामसभा घेऊन या ग्रामसभेमध्ये सर्वासमक्ष अतिक्रमणदारांचे दावे तपासण्यात यावेत.

४.९ शक्यतोवर ग्रामसभेच्या सर्व बैठका या दुपारी उशिरा अथवा संध्याकाळी उशिरा आयोजित करण्यात याव्यात जेणेकरून सर्वांना ग्रामसभेस उपस्थित राहणे शक्य होईल.

४.१० स्थानिक समितीने तपासून मंजूर केलेले अतिक्रमणदारांचे दावे तालुका पातळीवरील पुनर्विलोकन समितीकडे सादर करण्यात यावेत.

४.११ स्थानिक समितीने अतिक्रमणदारांच्या दाव्याबाबतचे आपले निष्कर्ष ग्रामसभेतच संबंधित दावेदारास देणे बंधनकारक राहील.

४.१२ तालुका पातळीवरील पुनर्विलोकन समितीने स्थानिक समितीकडून प्राप्त झालेले सर्व प्रस्ताव आपल्या शिफारशीसह जिल्हा पातळीवरील समितीकडे सादर करावेत.

४.१३ जिल्हा पातळीवरील समितीने तालुका पातळीवरील पुनर्विलोकन समितीकडून शिफारशीसह प्राप्त झालेले प्रस्ताव निर्णित करताना खालील बाबी विचारात घेणे आवश्यक आहे :-

अ. दावेदाराचे अस्तित्व व वन जमिनीवरील त्याचा सततचा ताबा याची खात्री करण्याकरिता जिल्हा पातळीवरील समितीने सदर दावेदारांची (आदिवासी व जंगलात निवास करणाऱ्या व्यक्ती / अतिक्रमणदार) नावे सन १९८१, १९९१ व २००१ च्या जनगणनेत तसेच मतदार यादीत आपल्याची तपासणी करावी.

ब. आदिवासी व जंगलात निवास करत असल्याचा दावा करीत असलेले दावेदार हे दावा करीत असलेल्या जागेवर सन १९८० पूर्वीपासून निवास करीत असणे व दावा करीत असलेल्या जागेवर त्यांचा दाव्याची तपासणी करण्याच्या दिनांकापावेतो ताबा असणे आवश्यक आहे.

क. दावेदाराचा दावा करीत असलेल्या जागेवर सन १९८० पूर्वीपासून सातत्याने व सलग कब्जा नसलेली प्रकरणी जिल्हा पातळीवरील समितीकडून विचारात घेतली जाणार नाहीत.

ड. एखाद्या विशिष्ट आदिवासी जमातीचे अथवा जंगलात निवास करणाऱ्या दावेदाराचे वन जमिनीवरील व वनउपजावरील (Forest Produce) परंपरेने प्राप्त झालेल्या हक्कांचीही जिल्हा पातळीवरील समिती तपासणी करेल.

इ. स्थानिक समितीने फेटाळलेल्या अथवा प्रकरणपरत्वे तालुका पातळीवरील पुनर्विलोकन समितीने फेटाळलेल्या दाव्याविरुद्धची अपील निमित्त करणेपूर्वी अनुक्रमे तालुका पातळीवरील पुनर्विलोकन समितीने व जिल्हा पातळीवरील समितीने संबंधित अपीलकर्त्यास किमान ३ आठवडे अगोदर सुनावणीसाठीची नोटीस देणे आवश्यक राहिल.

५. स्थानिक अथवा तालुका पुनर्विलोकन समितीपुढे सादर करावयाच्या पुराव्याचे स्वरूप :-

५.१ जमीन ताब्यात असल्याच्या कालावधीबाबत कोणते पुरावे ग्राह्य धरण्यात यावेत याचा विचार करताना रहिवासाचा पुरावा हा अतिक्रमणदाराचा दावा / अतिक्रमणाचा कालावधी निर्णित करण्यासाठीचा निर्णायक पुरावा समजता येईल अशी परिस्थिती नसल्याने अतिक्रमणाचा कालावधी तपासताना प्रत्यक्ष परिस्थितीवर आधारीत असलेले नैसर्गिक व परिस्थितीजन्य पुरावे तपासणे आवश्यक व शक्य आहे. प्रत्यक्ष परिस्थितीची (Ground Realities) पूर्णतः जाणीव असलेल्या स्थानिक समितीला असे नैसर्गिक व परिस्थितीजन्य पुरावे तपासण्याची संधी उपलब्ध असेल व माहितगार ग्रामस्थांचे मत / सल्ला घेऊन सलगरित्या अतिक्रमण (continuous Occupation) निश्चित केव्हापासून अस्तित्वात आहे याबाबतचा पुरावा नोंदवून घेणे स्थानिक समितीस शक्य आहे. असा पुरावा नोंदवून घेताना व त्यावर निर्णय घेताना संशयाचा फायदा दावेदारास देणे आवश्यक आहे.

५.२ अतिक्रमणाच्या कालावधीबाबत मौखिक व कागदपत्रांच्या स्वरूपातील विविध पुरावे हे सादर केले जाण्याची शक्यत विचारात घेता समिती खालील प्रकारचे पुरावे स्वीकारू शकेल.

अ. शासकीय अथवा निमशासकीय स्त्रोतांकडून प्राप्त झालेला कागदोपत्री पुरावा.

ब. यापूर्वी झालेल्या संशोधनातील कागदोपत्री पुरावा तसेच नामांकित संस्थेने केलेल्या दस्तऐवजीकरणातील कागदोपत्री पुरावा. (यामध्ये सर्वेक्षणाअंती तयार केलेल्या नकाशांचाही समावेश करता येईल)

क. अतिक्रमणाचा दावा केलेल्या स्थळास तलाठ्यासमवेत समितीच्या तीनपेक्षा अधिक सदस्यांनी प्रत्यक्ष भेट देऊन गोळा केलेला पुरावा.

५.३ स्थानिक समितीने अतिक्रमणाच्या कालावधीबाबत निश्चितपणे / ठामपणे निर्णय घेणे आवश्यक व महत्वाचे आहे. पात्र प्रकरणांबाबत आपली निरीक्षणे नोंदविताना खालील दोन मुद्दे विचारात घेणे आवश्यक आहे.

अ. दावेदाराने वन जमिनीवरील अतिक्रमणे नियमानुकूल करण्यासंदर्भातील शासनाच्या संबंधित निर्णयातील इतर सर्व अटींची पूर्तता केली असणे आवश्यक आहे. जर राज्य शासनाने यासंदर्भात घेतलेल्या निर्णयातील काही बाबी केंद्र शासनाच्या पर्यावरण व वन विभागाने सन १९९० साली निर्गमित केलेल्या मार्गदर्शक तत्वांशी सुसंगत नसल्यास केंद्र शासनाच्या सन १९९० साली निर्गमित केलेल्या मार्गदर्शक सूचना अंतिम समजण्यात याव्यात.

ब. सन १९८० पूर्वीची वन जमिनीवरील अतिक्रमणे नियमानुकूल करण्यासंदर्भात राज्य शासनाने काही आदेश निर्गमित केले नसल्यास अशा प्रकरणी केंद्र शासनाच्या पर्यावरण व वन मंत्रालयाने सन १९९० साली निर्गमित केलेल्या मार्गदर्शक सूचनांचा अवलंब करण्यात यावा.

६. दावे स्वीकारण्याचे निकष

दावेदारांचे दावे निर्णित करताना स्थानिक समितीने सन १९९० साली केंद्र शासनाने निर्गमित केलेल्या मार्गदर्शक सूचनांच्या चौकटीत राहून खालील निकष विचारात घ्यावेत :-

अ. दावेदाराने सादर केलेले कागदोपत्री पुरावे शासकीय / निमशासकीय स्त्रोतांकडून अथवा इतर अनुषंगिक स्त्रोतांकडून प्राप्त झाले असल्यास तसेच दावा जमीन ही सन १९८० पूर्वीपासून दावा सादर करण्याच्या दिनांकापर्यंत सातत्याने दावेदाराच्या ताब्यात असल्याचे पुराव्यावरून निष्पन्न होत असल्यास असे पुरावे स्वीकारण्यात यावेत.

ब. दावेदाराने त्याच्या दाव्यापुष्ट्यर्थ कागदोपत्री पुरावे सादर केलेले नसल्यास मात्र इतर अनुषंगिक पुराव्यांचे आधारे दावेदाराचा दावा रास्त व कायदेशीर असल्याचे ग्रामसभेचे मत

झाल्यास असे दावे स्थानिक समितीने काळजीपूर्वक तपासावेत व संशयाचा फायदा दावेदारास देण्यात यावा. स्थानिक समितीचा निर्णय हा साध्या बहुमताने घेण्यात यावा.

क. दावेदाराने त्याच्या दाव्यापुष्ट्यर्थ कागदोपत्री पुरावे सादर केलेले नसल्यास तसेच ग्रामसभेनेही दावेदाराचा दावा फेटाळला असल्यास असे दावे स्थानिक समितीने काळजीपूर्वक तपासले पाहिजेत व असे दावे तालुका पातळीवरील पुनर्विलोकन समितीकडे संदर्भित करण्यात यावेत.

ड. केंद्र शासनाच्या सन १९९० च्या मार्गदर्शक तत्वांच्या चौकटीत मंजूर केलेले सर्व दावे जिल्हास्तरीय समितीने राज्य शासनाच्या नोडल ऑफिसर (वन संधारण) यांचेकडे सादर करावेत व तद्नंतर प्रधान मुख्य वनसंरक्षक यांनी त्यांच्या शिफारशीसह हे दावे राज्य शासनास सादर करावेत.

इ. फेटाळण्यात आलेल्या दाव्यांचे संदर्भात अशा दावेदारांचे पुनर्वसन अन्यत्र शासनाच्या मालकीच्या वनेतर जमिनीवर करण्यात यावे.

ई. राष्ट्रीय उद्याने अथवा अभयारण्यांच्या बाबतीत अतिक्रमणदारांचे पुनर्वसन अन्यत्र शासनाच्या मालकीच्या वनेतर जमिनीवर करण्याबाबत विचार करण्यात यावा.

प. केंद्र शासनास पाठवावयाचे प्रस्ताव हे वन संवर्धन अधिनियम, १९८० मध्ये नमूद केलेल्या अटीचे पालन करून तसेच योग्य त्या कार्यप्रणालीचा अवलंब करूनच सादर केले जावेत तसेच या प्रस्तावातच मंजूर करावयाच्या दाव्यात अंतर्भूत असलेल्या जमिनीचे कायमस्वरूपीमांकन व असे दावे मंजूर केल्यामुळे आवश्यक तेवढे क्षेत्र पर्यायी वनीकरणासाठी उपलब्ध करून देण्याच्या प्रस्तावाचाही अंतर्भाव असावा.

७. तालुकापातळीवरील प्रसिध्दी व प्रशिक्षणासाठी कार्यशाळा

७.१ सदर कार्यक्रम शीघ्रगतीने पूर्ण व्हावा यासाठी पूर्वनियोजित प्रसिध्दी करण्यात यावी. कार्यक्रमाची पूर्वप्रसिध्दी केल्यानंतर व प्रत्यक्ष दावे तपासण्यापूर्वी जिल्हा समितीने माहितगार अशासकीय संस्थांच्या मदतीने प्रशिक्षणासाठी कार्यशाळा आयोजित कराव्यात. या कार्यशाळेत सरपंच, उपसरपंच, पंचायत समिती व जिल्हा परिषद सदस्य, वन विभागाचे अधिकारी / कर्मचारी, आदिवासी विकास विभागाचे अधिकारी / कर्मचारी, जेष्ठ नागरीक, महसूल विभागाचे अधिकारी / कर्मचारी, तलाठी व स्थानिक समितीचे सदस्य या सर्वांना कार्यक्रमाची सर्वकष माहिती देण्यात यावी.

७.२ अशासकीय संस्था, कार्यकर्ते व पत्रकारांसाठी स्वतंत्ररीत्या कार्यशाळा आयोजित करण्यात याव्यात.

७.३ संपूर्ण कार्यक्रमाचे पूर्वनियोजन काटेकोरपणे केल्यानंतरच ग्रामसभा आयोजित केल्या जाव्यात.

८. इतर बाबी

८.१ या संपूर्ण कार्यक्रमाच्या प्रगतीचे संनियंत्रण करणेसाठी स्टेट लेव्हल टास्क फोर्स गठीत करण्यात यावा. मुख्य सचिव हे या टास्क फोर्सचे अध्यक्ष असतील व प्रधान मुख्य वन संरक्षक हे या टास्क फोर्सचे सहअध्यक्ष म्हणून काम पाहतील. या टास्क फोर्सच्या दर तीन महिन्यांनी बैठका घेतल्या जाव्यात व कार्यक्रमाच्या प्रगतीचा आढावा घेतला जावा.

८.२ संपूर्ण कार्यक्रम एक वर्षाच्या आत पूर्ण करण्यात यावा.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

सही/-
(प्र. ज. मुळे)
कार्यासन अधिकारी
महसूल व वन विभाग

- प्रत : १) मा. मुख्य सचिव
२) अपर मुख्य सचिव (वने) महसूल व वन विभाग, मंत्रालय, मुंबई -४०००३२.
३) सर्व विभागीय आयुक्त
४) सर्व जिल्हाधिकारी
५) प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर.
६) सर्व वनसंरक्षक.
७) आदिवासी आयुक्त, आदिवासी विकास विभाग, नाशिक.
८) मा. मुख्यमंत्री यांचे सचिव, मा. मुख्यमंत्री यांचे कार्यालय, मंत्रालय.
९) सर्व उपविभागीय अधिकारी.
१०) सर्व तहसिलदार.

- ११) ग्रंथपाल, महाराष्ट्र विधानमंडळ सचिवालय, सहावा मजला, विधानभवन, मुंबई.
- १२) सर्व मंत्रालयीन विभाग.
- १३) महसूल व वन विभागातील सर्व कार्यासने.
- १४) कार्यासन ज-१, महसूल व वन विभाग, मंत्रालय, मुंबई निवडनस्ती.

ANNEXURE 10.08

**THE FOREST (CONSERVATION) ACT,
1980**

[Central Act No. 69 of 1980]

CONTENTS

1. Short title, extent and commencement
2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose
3. Constitution of Advisory Committee
- 3A. Penalty for contravention of the provisions of Act
- 3B. Offences by authorities and Government
4. Power to make rules
5. Repeal and savings

The Forest (Conservation) Act 1980

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first year of the Republic of India as follows;

1. Short title, extent and commencement: (1) This Act may be called the Forest (Conservation) Act 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October 1980.

With a view to checking further deforestation, the Forest (Conservation) Ordinance, 1980 had been promulgated on 25th October, 1980. The present Act has replaced the said Ordinance and contains similar provisions. The Act extends to the whole of India except the State of Jammu and Kashmir and came into force on 25th October, 1980.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose: Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purposes;

1. Received the assent of the President on 27-12-1980 published in the Gazette of India, (Extra), Part II, Section 1, dated 27-12-1980.

-
- ¹[(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other Organisation not owned, managed or controlled by Government.
 - (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for afforestation.

²**[Explanation:-** For the purpose of this section "non-forest purpose" means the breaking or clearing of any forest land or portion thereof for-

- (a) the cultivation of tea, coffee, species, rubber, palms, oil-bearing plants, horticultural crops of medicinal plants;
- (b) any purpose other than reafforestation, but does not include any work relating or ancillary to conservation, Development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and Construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.]

3. Constitution of Advisory Committee :- The Central Government may constitute a Committee consisting of such number of persons as it in may deem fit to advise that Government with regard to-

- (i) the grant of approval under section 2; and

(ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

(iii)

³[**3A. Penalty for contravention of the provisions of the Act** :- Whenever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

-
1. Ins. by Act No. 69 of 1988 (w.e.f. 15-3-1989)
 2. Subs. by Act No. 69 of 1988 (w.e.f. 15-3-1989)
 3. Section 3A & 3B inserted by Act No. 69 of 1988 (w.e.f. 15-3-1989)
-

3B. Offences by authorities and Government departments:- (1) Where any offence under this Act has been committed.

- (a) by any department of Government the head of the department; or
- (b) by any authority, every person who, at the time the offence was committed, was directly in charge of and was responsible to, the authority for the conduct of the business of the authority was well as the authority; shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to the clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.]

4. Power to make rules: (1) The Central Government may by notification in the Official Gazette, makes rules for carrying out the provisions of this Act.

- (2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter 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 under that rule.

5. -Repeal and saving :- (1) The Forest (Conservation) Ordinance, 1980 (17 of 1980), is hereby repealed.

- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

ANNEXURE 10.09

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 1st October, 2003

S.O. 1186 (E). — In pursuance of sub-rule (1) of rule 9 of the Forest (Conservation) Rules, 2003, the Central Government hereby authorizes the Chief Conservator of Forests, Regional Office, Ministry of Environment and Forests, having regional jurisdiction over the forest land in respect of which any offence under the Forest (Conservation) Act, 1980 is alleged to have been committed, to file complaints against persons prima-facie found guilty of such offence, in the court having jurisdiction in the matter.

[F.No. 5-5/98-FC]

N.K. JOSHI,
DIRECTOR GENERAL OF FORESTS AND
SPECIAL SECRETARY.

ANNEXURE 11.01

रजिस्ट्री से सी. एन. (एन)04/0007/2006—08

REGISTERED NO. DL—(N)04/0007/2006—08

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 2]
No. 2]

नई दिल्ली, मंगलवार, जनवरी 2, 2007 / पौष 12, 1928
NEW DELHI, TUESDAY, JANUARY 2, 2007 / PAUSA 12, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/Pausa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:—

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006.

No. 2 OF 2007

[29th December, 2006]

An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded, to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem,

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition

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

(a) **“Community forest resource”** means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) **“Critical wildlife habitat”** means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) **“forest dwelling Scheduled Tribes”** means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(d) **“forest land”** means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) **“forest rights”** means the forest rights referred to in section 3;

(f) **“forest villages”** means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) **"Gram Sabha"** means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women,

(h) **"habitat"** includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) **"minor forest produce"** includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like,

(j) **"nodal agency"** means the nodal agency specified in section 11;

(k) **"notification"** means a notification published in the Official Gazette,

(l) **"prescribed"** means prescribed by rules made under this Act;

(m) **"Scheduled Areas"** means the Scheduled Areas referred to in clause (l) of article 244 of the Constitution;

18 of 2003

(n) **"sustainable use"** shall have the same meaning as assigned to it in clause (b) of section 2 of the Biological Diversity Act, 2002;

(o) **"other traditional forest dwellers"** means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation - For the purpose of this clause, "generation" means a period comprising of twenty-five years.

(p) **"village"** means -

48 of 1996

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not, or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called,

53 of 1972

(q) **"wild animal"** means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature

CHAPTER II

FOREST RIGHTS

3 (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely: -

Forest rights of
Forest dwelling
Scheduled Tribes
and Other
traditional forest
dwellers.

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers;

(b) community rights such as *mistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribes under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to

(k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-

69 of 1980

- (a) schools;
- (b) dispensary or hospital;
- (c) anganwadis;
- (d) fair price shops;
- (e) electric and telecommunication lines;
- (f) tanks and other minor water bodies;
- (g) drinking water supply and water pipelines;
- (h) water or rain water harvesting structures;
- (i) minor irrigation canals;
- (j) non-conventional source of energy;
- (k) skill upgradation or vocational training centres;
- (l) roads; and
- (m) community centres;

Provided that such diversion of forest land shall be allowed only if, -

(i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4 (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in –

Recognition of, and vesting of, forest rights in forest-dwelling Scheduled Tribes and other traditional forest dwellers⁶⁹ of 1980

(a) The forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3,

(b) The other traditional forest dwellers in respect of all forest rights mentioned in section 3

(2) the forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely: -

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration,

53 of 1972

(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government,

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification process is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

69 of 1980

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to –

- (a) protect the wild life, forest and biodiversity;
- (b) ensure that adjoining catchments areas, water sources and other ecological sensitive areas are adequately protected;
- (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
- (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV

AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities
to vest
forest rights
in forest
dwelling
Scheduled
Tribes and
other
traditional
forest
dwellers and
procedure
thereof

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition.

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha.

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition.

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee.

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the

appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees.

Offences by members of authorities and Committees under this Act. Cognizance of offences.

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

Cognizance of offences.

CHAPTER VI

MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members of authorities, etc., to be public servants.

45. of
1860

Protection
of action
taken in
good faith

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal
agency

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorized by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of
Central
Government
to issue
directions.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in
derogation
of any
other law.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

40 of 1996

Power to
make
rules

14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter 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 under that rule.

K.N. CHATURVEDI,
Secy. To the Govt. of India.

ANNEXURE 11.02



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक १९]

गुरुवार, फेब्रुवारी २३, २०१७/फाल्गुन ४, शके १९३८

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ३६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

OFFICE OF THE SECRETARY TO THE GOVERNOR OF MAHARASHTRA

Raj Bhavan, Mumbai 400 035, dated the 23rd February 2017

PREAMBLE

CONSTITUTION OF INDIA.

No.RB/TC/e-13011/(4)/(2014)/Notification/236/2017.—The following notification issued by the Governor of Maharashtra is published for the general information :—

Whereas, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor may, by public notification, direct that any particular Act of Parliament or of Legislature of the State shall not apply to a Scheduled Area referred to in clause (1) of Article 244 of the Constitution of India or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification;

And whereas, a need has been identified to build godowns, purchasing centers, Haats and cold storages in Scheduled Areas for the purposes of value addition and storage of Minor Forest Produce and the like;

And whereas, a large number of demands have originated regarding the provision of burial grounds/ cremation grounds in the forested regions of the Scheduled Areas;

And whereas, sub-section (2) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for diversion of forest land for 13 facilities managed by the Government;

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, फेब्रुवारी २३, २०१७/फाल्गुन ४, शके १९३८

And whereas, the Forest Rights Act does not specifically provide for, in this list of 13, the purposes of godowns, warehouses, cold storages and Haats and burial or cremation grounds ;

And whereas, it is expedient to further amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra, for the said purpose;

Now, therefore, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby makes the following Notification :—

NOTIFICATION

CONSTITUTION OF INDIA.

In exercise of the powers conferred by sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra shall apply to the Scheduled Areas referred to in clause (1) of the Article 244 of the Constitution with the following exceptions and modifications, namely :—

Modifications to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), in sub-section (2) after the clause (m), the following entries shall be added :—

- (i) “(n) godowns, warehouses, cold storages and Haats (Markets) to be operated by the Government of Maharashtra or its subsidiaries;” and
- (ii) “(o) cremation grounds/ burial grounds.”.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

B. VENUGOPAL REDDY,
Secretary to Governor.

ANNEXURE 11.03



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक २१]

सोमवार, मे १८, २०२०/वैशाख २८, शके १९४२

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ४५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि
विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

OFFICE OF THE SECRETARY TO THE GOVERNOR OF
MAHARASHTRA

REAMBLE

CONSTITUTION OF INDIA.

No.RB/TC/e-13011(1)(2020)/Appeal-FRA/100.—The following notification issued by the Governor of Maharashtra is published for the general information :—

Whereas, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor may, by public notification, direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area (referred to in clause (1) of Article 244 of the Constitution of India) or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification;

And whereas, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) (hereinafter referred to “the said Act”) is enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling scheduled tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded;

And whereas, section 6 of the Act provides for the procedure for vesting of such forest rights to the forest dwelling Scheduled Tribes and other traditional forest dwellers;

And whereas, the Sub-Divisional Level Committee, District Level Committee and State Level Monitoring Committee have been constituted for implementation of the said Act;

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे १८, २०२०/वैशाख २८, शके १९४२

And whereas, sub-section (6) of the said section 6 of the Act provides that the decision of the District Level Committee on the record of forest rights shall be final and binding;

And whereas, it has been reported that a large number of applications under the said Act relating to record of rights are rejected by the District Level Committee;

And whereas, there is no provision in the Act for appeal against the decision of the District Level Committee;

And whereas to make a provision for appeal of the order of the District Level Committee to reconsider the rightful claims of applicants, it is necessary to modify the provisions of the said Act;

And whereas, it is expedient further to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra for the said purpose;

Now, therefore, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby issue the following notification:—

NOTIFICATION

In exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra, shall apply to the Scheduled Areas referred to in clause (i) of article 244 of the Constitution with the following exceptions and modifications, namely:—

(i) in section 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as “the said Act”), for sub-section (6) the following sub-section shall be substituted, namely:—

“(6) The decision of the Divisional Level Committee under section 6A on the record of forest rights shall be final and binding.”;

(ii) after sub-section 6 of section 6 of the said Act, the following sub-section shall be inserted, namely:—

Appeal. **6A. (1)** Any person aggrieved by the order of the District Level Committee may prefer an appeal to the Divisional Level Committee referred to in sub-section (4).

(2) In case of order passed by District Level Committee before the commencement of this notification, the application for appeal shall be made within six months from the date of issue of notification, dated 18th May 2020 issued by the Governor of Maharashtra.

(3) In case of order passed by the District Level Committee after the commencement of this notification, application of appeal may be preferred within a period of ninety days from the date of communication of order of the District Level Committee.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे १८, २०२०/वैशाख २८, शके १९४२

(4) The Divisional Level Committee for the purposes of this section shall consist of,—

(a) Divisional Commissioner—Chairman;

(b) Chief Conservator of Forests or his representative not below the rank of Deputy Chief Conservator of Forests— Member;

(c) Three Members of Scheduled Tribes, of whom at least one shall be woman to be nominated by the state government;

(d) Additional Tribal Commissioner or an officer nominated by the Tribal Development Department, where post of additional Tribal Commissioner is not available at the divisional headquarters- Member Secretary.

(5) The decision of the Divisional Level Committee, subject to the directions and orders of the State Monitoring Committee shall be final.

Raj Bhavan, Mumbai,
Dated the 18th May, 2020.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

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

SANTOSH KUMAR,
Principal Secretary to Government.

ANNEXURE 11.03A

RNI No. MAHBIL/2009/35528



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक ३५

बुधवार, सप्टेंबर २३, २०२०/आश्विन १, शके १९४२

[पृष्ठ ३, किंमत : रुपये २७.००]

असाधारण क्रमांक ७५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि
विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

OFFICE OF THE SECRETARY TO THE GOVERNOR OF
MAHARASHTRA

PREAMBLE

CONSTITUTION OF INDIA.

No. RB/TC/CR-414/Notification/200/2020. – The following notification issued by the Governor of Maharashtra is published for the general information :—

WHEREAS, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor may, by public notification, direct that any particular Act of Parliament or of Legislature of the State shall not apply to the Scheduled Area referred to in clause (1) of Article 244 of the Constitution of India or any part thereof in the State or shall apply to the Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification;

AND WHEREAS, a need has been identified to provide housing area for the extended Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families in Tribal Areas;

AND WHEREAS, providing housing area will lead to stop migration of the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families outside the native habitats and will provide stability in tribal lives;

AND WHEREAS, a large number of demands have originated regarding extension of village site/hamlet/ habitation area in the Scheduled Area villages;

AND WHEREAS, almost all the villages in the Scheduled Areas of the State are notified as Revenue Villages;

भाग आठ—७५-२

(२)

AND WHEREAS, it has been reported that most of the areas outside the recognized village site/hamlet/ habitation of the said villages are treated as situated in the Forest Land;

AND WHEREAS, it is considered expedient to make provision for the housing of Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families by making provision for extension of village site/hamlet/ habitation Land;

AND WHEREAS, sub-section (2) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for diversions of forest land for 13 facilities managed by the Government;

AND WHEREAS, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra issued Notification on 23rd February 2017, and thereby added entries (n) and (o) in sub-section (2) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), in its application to the State of Maharashtra;

AND WHEREAS, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not specifically provide for in this list of 13 the purpose of providing housing area in the Scheduled Areas;

AND WHEREAS, it is expedient to further amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra, for the said purpose;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby makes the following Notification :—

NOTIFICATION

CONSTITUTION OF INDIA.

In exercise of the powers conferred by sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra shall apply to the Scheduled Areas referred to in clause (1) of the Article 244 of the Constitution with the following exceptions and modifications, namely :—

MODIFICATION TO THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006,

In Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007),—

(i) in sub-section (1), after clause (k), the following clause shall be inserted, namely:—

“(k-1) right for housing only to the extent for which provision has been made under clause (p) of sub-section (2) of this section;”;

(ii) in sub-section (2),—

(a) after the clause (o), as added by the Governor's Notification, No.RB/TC/e-13011(4)(2014)/Notification/236/2017, dated the 23rd February 2017, the following clause shall be added, namely:—

“(p) provision of housing to the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families belonging to the concerned village by extension of village site/ hamlet/ habitation_for area.”.

(b) after the existing proviso, the following proviso and Explanation shall be added, namely:—

“Provided further that, for the purposes of clause (p), the diversion of land for the purposes of village site/hamlet/ habitation shall be permitted only if,—

(i) the land so diverted from the forest land, is as far as practicable, surrounded or is contiguous to the village site/ hamlet/ habitation of the village;

(ii) the land so diverted only if there is a demand for the purpose from the persons belonging to the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families and are ordinarily resident in the same village;

(iii) the land shall be allotted to the persons belonging to the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families and ordinarily resident in the same village;

Explanation.— For the purposes of clause (p), the expression “village” shall include the ‘hamlets’ and ‘habitations’ forming part of the revenue village.

Raj Bhavan, Mumbai,

Dated the 23rd September, 2020.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

SANTOSH KUMAR,

Principal Secretary to Government.

ANNEXURE 11.04

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Rules, 2007.

NOTIFICATION

New Delhi, the 1st January, 2008

&

Amendment Rules 2012

NOTIFICATION

New Delhi, the 6th September, 2012
(Amendment Rules in bold italics)

GOVERNMENT OF INDIA

MINISTRY OF TRIBAL AFFAIRS

G.S.R. 1(E).— WHEREAS the draft Scheduled tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of Section 14 of the Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006(2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R. 437(E), dated the 19 June, 2007 in the Gazette of India, Part II, Section 3, Sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on 25-06-2007;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers residing in such forests, namely:-

1. Short title, extent and commencement.— (1) These rules may be called **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Rules, 2007.**

(2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (b) "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of section 3 of the Act;

(i) for clause (b), the following clause shall be substituted, namely:-

'(b) "bona fide livelihood needs" means fulfillment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights';

- (c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;

(ii) after clause (c), the following clauses shall be inserted namely:-

'(ca) "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), and (l) of sub-section (1) of section 3';

- (d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;

(iii) for clause (d), the following clause shall be substituted, namely:-

'(d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood.';

Explanation: (1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorised by the Gram Sabha,

(2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,

(3) The collection of minor forest produce shall be free of all royalties or fees or any other charges';

- (e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;
- (f) "section" means the section of the Act;

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

after rule 2, the following rule shall be inserted, namely:-

**"2A. Identification of hamlets or settlements and process of their consolidation-
The State Government shall ensure that:-**

(a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.

(b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.

(c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized;"

3. Gram Sabha.— (1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least one-third members shall be the Scheduled Tribes:

✓ **(a) in sub-rule (1) for the words "at least one-third members shall be the Scheduled Tribes", the words "at least two-third members shall be the Scheduled Tribes" shall be substituted;**

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

(3) when a member of the Forest Rights committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

(b) after sub-rule (3) the following sub-rule shall be inserted, namely:-

"(4) The Forest Rights Committee shall not reopen the forest rights recognised or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012."

4. Functions of the Gram Sabha.— (1) The Gram Sabha shall –

- (a) Initiate the process of determining the nature and extent of Forest Rights, receive and hear the claims relating thereto;
- (b) prepare a list of claimants of forest rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;
- (c) Pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;
- (d) Consider resettlement packages under clause (e) of Sub-section (2) of section 4 of the Act and pass appropriate resolutions; and
- (e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.

(i) after clause (e), the following clause shall be inserted, namely:-

(f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

(g) approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.

(2) The quorum of the Gram Sabha meeting shall be not less than two-thirds of all members of such Gram Sabha:

Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, Primitive Tribal Groups (PTGs) and pre-agricultural communities shall be adequately represented.

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women:

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present:

Provided also that such resolutions shall be passed by a simple majority of those present and voting".

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

5. Sub-Divisional Level Committee:- The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

- (a) Sub-Divisional Officer or equivalent officer - Chairperson;
- (b) Forest Officer in charge of a Sub-division or equivalent officer - Member;
- (c) Three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and
- (d) An officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee.— The Sub-Divisional Level Committee (SDLC) shall—

- (a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards, protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
- (b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (c) collate all the resolutions of the concerned Gram Sabha;
- (d) consolidate maps and details provided by the Gram Sabha;
- (e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
- (h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims;
- (i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of Govt. records;
- (j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
- (k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;
- (l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A and B) of these rules;

in rule 6, for clause (l), the following clause shall be substituted, namely:-

"(l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules."

- (m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee – The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

- (a) District Collector or Deputy Commissioner–Chairperson;
- (b) concerned Divisional Forest Officer or concerned Deputy Conservator or Forest-member;
- (c) three members of the district Panchayat to be nominated by the district Panchayath, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belongs to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional Forest Dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the autonomous District Council or Regional Council of whom at least one shall be a woman member; and
- (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in-charge of the tribal affairs.

8. Functions of District Level Committee.– The District Level Committee shall-

- (a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;
- (b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
- (c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level committee;
- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (e) co-ordinate with other districts regarding inter-district claims;
- (f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;
- (g) ensure publication of the record of forest rights as may be finalized; and

(i) in clause (g), the word "and", shall be omitted;

- (h) ensure that a certified copy of the record of forest rights and title under the act, as specified in annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively;

(ii) in Clause (h), at the end the word "and" shall be inserted;

(iii) after clause (h), the following clause shall be inserted, namely:-

"(i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned

Gram Sabha or the community whose rights over community forest resources have been recognised under clause (i) of sub-section (1) of Section 3."

9. State Level Monitoring Committee.— The State Government shall constitute a State Level Monitoring Committee with the following members, namely:

- | | | | |
|-----|--|---|--------------|
| (a) | Chief Secretary | — | Chairperson; |
| (b) | Secretary, Revenue Department | — | member; |
| (c) | Secretary, Tribal or Social Welfare Department | — | member; |
| (d) | Secretary, Forest Department | — | member; |
| (e) | Secretary, Panchayati Raj | — | member; |
| (f) | Principal Chief Conservator of Forests | — | member; |
| (g) | three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government; | | |
| (h) | Commissioner, Tribal Welfare or equivalent who shall be the Member Secretary. | | |

10. Functions of the State Level Monitoring Committee.—The State Level Monitoring Committee shall—

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process or recognition, verification and vesting of forest rights in the State;
- (c) furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;

(i) for clause (c), the following clause shall be substituted, namely:-

"(c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims.;"

- (d) on receipt of a notice as mentioned in section 8 of the act, take appropriate actions against the concerned authorities under the Act;
- (e) monitor resettlement under sub-section (2) of section 4 of the Act.

(ii) after clause (e), the following clause shall be inserted, namely:-
"(f) specifically monitor compliance of the provisions contained in clause (m) of sub-section(1)
of section 3 and sub-section (8) of section 4."

11. Procedure for filing, determination and verification of claims by the Gram Sabha.—

(1) The Gram Sabhas shall —

(a) call for claims and authorize the Forest Rights Committee to accept the claims in the form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:

Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to —

- (i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- (ii) prepare the record of claims and evidence including maps;
- (iii) prepare a list of claimants on forest rights;
- (iv) verify claims as provided in these rules;
- (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B as provided in Annexure I of these Rules.

in rule 11, in sub-rule(4), for the words and letter "community forest rights in Form B" the words "community forest rights in Form B and the right over community forest resources and clause (i) of sub-section (1) of Section 3 in Form C" shall be substituted.

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee.—(1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department—

- (a) visit the site and physically verify the nature and extent of the claim and evidence on the site;
- (b) receive any further evidence or record from the claimant and witnesses;
- (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;
- (d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and
- (e) prepare a map delineating the area of each claim indicating recognizable landmarks.

after clause (e), the following clause shall be inserted, namely:-

"(f) delineate the customary boundaries of the community forest resources with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access;

(g) prepare a community forest resource map with recognisable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resources may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognise the powers of the community in ac ,conservation and sustainable use of such community forest resources."

(2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

(4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

after rule 12, the following rules shall be inserted, namely:-

"12 A. Process of recognition of rights.- (1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.

(2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.

(3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the sub-Divisional Level Committee to the District Level Committee, such decisions or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.

(4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.

(5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.

(6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

(7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.

(8) The land rights for self-cultivation recognised under clause (a) of sub-section (1) of section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.

(9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.

(10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub-Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.

(11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation: 1. Fine receipts, encroacher list, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.

2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

12.B. Process of Recognition of Community Rights:- (1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

(2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of section 3 before the concerned Gram Sabhas.

(3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting

and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.

(4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.

(5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces."

13. Evidence for determination of forest rights.- (1) The evidence for recognition and vesting for forest rights shall, inter alia, include-

- (a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, *pattas* or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;
- (b) Government authorized documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;
- (c) physical attributes such as house, huts and permanent improvements made to land including leveling, bunds, check dams and the like;
- (d) quasi-judicial and judicial records including court orders and judgments;
- (e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
- (f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
- (g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;
- (h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;
- (i) statement of elders other than claimants, reduced in writing.

(2) An evidence for Community forest Rights shall, *inter alia*, include--

in sub-rule (2):-

(i) for the words "Community Forest Rights" the words "Community Forest Resource" shall be substituted.

- (a) community rights such as *nistar* by whatever name called;
- (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;
- (c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(ii) after clause (c) the following clauses shall be inserted, namely:-

(d) government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, nistari forests;

(e) "earlier or current practice of traditional agriculture."

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee.—(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the sub-Divisional Level Committee.

(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejection the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution

can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee.-(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

After rule 15 of the said rules, the following rules shall be inserted, namely:-

"16. Post Claim support and handholding to holders of forest rights:

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.

[F.No.17014/02/2007-PC&V (Vol. VII)]
Dr. BACHITTAR SINGH, Jt. Secy.

[See rule 6(1)]
FORM-A
CLAIM FORM FOR RIGHTS TO FOREST LAND
[See rule 11 (1)(a)]

1. Name of the claimant (s):
2. Name of the spouse:
3. Name of father/mother:
4. Address:
5. Village:
6. Grama Panchayat:
7. Tehsil/Taluka:
8. District:
9. (a) Scheduled Tribe: Yes/ No
(Attach authenticated copy of Certificate)
(b) Other Traditional Forest Dweller: Yes / No
If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age:
(including children and adult dependents)

Nature of claim on land:

1. Extent of forest land occupied
(a) for habitation
(b) for self-cultivation, if any :
[See Section 3(1)(a) of the Act]
2. Disputed lands if any:
[See Section 3(1)(f) of the Act]
3. Pattas/ leases/grants, if any:
[See Section 3(1)(g) of the Act]
4. Land for *in situ* rehabilitation or alternative land, if any:
[See Section 3(1)(m) of the Act]
5. Land from where displaced without land compensation:
[See Section 4(8) of the Act]
6. Extent of land in forest villages, if any:
[See Section 3(1)(h) of the Act]
7. Any other traditional right, if any:
[See Section 3(1)(1) of the Act]
8. Evidence in support:
(See Rule 13)
9. Any other information:

Signature/ Thumb Impression
Of the Claimant(s):

FORM -B
CLAIM FORM FOR COMMUNITY RIGHTS
[See Rule 11 (1)(a) and (4)]

1. Name of the claimant(s):
 - a. FDST community : Yes/ No
 - b. OTFD community : Yes/ No
2. Village :
3. Gram Panchayat :
4. Tehsil/ Taluka :
5. District :

Nature of community rights enjoyed :

1. Community rights such as *nistar*, if any :
[See Section 3(1)(b) of the Act]
2. Rights over minor forest produce, if any :
[See Section 3(1)(c) of the Act]
3. Community rights :
 - a. uses or entitlements (fish, water bodies), if any :
 - b. Grazing, if any :
 - c. Traditional resource access for nomadic and pastoralist, if any :
[See Section 3(1)(g) of the Act]
4. Community tenures of habitat and habitation
for PTGs and pre-agricultural communities, if any :
[See Section 3(1)(e) of the Act]
5. Right to access biodiversity, intellectual
Property and traditional knowledge, if any :
[See Section 3(1)(k) of the Act]
6. Other traditional right, if any :
[See Section 3(1)(l) of the Act]
7. Evidence in support :
(See Rule 13)
8. Any other information :

Signature/ Thumb Impression
Of the Claimant(s) :

14. In the said rules, in Annexure-1, after Form B, the following Form shall be inserted namely:-

"Form - C

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See section 3(1)(i) of the Act and rule 11(1) and 4(a)]

1. Village/Gram Sabha:

2. Gram Panchayat:

3. Tehsil/Taluka:

4. District:

5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribes/Other Traditional Forest Dwellers indicated next to each member]

Presence of few Scheduled Tribes/Other Traditional forest Dwellers is sufficient to make the claim.

We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under section 3(1)(i).

[Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.

6. Khasra / Compartment No. (s), if any and if known:

7. Bordering Villages:

(i)

(ii)

(iii)

(This may also include information regarding sharing of resources and responsibilities with any other villages.)

8. List of Evidence in Support (Please see Rule 13)

Signature / Thumb impression of the Claimant(s)

[See Rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder(s) of forest rights (including spouse):
2. Name of the father/mother:
3. Name of dependents:
4. Address:
5. Village/Gram Sabha:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller:
10. Area:
11. Description of boundaries by prominent Landmarks including khasra/compartament No.:

This title is heritable, but not alienable or transferable under Sub-section (4) of Section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State) affix our signatures to confirm the above forest right.

**Divisional Forest Officer/Deputy
Conservator of Forests**

District Tribal Welfare Officer

District Collector/Deputy Commissioner

[See Rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder(s) of community forest right:
2. Village/Gram Sabha:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:
6. Scheduled Tribe or Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any:
9. Description of boundaries including
Customary boundary and/or by prominent
Landmarks including khasra/compartment No.:

Name(s) of the holder(s) of community forest right:

1.
2.
3.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State)
.....affix our signatures to confirm the forest right as mentioned in the Title to the above
mentioned holders of community forest rights.

**Divisional Forest Officer/Deputy
Conservator of Forests**

District Tribal Welfare Officer

District Collector/Deputy Commissioner

15. In the said rules, after Annexure-III, the following Annexure shall be inserted, namely:-

"Annexure-IV

TITLE TO COMMUNITY FOREST RESOURCES

[See rule 8 (i)]

1. Village/Gram Sabha:

2. Gram Panchayat:

3. Tehsil/Taluka:

4. District:

5. Scheduled Tribe / Other Traditional Forest Dweller: Scheduled Tribes community / Other

Traditional Forest Dwellers community / Both

6. Description of boundaries including customary boundary; by prominent landmarks, and by khasra/compartament No:

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable used as per section 3 (1) (i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resources (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha/community(ies)

(Divisional Forest Officer/

(District Tribal Welfare Officer)

Deputy Conservator of Forests)

(District Collector/Deputy Commissioner)"

Format for furnishing quarterly report
[See Rule 10 (c)]

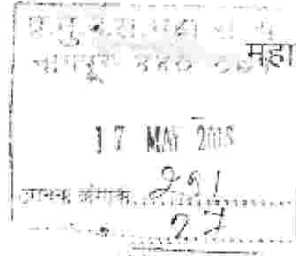
1.	Name of State	
2.	Status of Claims	
a)	Individual Rights	
	• Filed	
	• Accepted	
	• Rejected	
	• Pending	
	• Reasons for rejection with examples	
	• Corrective measures suggested	
	• Any other observations	
	• Extent of forest land covered (in Ha.)	
	• Status of updation of forest and revenue records under section 3(1)(a) of the Act (in Ha.)	
b)	Community Forest Rights	
	• Filed	
	• Accepted	
	• Rejected	
	• Pending	
	• Extent of forest land covered	
	• Status of updation of forest and revenue record under Section 3(1) (b) to 3(1)(l) of the Act (in Ha.)	
	• Reasons for rejections with example	
	• Corrective measures suggested	
	• Any other observations	
c)	Details of Community Forest Resource being managed and by whom	
d)	Good Practices (if any)	
e)	Area diverted under section 3(2) of the Act (in Ha.)	
e)	Any other Remarks	

(Chairman)
State Level Monitoring Committee

(Member Secretary)
State Level Monitoring Committee
[F.No.23011/32/2010-(Vol.III)]
Dr. SADHANA ROUT, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.

ANNEXURE 11.05



महाराष्ट्र शासन

क्रमांक : आस्था-२०१८/प्र.क्र.८६/१११/१,
आदिवासी विकास विभाग,
महाराष्ट्र शासन, हुतात्मा राजगुरु काल
खालीर विस्तार, मुंबई ४०००३२.
दिनांक : १३ एप्रिल, २०१८ ✓

परम - विनोद कर्नालकर यांचे अर्ज क्र.वहका-२०१०/प्र.क्र.१६४/का.१५, दि.२२/१०/२०१०

शरसन आदेश :

अनुसूचित जमाती व इतर पारंपारिक वननिवासी (वन हक्काची मान्यता) कायदा २००६, नियम २००८ व सुधारित नियम २०१२ ची अंमलबजावणी व अनुगमिक कामकाजाची कार्यवाही शरसन आदेश क्र १८/१५/२०१० अन्वये आयुक्त, आदिवासी विकास, नाशिक मार्फत करण्यात येत आहे.

१. मा.मुख्यमंत्री महोदयांनी दिनांक १२/०३/२०१८ रोजी महाराष्ट्र राज्य लिखान राणा आदेशी झालेल्या याच व खालीलप्रमाणे निर्देश दिलेले आहेत.

- अ) वनहक्का कायदा २००६ खालील सर्व प्रलंबित दावे व अगिलांचा निर्णय घेण्या सहा गहिण्यात करण्यात यावा.
- आ) संबंधित जिल्हाधिकारी यांनी कालवढा निर्मलीसाठी आवश्यकतेनुसार अलिखित जिल्हाधिकारी व उपविभागीय अधिकारी यांच्या सेवा समलया करून घ्याव्यात.
- इ) क.ब.देशीर पात्रता विचारात घेऊन सन २००९ मधील साधा सिद्ध झाल्यास वार हेमरपर्यंतचे क्षेत्र क्षेत्र पात्रतेनुसार देण्यात यावे. ज्यांना कमी क्षेत्र मिळाले आहे, अशा सर्व प्रकारची तसेच झुडुई नाकारण्यात आलेल्या सर्व प्रकरणांची पुनाश्च रणताणी करावी.
- ई) ज्या वनहक्काधारकांचे मुळ घरतरेवज हरदले आहे, त्यांच्याबाबत समलया पुराव्याच्या आधारे फेरविचार करण्यात यावा व कायद्यात नमूद करण्यात आलेल्या जणेत्येही दोन पुराव्यांच्या आधारे निर्णय घेण्यात यावा.

२. आदिवासी संशोधन व प्रशिक्षण संस्था, महाराष्ट्र राज्य, पुणे या संस्थेला स्वायत्त संस्था म्हणून शरसनाने मान्यता दिलेली असून संस्थेचे स्वायत्त संस्था म्हणून कामकाज सुरू झालेले आहे. आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे या संस्थेचे प्रमुख उद्दिष्टे आदिवासी संदर्भात संशोधन करणे, योजनांचे मूलव्यापन करणे, प्रशिक्षण, विविध सांख्यिकी माहिती संकलीत करणे इ. आहेत.

३. आयुक्तालय, आदिवासी विकास, नाशिक या कार्यालयातील योजना अंमलबजावणी कामकाजाची न्याय्य व आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे या संस्थेची प्रमुख उद्दिष्टे लक्षात घेऊन, अनुसूचित जमाती व इतर पारंपारिक वननिवासी (वन हक्काची मान्यता) कायदा २००६, नियम २००८ व सुधारित नियम २०१२ ची अंमलबजावणी, प्रशिक्षण व अनुगमिक कामकाजाची कार्यवाही आदिवासी संशोधन व प्रशिक्षण संस्था, महाराष्ट्र राज्य, पुणे या स्वायत्त संस्थेकडे सोपविण्यात येत आहे. तसेच आयुक्त, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे यांना सदर अंमलबजावणीसाठी गोडत अधिकारी म्हणून नियुक्त करण्यात येत आहे.

५. अनुसूचित जमाती व इतर पारंपारिक वननिवासी (वन हक्काची मागणी) लक्षित २०१७-१८ व सुधारित नियम २०१६ च्या अन्वयावरणी करण्यसाठी कार्यरत असलेले आयुक्त, आदिवासी विकास, नाशिक यांच्या कक्षीतील सर्व मनुष्यबळ आयुक्त, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे देण्यात यावे.

६. यापुढे पुनर्निर्वाचनाद्वारे प्राप्त होणारा निधी रु.६.०० कोटी इतका निधी अ.३२, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे यांच्याकडे वर्ग करण्यात आलेला आहे, राबवणे निधी अ.३२ नुसार करण्यसाठी नियंत्रक अधिकारी तथा आयुक्त, आदिवासी संशोधन व प्रशिक्षण संस्था, नाशिक राज्य, पुणे यांना प्राधिकृत करण्यात येत आहे, तसेच यापुढेही आवश्यकतेनुसार निधी खालील देण्यात येईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(सुनिता गांधीकरवाडे)

कार्यासन अधिकारी, महाराष्ट्र शासन

प्रति,

मा. मुख्यमंत्री महोदयाने प्रधान सचिव, मंत्रालय, मुंबई-३२.

मा. मंत्री, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२.

मा. राज्यमंत्री, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२.

सर्व विभागीय आयुक्त

सर्व जिल्हाधिकारी

प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर

अपर मुख्य सचिव (महसूल) यांचे स्वीय सहायक, स. मान्य प्रशासन विभाग, मंत्रालय, मुंबई-३२

मा. प्रधान सचिव (आ.वि.), यांचे स्वीय सहायक, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२

आयुक्त, आदिवासी विकास, नाशिक

आयुक्त, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे

सर्व प्रकल्प अधिकारी, एकात्मिक आदिवासी विकास प्रकल्प

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य सहकारी आदिवासी विकास महामंडळ मर्यादित, नाशिक

व्यवस्थापकीय संचालक, शहरी आदिवासी वित्त व विकास महामंडळ मर्यादित, नाशिक

सर्व उप वनसंरक्षक वने/ सर्व उप विभागीय अधिकारी, महसूल व वन विभाग

सर्व उप मुख्यकार्यकारी अधिकारी, जिल्हा परिषद.

सह सचिव/उप सचिव यांचे स्वीय सहायक, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२

सर्व अवर सचिव/कक्ष अधिकारी, आदिवासी विकास विभाग, मंत्रालय, मुंबई-३२

निवडनरती

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प्रति,

प्रति,

प्रधान मुख्य वनसंरक्षक,

महाराष्ट्र राज्य,

नागपूर

संचालक

आदिवासी विकास विभाग

मंत्रालय, मुंबई-३२

ANNEXURE 11.06

Annexure to letter No 23011/15/2008-SG.II
dated May 18, 2009

Government of India
Ministry of Tribal Affairs

Procedure for seeking prior approval for diversion of forest land for non-forest purposes for facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

2. For implementation of the provisions of sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Central Government hereby lays down the following procedure:-

2.1 **Definitions.-** In the procedure, unless the context otherwise requires:-

- (a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2008;
- (c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;
- (d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;

- (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with matters relating to diversion of forest land under the Act;
- (f) "Section" means a section of the Act;
- (g) "User Agency" means a Department of the Central or State Government or a District Panchayat making a request for diversion of forest land for developmental projects managed by the Government as specified in sub-section (2) of Section 3 of the Act;
- (h) "Village" shall have the same meaning as defined in Section 2(p) of the Act.

2.2 Submission of the proposals seeking approval for diversion of the forest land under sub-section (2) of Section 3 of the Act.-

- (i) Every User Agency, that wants to use any forest land for any developmental project, specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form appended, i.e. Form 'A', and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.
- (ii) A quorum of atleast half the members of the Gram Sabha should be present for adopting a resolution recommending the diversion of forest land.
- (iii) On receipt of a recommendation of the proposal by the Gram Sabha, the User Agency will submit the proposal to the concerned Range Forest Officer (RFO) of the area, along with the resolution adopted by the Gram Sabha.
- (iv) The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.
- (v) The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form 'B' appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.
- (vi) The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer (RFO) concerned with a copy to the

Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.

- (vii) After receipt of the approval from the concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand over the same to the User Agency under the supervision of the Gram Sabha.
- (viii) If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.
- (ix) The District Level Committee will meet and take a final decision, with at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.
- (x) The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for a specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handing over the land to the User Agency.
- (xi) The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the Secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministries of Tribal Affairs and Environment & Forests.
- (xii) The Nodal Officer will also monitor the progress.

APPENDIX

Form for seeking prior approval for diversion of forest land for non-forest purposes for the facilities managed by the Government under sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

FORM-A

[See para 2.2(i)]

(To be filled up by the User Agency)

1. Project details:
 - (i) Short narrative of the proposed project / scheme for which the forest land is required.
 - (ii) Details of the forest land required (two options to be indicated)
 - a. Location – Survey No./ Compartment No.
 - b. Extent of the area (in hectare)
 - c. Forest Division
 - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Justification for locating the project in proposed forest land(s)
 - (iv) Number of trees to be felled (per hectare) and number that will be kept standing
2. Detailed, purpose-wise break-up of the total forest land required with proposed building/activity area map.
3. Confirmation that User Agency will plant at least twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for at least five years (Details to be enclosed).
4. Recommendation of the Gram Sabha – Accepted/Rejected
[Please tick (✓), as the case may be]. [Copy of the Gram Sabha resolution to be attached.]

Signature of the authorized person for the User
Agency

(Name in Block letters)

Address _____

Date: _____

Place: _____

Serial No. of proposal _____

(To be filled up by the Range Forest Officer with date of receipt)

FORM-B

[See para 2.2(iv)]

(To be filled by the concerned Range Forest Officer)

Serial No. of proposal _____

1. Location of the project / Scheme:
 - (i) State / Union Territory
 - (ii) District.
 - (iii) Forest Division
 - (iv) Proposed forest land(s) (two options to be indicated)
 - i. Location – Survey No./ Compartment No.
 - ii. Extent of the area (in hectare)
 - (v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.
2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).
3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

Name _____

Official Seal

Date: _____

Place: _____

Accepted / Not accepted
with reasons to be recorded

Signature of the DFO

Name _____

Official Seal

Date: _____

Place: _____

ANNEXURE 11.07A

No.F.17014/02/2007-PC&V (Vol.VII) (pt.)
Government of India
Ministry of Tribal Affairs
(SG Division)

Shastri Bhawan, New Delhi
Dated: 4th November, 2011

To
Shri Sanjeev Gaur
Joint Secretary (Forests)
Government of Maharashtra
Revenue and Forest Department
Mantralaya
Mumbai-400032.

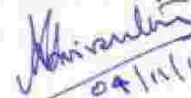
Subject: **Correction in Government Records as per Rule 15 (6) under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

Sir,

I am directed to refer to your letter No.S-10/2011/CR-175/F-3 dated 19.09.2011 on the above subject and to say that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 only seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act does not confer ownership rights on forest land to the forest dwellers after recognition and vesting of their forest rights.]

2. The State Government may, therefore, take a decision in the matter keeping in view the above position.

Yours faithfully,


04/11/11
(A.K. Srivastava)

Director
Tel.:011-23387444
Fax:011-23383968

Copy for information to the Principal Secretary, Tribal Development Department, Government of Maharashtra, Mumbai-400032.


04/11/11
(A.K. Srivastava)
Director

ANNEXURE 11.07B

अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वन हक्कांची मान्यता) अधिनियम, २००६ व नियम २००६ नुसार पात्र दावेदारांची सदर मिलकतीच्या ७/१२ सदरी नोंद घेताना अनुसरायचा कार्यपद्धती.....

महाराष्ट्र शासन
महसूल व वन विभाग
शासन परिपत्रक क्र. एस-१०/२०११/प्र.क्र.१७५/फ-३
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : २ जानेवारी, २०१२.

परिपत्रक :-

अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वन हक्कांची मान्यता) अधिनियम, २००६ च्या अंतर्गत सन २००६ च्या निवमावलीनुसार उपरोक्त अधिनियमान्वये प्राप्त दाव्यांतील हक्क निर्धारणाची प्रक्रिया सुरु आहे. प्राप्त दाव्यांच्या अनुषंगाने दाव्यांचे संस्करण किंवा निराकरणाबाबत जिल्हास्तरीय समितीने अंतिम आदेश पारित केल्यानंतर नियम १५ (६) नुसार हक्कांची नोंद घेण्यासंदर्भात पुढील तरतूद आहे.

The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

२. वनहक्क पात्र प्रकरणात महसूल अभिलेख्यामध्ये नोंद घेताना विविध जिल्ह्यांमध्ये वेगवेगळ्या पद्धती अवलंबण्यात येत असल्याचे शासनाच्या निदर्शनास आले होते. या नोंदीबाबत संपूर्ण राज्यामध्ये एकसुत्रता असणे गरजेचे आहे. पात्र वन हक्कांच्या नोंदी महसूल अभिलेख्यात कशा रितीने घ्याव्यात याबाबत मार्गदर्शन देण्यासाठी केंद्र शासनास विनंती केली असता केंद्र शासनाच्या आदिवासी विषयक मंत्रालयाने त्यांच्या कडील पत्र क्रमांक F-17014/02/2007-PC&V(Vol.VII) (pt), dated 4th November, 2011 अन्वये खालीलप्रमाणे स्पष्टीकरण केले आहे.

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 only seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act does not confer ownership rights on forest land to the forest dwellers after recognition and vesting of their forest rights.

३. केंद्र शासनाच्या उपरोक्त सूचनांच्या अनुषंगाने हक्क प्राप्त दाव्यांच्या नोंदी ७/१२ अभिलेख्यातील इतर हक्क या रकान्यात करण्यात यावेत. तसेच याच रकान्यात अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वन हक्कांची मान्यता) अधिनियमाच्या कलम ४ (१) नुसार प्रदान करण्यात आलेला हक्क वारसागामी असेल मात्र अन्य संक्राम्य किंवा हस्तांतरणीय नाही असेही स्पष्टपणे नमूद करावे. विवाहीत व्यक्तीच्या बाबतीत नवरा बायको या दोघांच्याही नावाने संयुक्तपणे नोंद घ्यावी आणि

Dr. Govt. Resolution.lyn

एकाच व्यक्तीचे प्रमुख असलेल्या कुटुंबाच्या बाबतीत एकाच प्रमुखाच्या नावे नोंद करण्यात यावी व थेट वारस नसेल तर वारसा हक्क निकटतम नातेवाईकास देण्यात यावा. तसेच इतर हक्कात अशी नोंद घ्यावी की, बँक कर्ज घेता येईल व कर्जाची नोंद इतर हक्कात घेता येईल.

४. ७/१२ अभिलेखात कब्जेदार सदरी महाराष्ट्र शासन (वने) अशी नोंद करावी.

५. वन हक्क मान्य दाव्यांच्या नोंदी ह्या महाराष्ट्र जमीन महसूल अधिनियम, १९६६ मधील तरतूदीनुसार घेण्यात याव्यात.

६. सदर परिपत्रकामध्ये नमूद केलेल्या मार्गदर्शक तत्वानुसार वन हक्क मान्य झालेल्या दाव्यांच्या नोंदी सदर जमीनीच्या ७/१२ सदरी घेण्यात याव्यात.

७. सदरचे शासन परिपत्रक महसूल विभाग व आदिवासी विकास विभागाच्या सहमतीने निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने.

(रत्नाकर गायकवाड)

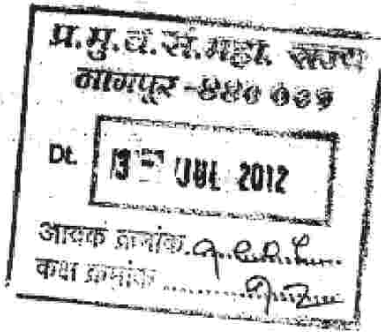
मुख्य सचिव

महाराष्ट्र राज्य

प्रति,

१. जमाबंदी आयुक्त आणि संचालक, भूमी अभिलेख, महाराष्ट्र राज्य, पुणे
२. सर्व विभागीय आयुक्त, (६ प्रती)
३. आयुक्त, आदिवासी विकास विभाग, नाशिक.
४. प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) महाराष्ट्र राज्य, नागपूर.
५. अपर प्रधान मुख्य वनसंरक्षक (संधारण) महाराष्ट्र राज्य नागपूर.
६. अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), नागपूर, पश्चिम बोरीवली व नाशिक
७. सर्व जिल्हाधिकारी (३५ प्रती)
८. मुख्य वनसंरक्षक (प्रादेशिक) सर्व
९. सर्व उपसंचालक, भूमी अभिलेख (१० प्रती)
१०. सर्व जिल्हा निरीक्षक, भूमी अभिलेख (३० प्रती)
११. मा. मंत्री (महसूल) यांचे खाजगी सचिव.
१२. मा. राज्यमंत्री (महसूल) यांचे स्वीय सहायक.
१३. प्रधान सचिव (वने), महसूल व वन विभाग, मंत्रालय, मुंबई.
१४. प्रधान सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई.
१५. प्रधान सचिव, ग्राम विकास विभाग, मंत्रालय, मुंबई.
१६. महसूल व वन विभागातील सर्व कार्यासने.
१७. निवडनस्ती कार्यसने.

ANNEXURE 11.08



अनूसुचित जमाती व इतर पारंपरिक वन निवासी (वन हक्कांची मान्यता) अधिनियम, २००६ आणि नियम २००६ अंतर्गत प्राप्त दाव्यांवर कार्यवाही करताना घ्यावयाची काळजी..

महाशब्द शासन

महसूल व वन विभाग

शासन परिपत्रक क्र. एस-१०/२०१२/प्र.क्र.२२८/फ-३

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक : १४ जून, २०१२.

परिपत्रक :-

अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वन हक्कांची मान्यता) अधिनियम, २००६ आणि नियम २००८ मध्ये वन निवासी अनुसूचित जमाती व इतर पारंपरिक वन निवासी यांना विहित तरतुदींच्या मर्यादेत वनहक्क प्रदान करणे अभिप्रेत आहे. अधिनियमातील कलम ३ (१) अनुसार सुरक्षित वैयक्तिक किंवा सामूहिक किंवा दोन्हीचे धारणाधिकांमध्ये असलेले वनहक्क वन निवासी अनुसूचित जमाती व इतर पारंपरिक वन निवासी यांना प्रदान करता येतात. कलम ३ (१) (ड) अनुसार ज्या ठिकाणी अनुसूचित जमाती व इतर पारंपरिक वन निवासी यांना १३ डिसेंबर, २००५ पूर्वी त्यांची वैध हक्कदारी डावलून कोणत्याही स्वरूपाचे वन जमिनीतून अवैधरित्या निष्कासित किंवा विस्थापित करण्यात आले असेल तर त्यांच्या पर्यायी जमिनीसह मुळ स्वरूपात पुनर्वसन करण्याचे हक्क प्रदान करण्यात आले आहे. यासाठी उपरोक्त तरतुदीनुसार १३ डिसेंबर, २००५ ही तारीख निर्धारित करण्यात आली आहे.

उपरोक्त वैधानिक तरतुदींचा उल्लेख करून मा.श्री.माणिकराव गावित, लोकसभा सदस्य यांनी त्यांच्या दिनांक ०७.०४.२०१२ च्या पत्रान्वये शासनाच्या निदर्शनास आणले आहे की, नंदुरबार जिल्ह्यातील जिल्हाधिकारी यांनी दिनांक १३ डिसेंबर, २००५ नंतरच्या वन दाव्यांसंदर्भात सुध्दा वनजमीन मोजणीचे आदेश संबंधितांना दिले आहेत. सदरची गोष्ट वन (संवर्धन) अधिनियम, १९८० चे उल्लंघन करणारी असल्याचे तसेच सबळ पुराव्या अभावी दावे मोजणीच्या / जमीन मोजणीच्या पध्दतीमुळे वन जमीनी ताब्यात मिळतील, स्थानिक आदिवासींमध्ये असा गैरसमज निर्माण होत असल्याचे मा.खासदार यांनी निदर्शनास आणले आहे. मा.खासदार यांच्या उपरोक्त पत्राची प्रत सोबत सहपत्रित करित आहे.

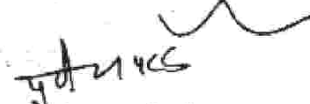
उपरोक्त पार्श्वभूमीवर सर्व संबंधीतांचे लक्ष वेधण्यात येत आहे की, अनुसूचित जमाती व इतर पारंपरिक वन निवासी (वनहक्कांची मान्यता), अधिनियम, २००६ आणि नियम २००८ अनुसार पात्र व्यक्तींना वनहक्क बाबतचे Title देण्यासंबंधी निकष आणि त्यासाठी अवलंबावयाची प्रक्रिया स्पष्टपणे विशद करण्यात आली आहे. नियम १३ मध्ये उल्लेखित पुराव्यांअभावी स्थानिक पातळीवर दबावाखाली वन जमिनीची 'मोजणी' करण्याबाबतचे निर्देश देणे कायद्यातील तरतुदींशी पिसंगत उरते. उक्त अधिनियम आणि त्यातील नियमावलीच्या चौकटीबाहेर जाऊन कार्यवाही करणे,

क.मा.प.

अधिकाराचा गैरवापर करण्याबरोबरच उक्त अधिनियम, वन (संवर्धन) अधिनियम, १९८० तथा भारतीय वन अधिनियम, १९२७ चे जाणीवपूर्वक उल्लंघन ठरते आणि त्यासाठी संबंधित अधिकारी फौजदारी गुन्ह्यासाठी पात्र ठरतात, याची सर्वांनी नोंद घेणे आवश्यक आहे. उक्त अधिनियमांतर्गत प्राप्त दाव्यांची शहानिशा करतांना ह्या बाबी सर्वसंबंधितांनी लक्षात घ्याव्यात.

सदर परिपत्रक आदिवासी विकास विभागाच्या सहमतीने निर्गमित करण्यात येत आहे.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

०/० सहपत्र : वरीलप्रमाणे.


(प्रवीण परदेशी)
प्रधान सचिव (वने)

प्रति,

१. मा.राज्यपाल यांचे सचिव, राजभवन, मलबार हिल, मुंबई.
२. अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई.
३. प्रधान सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई.
४. सचिव, ग्राम विकास विभाग, मंत्रालय, मुंबई.
५. प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) महाराष्ट्र राज्य, नागपूर.
६. प्रधान मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर.
७. अपर प्रधान मुख्य वनसंरक्षक (संधारण), महाराष्ट्र राज्य, नागपूर.
८. अपर प्रधान मुख्य वनसंरक्षक तथा केंद्रस्थ अधिकारी, महाराष्ट्र राज्य, नागपूर.
९. अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव) सर्व.
१०. विभागीय आयुक्त (सर्व).
११. मुख्य वनसंरक्षक (प्रा.), सर्व.
१२. मुख्य वनसंरक्षक तथा क्षेत्र संचालक, पेंच व्याघ्र प्रकल्प, नागपूर.
१३. मुख्य वनसंरक्षक तथा क्षेत्र संचालक, ताडोबा व्याघ्र प्रकल्प, नागपूर.
१४. मुख्य वनसंरक्षक तथा क्षेत्र संचालक, मेळघाट व्याघ्र प्रकल्प, मेळघाट.
१५. मुख्य वनसंरक्षक तथा संचालक, संजय गांधी राष्ट्रीय उद्यान, बोरीवली, मुंबई.
१६. आयुक्त, आदिवासी विकास विभाग, आदिवासी विकास भवन, गडकरी चौक, नाशिक.
१७. जिल्हाधिकारी (सर्व).
१८. उपवनसंरक्षक (प्रा.) सर्व.
१९. उप वनसंरक्षक (वन्यजीव) सर्व.
२०. मुख्य कार्यकारी अधिकारी (जिल्हा परिषद) सर्व.
२१. निवडनस्ती फ-३ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई.

ANNEXURE 11.09

IMMEDIATE



**No. 23011/32/2010-FRA [Vol.II (Pt.)]
Government of India
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi
Dated : 12th July, 2012**

To

1. The Chief Secretaries of all State Governments
(except Jammu & Kashmir, Punjab, Haryana and Delhi)
2. The Administrators of all Union Territories
(except Lakshadweep)

Subject: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 - guidelines regarding.

Sir,

As you are aware, the historic legislation "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act" had been enacted in 2006 with the objective of remedying the historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers of the country. However, even after lapse of more than four years of its implementation, the Ministry has observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers remains constrained.

2. The Ministry has noticed several problems which are impeding the implementation of the Act in its letter and spirit, such as, convening of Gram Sabha meetings at the panchayat level in some cases, resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered absolute rights over the minor forest produce (MFP) to forest dwellers; imposition of several restrictions, like, transit permit for transportation of MFPs, levy of fees, charges, royalties on sale of MFPs; exclusion of certain types of MFPs, in contravention of the definition of MFP given in the Act; continuance of monopoly in the trade of MFP, especially in the case of high value MFP, such as, *tendu patta* by the Forest Corporations in many States; non-recognition of other community rights, such as, nistar rights, conversion of all forest villages, old habitations, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages; non-recognition of community forest resource

rights relating to protection, regeneration or conservation, or management of any community forest resources under Section 3(1)(i) of the Act; etc.

3. In many areas, the tribal people and other forest dwellers are reportedly facing harassment and threats of eviction from forest lands and forced relocation or displacement from the areas proposed for development projects without settlement of their rights or due compliance with safeguards in violation of the provisions of the Act. The claims are being rejected in some States as the officials are insisting on certain types of evidences and the new technology, such as, satellite imagery, is being used as the only form of evidence for consideration of a claim, instead of using the same to supplement the evidences submitted by the claimants in support of their claims. Inadequate public awareness about the provisions of the Act, particularly the provisions relating to the filing of petitions by the persons aggrieved by the decisions of the authorities prescribed under the Act, inadequate training of the implementing officials etc. are also some of the reasons for non-implementation of the Act in its letter and spirit.

4. In order to address the above concerns and to ensure effective implementation of the Act, the Ministry has undertaken an exercise to arrive at certain provisions/ steps which will facilitate robust implementation of the Act. Certain guidelines as indicated in the **Annexure** to this letter are accordingly being issued for compliance by all the State Governments/ UT Administrations. It is requested that the enclosed guidelines may be brought to the notice of all the implementing agencies in your State/UT for strict compliance. This Ministry may also kindly be apprised of the action taken for operationalising these guidelines at an early date.

5. This issues with the approval of competent authority.

Yours faithfully,

(Sadhana Rout)
Joint Secretary to the Government of India
Tele: 23383622

Copy also forwarded to State Principal Secretaries/Secretaries in-charge of Tribal Welfare/Development Departments for urgent necessary action.

(Sadhana Rout)
Joint Secretary to the Government of India

**Government of India
Ministry of Tribal Affairs**

**Guidelines on the implementation of the Scheduled Tribes and Other
Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008.

Over a period of last four years of implementation of the Act, some problems impeding the implementation of the Act in its letter and spirit have come to the notice of the Ministry of Tribal Affairs, such as, convening of Gram Sabha meetings at the Panchayat level resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered rights over the minor forest produce (MFP) to forest dwellers; non-recognition of other community rights; harassment and eviction of forest dwellers without settlement of their forest rights; rejection of claims by insisting on certain types of evidences, inadequate awareness about the provisions of the Act and the Rules etc.

In order to address the above concerns and with a view to ensure effective implementation of the Act, the following guidelines are issued on various aspects of implementation of the Act for compliance by all the State Governments/UT Administrations:

i) Process of Recognition of Rights:

(a) The State Governments should ensure that on receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue Departments remain present during the verification of the claims and the evidence on the site.

b) In the event of modification or rejection of a claim by the Gram Sabha or by the Sub-Divisional Level Committee or the District Level Committee, the decision on the claim should be communicated to the claimant to enable the aggrieved person to prefer a petition to the Sub-Divisional Level Committee or the District Level Committee, as the case may be, within the sixty days period prescribed under the Act and no such petition should be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

c) The Sub-Divisional Level Committee or the District Level Committee should, if deemed necessary, remand the claim to the Gram Sabha for reconsideration instead of rejecting or modifying the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

d) In cases where the resolution passed by the Gram Sabha, recommending a claim, is upheld by Sub-Divisional Level Committee, but the same is not approved by the District Level Committee, the District Level Committee should record the reasons for not accepting the recommendations of the Gram Sabha and the Sub-Divisional Level Committee, in writing, and a copy of the order should be supplied to the claimant.

e) On completion of the process of settlement of rights and issue of titles as specified in Annexures II, III & IV of the Rules, the Revenue / Forest Departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the prescribed cycle of record updation.

f) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution/ recommendation should be in the form of speaking orders.

g) The Sub-Divisional Level Committee or the District Level Committee should not reject any claim accompanied by any two forms of evidences, specified in Rule 13, and recommended by the Gram Sabha, without giving reasons in writing and should not insist upon any particular form of evidence for consideration of a claim. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation rooted in prior official exercises, or the lack thereof, would not be the sole basis for rejection of any claim.

h) Use of any technology, such as, satellite imagery, should be used to supplement evidences tendered by a claimant for consideration of the claim and not to replace other evidences submitted by him in support of his claim as the only form of evidence.

i) The status of all the claims, namely, the total number of claims filed, the number of claims approved by the District Level Committee for title, the number of titles actually distributed, the number of claims rejected, etc. should be made available at the village and panchayat levels through appropriate forms of communications, including conventional methods, such as, display of notices, beat of drum etc.

j) A question has been raised whether the four hectare limit specified in Section 4(6) of the Act, which provides for recognition of forest rights in respect of the land mentioned in clause (a) of sub-section (1) of section 3 of the Act, applies to other forest rights mentioned in Section 3(1) of the Act. It is clarified that the four hectare limit specified in Section 4(6) applies to rights under section 3(1)(a) of the Act only and not to any other right under section 3(1), such as conversion of pattas or leases, conversion of forest villages into revenue villages etc.

ii) **Minor Forest Produce:**

(a) The State Government should ensure that the forest rights relating to MFPs under Section 3(1)(c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) of the Act, in all forest areas, and state policies are brought in alignment with the provisions of the Act. Section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, and the like".

(b) The monopoly of the Forest Corporations in the trade of MFP in many States, especially in case of high value MFP, such as, tendu patta, is against the spirit of the Act and should henceforth be done away with.

(c) The forest right holders or their cooperatives/ federations should be allowed full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.

(d) The State Governments should exempt movement of all MFPs from the purview of the transit rules of the State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/ federations of the rights holders would also be ultra vires of the Act.

(e) The State Governments need to play the facilitating role in not only transferring unhindered absolute rights over MFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative prices for the MFP, collected and processed by them

iii) **Community Rights:**

(a) The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructory rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights;

(b) The District Level Committee should also facilitate the filing of claims by pastoralists before the concerned Gram Sabha (s) since they would be a floating population for the Gram Sabha(s) of the area used traditionally.

(c) In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive

habitat rights in consultation with the concerned PTGs' traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.

(d) The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlements and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognizes the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion on forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore, convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right.

iv) Community Forest Resource Rights:

(a) The State Government should ensure that the forest rights under Section 3(1)(i) of the Act relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages and the titles are issued as soon as the prescribed Forms for claiming Rights to Community Forest Resource and the Form of Title for Community Forest Resources are incorporated in the Rules. Any restriction, such as, time limit, on use of community forest resources other than what is traditionally imposed would be against the spirit of the Act.

b) In case no community forest resource rights are recognized in a village, the reasons for the same should be recorded. Reference can be made to existing records of community and joint forest management, van panchayats, etc. for this purpose.

c) The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.

d) The Committees constituted under Rule 4(e) of the Forest Rights Rules, 2008 would work under the control of Gram Sabha. The State Agencies should facilitate this process.

e) Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that prejudicially affects the wild-life, forest and bio-diversity in forest area would be dealt with under the provisions of the relevant Acts.

v) **Protection Against Eviction, Diversion of Forest Lands and Forced Relocation :**

(a) Section 4(5) of the Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights as this Section opens with the words "Save as otherwise provided". The rationale behind this protective clause against eviction is to ensure that in no case a forest dweller should be evicted without recognition of his rights as the same entitles him to a due compensation in case of eventuality of displacement in cases, where even after recognition of rights, a forest area is to be declared as inviolate for wildlife conservation or diverted for any other purpose. In any case, Section 4(1) has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

(b) The Ministry of Environment & Forests, vide their letter No.11-9/1998-FC(pt.) dated 30.07.2009, as modified by their subsequent letter of the same number dated 03.08.2009, has issued directions, requiring the State/ UT Governments to enclose certain evidences relating to completion of the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while formulating unconditional proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. The State Government should ensure that all diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 take place in compliance with the instructions contained in the Ministry of Environment & Forest's letter dated 30.07.2009, as modified on 03.08.2009.

(c) There may be some cases of major diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 after the enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 but before the issue of Ministry of Environment & Forests' letter dated 30.07.2009, referred to above. In case, any evictions of forest dwelling Scheduled Tribes and other

traditional forest dwellers have taken place without settlement of their rights due to such major diversions of forest land under the Forest (Conservation) Act, 1980, the District Level Committees may be advised to bring such cases of evictions, if any, to the notice of the State Level Monitoring Committee for appropriate action against violation of the provisions contained in Section 4(5) of the Act.

(d) The Act envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over all forest lands, including National Parks and Sanctuaries. Under Section 2(b) of the Act, the Ministry of Environment & Forests is responsible for determination and notification of critical wildlife habitats in the National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation, as per the procedure laid down. In fact, the rights of the forest dwellers residing in the National Parks and Sanctuaries are required to be recognized without waiting of notification of critical wildlife habitats in these areas. Further, Section 4(2) of the Act provides for certain safeguards for protection of the forest rights of the forest rights holders recognized under the Act in the critical wildlife habitats of National Parks and Sanctuaries, when their rights are either to be modified or resettled for the purposes of creating inviolate areas for wildlife conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under the Act. In view of the provisions of Section 4(5) of the Act, no eviction and resettlement is permissible from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The State/ UT Governments may, therefore, ensure that the rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers, residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without the settlement of their rights and completion of all other actions required under section 4 (2) of the Act.

(e) The State Level Monitoring Committee should monitor compliance of the provisions of Section 3(1)(m) of the Act, which recognizes the right to in situ rehabilitation including alternative land in cases where the forest dwelling Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation, and also of the provisions of Section 4(8) of the Act, which recognizes their right to land when they are displaced from their dwelling and cultivation without land compensation due to State development interventions.

vi) **Awareness-Raising, Monitoring and Grievance Redressal :**

- a) Each State should prepare suitable communication and training material in local language for effective implementation of the Act.
- b) The State Nodal Agency should ensure that the Sub Divisional Level Committee and the District Level Committee make district-wise plans for trainings of revenue, forest and tribal welfare departments' field staff, officials, Forest Rights Committees and Panchayat representatives. Public meetings for awareness generation in those villages where process of recognition is not complete need to be held.
- c) In order to generate awareness about the various provisions of the Act and the Rules, especially the process of filing petitions, the State Government should organize public hearings on local bazaar days or at other appropriate locations on a quarterly basis till the process of recognition is complete. It will be helpful if some members of Sub Divisional Level Committee are present in the public hearings. The Gram Sabhas also need to be actively involved in the task of awareness raising.
- d) If any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or Gram Sabha through a resolution against any higher authority or Committee or officer or member of such authority or Committee gives a notice as per Section 8 of the Act regarding contravention of any provision of the Act or any rule made thereunder concerning recognition of forest rights to the State Level Monitoring Committees, the State Level Monitoring Committee should hold an inquiry on the basis of the said notice within sixty days from the receipt of the notice and take action, if any, that is required. The complainant and the Gram Sabha should be informed about the outcome of the inquiry.

ANNEXURE 11.10



19020/ 02/ 2012-F RA
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi
Date: 12.04.2013

To,

The Secretary
Tribal Development Department
Government of Maharashtra
Mumbai – 400 032.

Subject : Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal Areas.

Sir,

I am directed to refer to TRTI/ Forest Act/ FRA In Municipal area/ 460 and this Ministry's letter No.17014/ 02/ 2007-PC&V (Vol VII) (Pt) dated 4.3.2010 on the above subject and to state that, the clarification issued by this Ministry on the issue of applicability of the Forest Rights Act in Municipal Areas has been reviewed in consultation with Ministry of Law. The revised clarification on this matter shall be issued shortly to all the State/ UT Governments. The stand of this Ministry is that Forest Rights Act applies to Municipal Areas and the clarification issued earlier vide letter No. 17014/ 02/ 2007-PC&V (Vol VII) (Pt) dated 4.3.2010, as referred to above, stands withdrawn.


(Gopal Sadhwani)
Deputy Secretary to the Government of India
Tele: 23383965
Email: sadhwani.gopal@nic.in

Copy to: The Commissioner
Tribal Research & Training Institute
28, Queens Garden, Pune – 411 001.

.... For information

Copy also to File No. 17014/ 02/ 2007-PC&V (Vol VII) (Pt).

ANNEXURE 11.11

F. No. 19020/02/2012-FRA
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New delhi
Dated: 29nd April, 2013

To
All the Principal Secretaries/ Secretaries/Commissioners of the States/UTs,
Tribal Welfare Department.

Subject: Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2000 in Municipal areas.

I am to refer to the captioned subject and to inform that Ministry of Tribal Affairs had issued clarifications to SC/ST Development Department of Govt. of Chhattisgarh vide its letter No. 23011/28/2008-SG-II, dated 21.01.2009 on the issue of processing of the claims of the occupants of forest land in Municipal and Panchayat area of Korba District of Chhattisgarh (copy enclosed). Ministry of Tribal Affairs had also issued clarifications to the Secretary, Tribal Development Department, Government of Maharashtra vide its letter No. 17014/02/07-PC & V (vol.-VI)(pt.) dated 4.3.2010 on the issue of applicability of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006(in short Forest Rights Act) in municipal Area (copy enclosed). As per these two clarifications, Forest Right Act was not applicable in Municipal Areas.

2. It is further informed that the issue of applicability of the “ The Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act,2006” in Municipal Area has figured in W.P. no. 7705 filed by Kashtakari Sanghatana and others in Bombay High court. The clarification issued by this Ministry on the applicability of Forest Rights Act (FRA) to Municipal areas has been questioned in the said Writ Petition.

3. The clarification, as stated in para 1 above, has since been reviewed by this Ministry in consultation with Ministry of Law & Justice and the same has been withdrawn by this Ministry vide its communication of even number dated 12.04.2013 addressed to Tribal Development Department, Maharashtra and SC/ST Development Department, Chhattisgarh (copies enclosed). Now the stand of this Ministry is that Forest Rights Act applies to Municipal areas. Further, as per the revised clarification, in Municipal areas also. Further, Mohalla Sabha can be constituted as equivalent to the Gram Sabha for the purpose of Forest Rights Act and as such, in such areas the Mohalla Sabha should be constituted along with the equivalent tiers at the sub-division and district level and accordingly be engaged to initiate, consider and finally approve the process of vesting of Forest Rights as envisaged under the Act.

4. State Governments are, therefore, requested to suggest equivalent tiers at the sub divisional and district level with respect to the urban local bodies which can be vested with similar functions to that of Sub Divisional Level committee and District Level Committee so that they are able to deliver the functions assigned to these bodies as per the Forest Rights Act, 2006.

5. The suggestions/ recommendations for formation of appropriate committee equivalent to that of Sub division and District level Committee for the Municipal areas may be furnished to the Ministry at the earliest.


(Dr. Sadhana Rout)
Joint Secretary
Telefax: 2338-3622

ANNEXURE 11.12

No. 19020/02/2012-FRA (Vol II)

Government of India
Ministry of Tribal Affairs

August Kranti Bhawan, New Delhi

Dated: 5.03.2015

Office Memorandum

Subject: Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal/Urban Areas- regarding

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter 'FRA') is for recognition and vesting of individual and community rights on forest land irrespective of its location. Ministry, vide OM dated 29th April 2013 bearing F. No. 19020/02/2012-FRA had clarified accordingly.

2. Some of the States/UTs have sought advice of the Ministry of Tribal Affairs with respect to details of application of the Act in urban/ Municipal areas. In order to facilitate effective implementation through a uniform process, Ministry of Tribal Affairs by exercising power under Section 12 of the FRA, 2006 issues the following directions:
 - a. Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
 - b. Municipal Council (which could also have different nomenclature), for a smaller urban area;
 - c. Municipal Corporation (again, by whatever name called), for a larger urban area.
3. Part IX-A (The Municipalities) of the Constitution of India, particularly Article 243Q, requires that every State shall constitute the following categories of municipal areas in urban areas:
 - a. Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
 - b. Municipal Council (which could also have different nomenclature), for a smaller urban area;
 - c. Municipal Corporation (again, by whatever name called), for a larger urban area.
- 3.1 On forest rights in municipal areas, all references to the term 'Gram Sabha' in the FRA, the FR Rules, the Guidelines, clarifications etc., shall be understood to mean the Wards Committee if constituted under Article 243S of the Constitution, and if not constituted, the assembly of adult residents of the settlement where such a habitation or settlement has continued to exist and is clearly identifiable; and if such settlement is not clearly identifiable, the Mohalla Sabha or Pada or Tola, whichever is smaller;
Provided that in Nagar Panchayats or other transitional areas, the Gram Sabha shall comprise the assembly of adult residents of the erstwhile pada/ tola/ hamlet/ habitation/ traditional village.

Contd. ... p. 2

- 3.2 This assembly under Section 6 of the FRA shall initiate the process for determination of the nature and extent of individual and community forest rights or both, and shall also perform the functions of the Gram Sabha as delineated in the FRA, the FR Rules, the Guidelines etc., including the powers listed in Section 5 of the FRA, the functions delineated in Rule 4, and the constitution of a Forest Rights Committee (FRC) as defined in Rule 2(e) of the FR Rules.
- 3.3 The Sub-Divisional Level Committee (SDLC) constituted under Section 6(3) of the FRA shall also receive, consider, decide on all claims from municipal areas in the said Sub-Division, subject to the modification in para 3.5 below.
- 3.4 The existing District Level Committee (DLC) constituted under Section 6(5) of the FRA, shall also consider and take decisions on all claims from municipal areas in the said District, subject to the modification in para 3.5 below.
- 3.5 The SDLC and DLC, composition in municipal areas, shall be as follows:
- a. In municipal areas not covered under the Sixth Schedule to the Constitution, the three representatives of Panchayati Raj Institutions in the SDLC, as specified in Rule 5(c) of the FR Rules, shall be replaced with representatives nominated by the municipality/municipalities in the Sub Division; of whom at least two shall be Scheduled Tribes (STs) preferably those who are forest dwellers, or who belong to the particularly vulnerable tribal groups, and where there are no STs, two members who are preferably other traditional forest dwellers, and one shall be a woman member;
Provided that where there are more than one municipality in the Sub –Division, the members shall be nominated from different municipalities in decreasing order of tribal population residing therein
 - b. In municipal areas other than those falling under the Sixth Schedule to the Constitution, the three members of the District Panchayat in the DLC specified in Rule 7(c) of the FR Rules, shall be replaced by 3 members from the Town Panchayats/ Municipal Councils/ Municipal Corporations in such District, to be nominated by the municipalities of the District; of whom at least two shall be STs preferably those who are forest dwellers, or who belong to the particularly vulnerable tribal groups, and where there are no STs, two members who are preferably other traditional forest dwellers, and one shall be a woman member;
Provided that where there are more than one Nagar Panchayat/Municipal Council/ Municipal Corporation in the District, the members shall be nominated from different municipalities in decreasing order of tribal population residing therein.

- c. In areas covered under the Sixth Schedule to the Constitution, the aforesaid members of the SDLC and DLC shall be from the Village Council/Committee and atleast one such member shall be a woman.
- 3.6 Where the Nagar Panchayat/ Municipal Council/ Municipal Corporation is at the District level or comprises several Districts, efforts should be made to consult SDLC at the Sub-Division level within the District.
- 3.7 The State Level Monitoring Committee (SLMC) constituted under Section 6(7) of the FRA read with Rule 9 of the FR Rules shall regularly monitor the progress of recognition and vesting of forest rights in municipal areas and submit returns and reports in this regard to this Ministry, and all other functions as specified under Rule 10 of the FR Rules shall also extend to municipal areas.
- 3.8 All powers, duties, and functions of the SDLCs, DLCs, and SLMCs as specified in the Forest Rights Act, the Forest Rights Rules, the Guidelines, clarifications etc. shall apply *mutatis mutandis* to exercise of such powers, duties, and functions with respect to forest rights in municipal areas also.
4. This direction issues with the approval of the Hon'ble Minister, Tribal Affairs.



(Roopak Chaudhuri)

Deputy Secretary to the Government of India

Tel: 26182428

To,

1. The Chief Secretaries of all States/UTs
2. Principal Secretaries/Secretaries, TWD of States/UTs
3. The Secretary, M/o Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi – 110 003
4. The Secretary, M/o Urban Development, Nirman Bhawan, New Delhi – 110001
5. The Secretary, M/o Panchayati Raj, Krishi Bhawan, New Delhi – 110001
6. The Secretary, M/o Law & Justice, Shastri Bhawan, New Delhi – 110 001

Copy to:

1. Private Secretary to Prime Minister, PMO, South Block, New Delhi - 1
2. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi - 1

ANNEXURE 11.13

अनुसूचित जमाती व इतर पारंपारिक वन निवासी (वनहक्कांची मान्यता) अधिनियम, २००६ आणि नियम २००८ मधील नियम ४ (१) (ड) अन्वये सामूहिक वनहक्क व्यवस्थापन समिती (CFRMC) गठीत करणे व चालविण्याकरिता मार्गदर्शक तत्वे तयार करणे.....

महाराष्ट्र शासन
आदिवासी विकास विभाग
शासन निर्णय क्रमांक: वहका-२०१४/प्र.क्र.६६/का-१४
मादाम कामा रोड, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई-४०००३२
दिनांक:- २४ जून, २०१५.

वाचा-

१) अनुसूचित जमाती व इतर पारंपारिक वन निवासी (वन हक्कांची मान्यता) अधिनियम २००६, नियम २००८, सुधारित नियम २०१२.

प्रस्तावना -

अनुसूचित जमाती व इतर पारंपारिक वन निवासी (वनहक्कांची मान्यता) अधिनियम, २००६, नियम २००८ व सुधारित नियम, २०१२ नुसार अनुसूचित जमाती व इतर पारंपारिक वन निवासी यांना कलम ३ (१) नुसार वैयक्तिक व सामूहिक वनहक्क किंवा दोन्हीचे धारणाधिकार मिळण्याचे अधिकार प्राप्त झालेले आहेत.

यामध्ये अनुसूचित जमाती किंवा इतर पारंपारिक वननिवासी यांना वैयक्तिक वनहक्क अंतर्गत स्वतःच्या उपजीविकेकरिता वनजमिनी धारण करणेचा, त्यामध्ये राहणेचा व सामूहिक वनहक्कांतर्गत निस्तार सारखे हक्क, गावाच्या सीमांतर्गत किंवा सीमेबाहेर पारंपारिकरीत्या गोळा केले जाणारे गौण वनोत्पादन गोळा करणे, त्याचा वापर करणे किंवा त्याची विल्हेवाट लावणे यासाठी स्वामित्व हक्क, पाण्यामधील मत्स्य व अन्य उत्पादने, चराई करणे, पारंपारिक मोसमी साधनसंपत्ती मिळविणे, इत्यादी हक्क आहेत.

अधिनियम २००६ मधील कलम ३ (१) (झ) अन्वये निरंतर वापर करण्यासाठी पारंपारिकरीत्या संरक्षण व संवर्धन करण्यात आलेल्या कोणत्याही सामाजिक वनस्रोताचे संरक्षण, पुर्ननिर्माण, संवर्धन, विनियमन व व्यवस्थापन करण्याचा हक्क, कलम ३ (१) (ट) अन्वये जैविक विविधतेत प्रवेश, बौद्धिक मालमत्ता व पारंपारिक ज्ञान मिळविण्याचा सामूहिक हक्क व कलम ५ च्या तरतूदीनुसार वन्य जीवन, वन जैविक विविधता यांचे संरक्षण करण्यासाठी, सामाजिक वनाचे स्रोत मिळविण्याच्या मार्गाचे विनियमन करणे यासाठी ग्रामसभेने घेतलेल्या निर्णयाचे अनुपालन केले जात असल्याची खात्री करणे इत्यादी बाबींच्या अंमलबजावणीसाठी वनहक्क कायद्यातील

तरतूदीनुसार समिती स्थापन करण्याची बाब शासनाच्या विचाराधीन होती. त्यास अनुसरून पुढीलप्रमाणे शासन निर्णय घेत आहे.

शासन निर्णय :-

अनुसूचित जमाती व इतर पारंपारिक वन निवासी (वनहक्कांची मान्यता) अधिनियम, २००६, नियम २००८ व सुधारित नियम, २०१२ मधील कलम ३ (१) (झ) नुसार निरंतर वापर करण्यासाठी पारंपारिकरित्या संरक्षण व संवर्धन करण्यात आलेल्या कोणत्याही सामाजिक वनस्रोताचे संरक्षण, पुर्ननिर्माण, संवर्धन किंवा व्यवस्थापन करणे, कलम ५ नुसार वन्य जीवन, वन व जैविक विविधता यांचे संरक्षण करण्यासाठी व नियम ४ (१) (च) च्या तरतूदीनुसार कर्तव्ये पार पाडण्यासाठी ग्रामसभा तिच्या सदस्यांमधून नियम ४ (१) (ड) अन्वये एक समिती गठीत करील. संबंधित ग्रामसभेतर्गत नियम ४ (१) (ड) नुसार स्थापन केलेल्या समितीला “सामुहिक वन हक्क व्यवस्थापन समिती” (CFRMC) असे संबोधण्यात यावे. सदर समितीचे संनियंत्रण व नियंत्रण ग्रामसभा करेल.

नियम ४ (१) (ड)
अन्वये सामूहिक
वनहक्क
समितीची
स्थापना
(CFRMC)

ग्रामसभेतील सामूहिक वन संपत्तीचे संवर्धन व व्यवस्थापन योजना तयार करणे, नैसर्गिक साधन संपत्तीच्या व्यवस्थापनातून प्राप्त होणारा महसूल तसेच शासनाकडून प्राप्त होणारा निधी यांचे बँक खात्यामार्फत संनियंत्रण करणे, जमाखर्चाचे लेखे व लेखापरीक्षण ठेवणे इ. प्रशासकीय बाबी पार पाडण्याकरीता सदर समिती ही वनहक्क कायद्याच्या अंमलबजावणीसाठी ग्रामसभेची कार्यकारी समिती असेल.

२. वनहक्क कायद्यातील अधिनियम २००६, नियम २००८ व सुधारित नियम, २०१२ व जनजाती कार्य मंत्रालय, भारत सरकार, यांनी निर्गमित केलेल्या मार्गदर्शक सूचनांनुसार सामुहिक वन हक्क व्यवस्थापन समिती (CFRMC) आपली कर्तव्ये व जबाबदाऱ्या पार पाडेल.

३. या संदर्भात “ ग्रामसभा म्हणजे अधिनियम कलम २(छ) व (२) (त) नुसार गावातील सर्व प्रौढ सदस्यांची मिळून बनलेली ग्रामसभा आणि पंचायत नसलेल्या राज्यांच्या बाबतीत पाडे, टोले, व अन्य पारंपारिक ग्रामसंस्था आणि महिलांचा पुर्ण व अनिर्बंध सहभाग असलेल्या निर्वाचित ग्राम समित्या ” असाव्यात.

ग्रामसभेची
व्याख्या

४. सामुहिक वन हक्क व्यवस्थापन समितीसाठी वनहक्क कायद्याच्या अंमलबजावणीसाठी सहाय्यकारी मार्गदर्शक सूचना:-

१) सामुहिक वन हक्क व्यवस्थापन समिती ही ग्रामसभेतील वनहक्क धारकांमधून सर्व वनहक्क धारकांचे प्रतिनिधीत्व करणारी समिती असेल. त्यामध्ये किमान ५ व कमाल ११ सदस्य असावेत. बैठकीची गणपुर्ती सर्व सदस्य संख्येच्या अर्ध्यापेक्षा कमी नसतील इतक्या सदस्य संख्येने होईल परंतू, उपस्थित सदस्यांच्या किमान एक-तृतीयांश इतक्या महिला असतील.

समितीसाठी
मार्गदर्शक सूचना

- २) सामुहिक वन हक्क व्यवस्थापन समिती त्यांच्या सदस्यांमधून एक अध्यक्ष, एक सचिव व एक खजिनदार यांची बहुमताने निवड करेल, यापैकी एक पदाधिकारी महिला असेल. अध्यक्ष हा अनुसूचित जमातीचा असावा.
- ३) सामुहिक वन हक्क व्यवस्थापन समितीच्या बैठकीची सूचना अध्यक्ष / सचिव यांचे स्वाक्षरीने निर्गमित करतील.
- ४) सामुहिक वन हक्क व्यवस्थापन समितीची तातडीची बैठक बोलावयाची झाल्यास गावांमध्ये ड्रम वाजवून / दबंडी अर्धा तास अगोदर देण्यात यावी.
- ५) सचिव मागील बैठकीत झालेल्या इतिवृत्तास मान्यता घेतील तसेच इतिवृत्तातील मुद्द्यांवर केलेल्या कार्यवाहीची सदस्यांना माहिती देतील.

५. सामुहिक वन हक्क व्यवस्थापन (CFRMC) समितीची कामे:-

सामुहिक वन
हक्क व्यवस्थापन
(CFRMC)
समितीची कामे

- १) अधिनियम २००६ मधील कलम ५ मध्ये दर्शविलेली कर्तव्ये ग्रामसभेच्या मान्यतेने पार पाडणे.
- २) अनुसूचित जमाती व इतर पारंपारिक वननिवासी यांच्या फायद्यासाठी ग्रामसभेच्या मान्यतेने सामुहिक वन संपत्तीचे निरंतर व समसमान व्यवस्थापन करण्यासाठी नियम ४ (१) (च) मधील तरतुदीनुसार सामुहिक वन संपत्तीचे संवर्धन करण्याची व तिचे व्यवस्थापन करण्याची योजना तयार करेल.
- ३) वन विभागाच्या सूक्ष्म योजना, चालू योजना (working plan) किंवा व्यवस्थापन योजनांबरोबर अशा संवर्धन व व्यवस्थापन योजनांचे, समितीला आवश्यक वाढेल अशा फेरबदलांनिशी एकत्रिकरण करणे.
- ४) सामुहिक वनहक्क व्यवस्थापन समितीच्या क्षेत्रातील वन व्यवस्थापन, जमिन आणि पाणी यांचा परिणामकारक आराखडा तयार करणे.
- ५) कायद्याचे उल्लंघन होऊ नये आणि त्याची अंमलबजावणी खात्रीशीर होण्यास ग्रामसभेच्या मान्यतेने आणि वनहक्क कायद्याशी सुसंगत अशी नियमावली करणे.
- ६) वाहतूक परवाना, उत्पादनांच्या विक्रीपासूनचे उत्पन्न किंवा व्यवस्थापन आराखड्यात बदल करण्याशी संबंधित सर्व निर्णयांना मान्यता देणे.
- ७) केंद्र शासनाने १२ गौणवनोपजाची किमान आधारभूत किंमती (MSP) आधारे खरेदीची यंत्रणा राज्यात स्थापन करण्याबाबत सूचना दिलेल्या आहेत. त्यानुसार समितीने वनोपजाची किमान आधारभूत किंमतीपेक्षा कमी दराने विक्री होणार नाही याची दक्षता घ्यावी.
- ८) ग्रामसभेतील नैसर्गिक साधनसंपत्तीच्या व्यवस्थापनातून प्राप्त होणारा महसूल तसेच शासनाकडून प्राप्त होणारा निधी याचे बँक खात्यामार्फत सनियंत्रण करणे.
- ९) वनहक्काशी संबंधित कामे, खर्चाचे अंदाजपत्रक तयार करणे व त्यास ग्रामसभेची मान्यता घेणे.
- १०) ग्रामसभेचे निर्देश व निर्णयानुसार कामे करणे.

- ११) कामाची प्रगती, निधी व इतर बाबतीत ग्रामसभेला अहवाल सादर करणे.
- १२) समितीचे सर्व दप्तर व अनुषंगीक कागदपत्रांचे जतन करणे व जमा खर्चाचे लेखे ठेवणे.
- १३) वनहक्क कायदा, शासन निर्णय आणि धोरणाचे वाचन करून ग्रामसभेस माहिती देणे अथवा प्रशिक्षण देणे.
- १४) सामुहिक वन जैविक विविधता यांचे रजिस्टर अद्यावत ठेवणे.
- १५) समितीचे लेखे हाताळणे, समितीच्या बँक खात्यातून ग्रामसभेच्या मान्यतेने ठराव घेऊन निधी काढणे.
- १६) समितीने हाती घेतलेल्या व पूर्ण केलेल्या कामांचा तपशिल ग्रामसभेमध्ये बोर्डावर दाखविणे.
- १७) समितीने केलेल्या कामांचे फोटोग्राफ व इतर दस्तावेज ग्रामसभेमध्ये ठेवणे.

६. सामुहिक वन हक्क व्यवस्थापन समिती (CFPMC) ही वनहक्क कायद्यातील तरतुदीनुसार स्थापन करण्यात आलेली असल्याने सदर समितीची कोणत्याही संस्थेकडे नोंदणी करण्याची आवश्यकता नाही. जिल्हाधिकारी तथा अध्यक्ष, जिल्हा स्तरीय वनहक्क समिती यांनी सर्व बँकांना कोणत्याही अडथळ्यांशिवाय प्राथम्याने सामुहिक वन हक्क व्यवस्थापन समितीच्या नावे बँक खाते उघडण्याबाबत बँकांना निर्देश द्यावेत.

जिल्हाधिकारी
यांचे
बँकांना निर्देश

७. जिल्हास्तरीय वनहक्क समिती व उपविभागीय स्तरीय समितींनी त्यांच्या कार्यक्षेत्रांतर्गत राज्यातील ग्रामसभा अंतर्गत स्थापन झालेल्या १५००२ ग्रामस्तरीय वनहक्क समित्यांच्या क्षेत्रात नियम ४ (१) (ड) नुसार सदर सामुहिक वनहक्क व्यवस्थापन समिती स्थापन झाल्याबाबतची खात्री करावी. तसेच नियम १२ ख (४) नुसार एखाद्या गावामध्ये कोणत्याही प्रकारचे सामुहिक वनसंसाधनाचे हक्क मान्य करण्यात येणार नाहीत त्यांची कारणे जिल्हा स्तरीय समितीच्या सचिवांकडून नमूद करण्यात येऊन त्याबाबतचा अहवाल नोडल अधिकारी, आयुक्त, आदिवासी विकास, नाशिक यांचेकडे पाठवावा.

जिल्हाधिकारी
यांची कर्तब्ये

८. बँक खाते हाताळणे व वार्षिक लेखापरिक्षण:-

- १) सामुहिक वन हक्क व्यवस्थापन समितीचे आर्थिक व्यवहार व प्रशासकीय कामकाज सुरळीतपणे पार पाडण्यासाठी समितीचे अध्यक्ष, सचिव व खजिनदार ज्यामध्ये एक महिला असावी, त्यांच्या संयुक्त नांवाने बँक खाते उघडण्यात यावे. यापैकी दोन पदाधिका-यांच्या स्वाक्षरीने बँकेचे व्यवहार ग्रामसभेच्या मान्यतेने हाताळण्यात येतील.
- २) लेखाविषयक पुस्तके, धनादेश व इतर प्रशासकीय कामकाजाची कागदपत्रे ग्रामसभेच्या कार्यालयात ठेवण्यात यावीत. सर्व रकमांची प्रदाने समितीने घेतलेल्या ठरावानुसार व केवळ खातेवर (Account Payee) धनादेशाद्वारे करण्यात येतील.

बँक खाते
हाताळणे व
वार्षिक
लेखापरिक्षण

समितीच्या
बळकटी
करणासाठी चालू
योजनांचे लाभ

४) संयुक्त खातेधारकांनी किती किरकोळ रक्कम बाळगावी याबाबत ग्रामसभेने नियम ठरवावेत.

५) सामुहिक वनहक्क व्यवस्थापन समिती अंतर्गत होणाऱ्या सर्व व्यवहारांचे लेखे ग्रामसभा स्तरावर ठेवण्यात येतील. समितीच्या लेख्याचे लेखा परीक्षण (ऑडिट) जिल्हा परिषदेच्या स्थानिक लेखा निधीच्या लेखा परीक्षकाकडून होईल.

९. जिल्हा स्तरीय वनहक्क समिती व उपविभागीय वनहक्क समिती यांनी सामुहिक वनहक्क व्यवस्थापन समितीने ग्रामसभेच्या मान्यतेने हाती घेतलेल्या विकास आराखड्यातील कामांची अंमलबजावणी करण्यासाठी तसेच त्यांच्या बळकटीकरणासाठी जिल्ह्यातील वेगवेगळ्या विभागांच्या विविध चालू योजनांचे लाभ सामुहिक वनहक्क व्यवस्थापन समित्यांना देण्याबाबत कार्यवाही करून संनियंत्रण करावे.

आयुक्त, आदिवासी विकास, नाशिक हे या समितीच्या स्थापना व कार्यान्वयासाठी नोडल एजन्सी म्हणून काम पाहतील.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१५०६२५१६५४०३४४२४ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

**Suresh D
Naik**

Digitally signed by Suresh D Naik
DN: CN = Suresh D Naik, C = IN,
S = Maharashtra, O =
Government Of Maharashtra, OU
= Section Officer
Date: 2015.06.25 16:56:13
+05'30'

(सु. द. नाईक)

कक्ष अधिकारी, महाराष्ट्र शासन

प्रत,

१. मा. मुख्यमंत्र्यांचे खाजगी सचिव.
२. मा.मंत्री, आदिवासी विकास यांचे खाजगी सचिव
३. मा. राज्यमंत्री, आदिवासी विकास यांचे खाजगी सचिव
४. मा. मुख्य सचिव, महाराष्ट्र राज्य, मंत्रालय, मुंबई.
५. अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई.
६. अपर मुख्य सचिव, नियोजन विभाग, मंत्रालय, मुंबई.
७. अपर मुख्य सचिव, वित्त विभाग, मंत्रालय, मुंबई
८. प्रधान सचिव, ग्राम विकास व जलसंधारण विभाग, मंत्रालय, मुंबई

९. प्रधान सचिव (कृषी व पदुम), मंत्रालय, मुंबई.
१०. सचिव (वने), महसूल व वन विभाग, मंत्रालय, मुंबई
११. आयुक्त, आदिवासी विकास, नाशिक
१२. आयुक्त, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे.
१३. सर्व जिल्हाधिकारी.
१४. सर्व मुख्य कार्यकारी अधिकारी, जिल्हापरिषद.
१५. अपर आयुक्त, आदिवासी विकास, ठाणे, नाशिक, नागपूर, अमरावती,
१६. व्यवस्थापकीय संचालक, महाराष्ट्र राज्य सहकारी आदिवासी विकास महामंडळ मर्या. नाशिक.
१७. सर्व प्रकल्प अधिकारी, एकात्मिक आदिवासी विकास प्रकल्प.
१८. महालेखापाल (लेखा व अनुज्ञेयता) महाराष्ट्र १/२, मुंबई / नागपूर
१९. महालेखापाल (लेखा परीक्षा) महाराष्ट्र १/२, मुंबई / नागपूर
२०. अधिदान व लेखा अधिकारी, मुंबई.
२१. निवासी लेखा अधिकारी, मुंबई
२२. जिल्हा कोषागार अधिकारी, नाशिक.
२३. महासंचालक, माहिती व जनसंपर्क संचालनालय, मुंबई.
२४. सर्व सह सचिव/उप सचिव/अवर सचिव/कार्या. अधिकारी, आदिवासी विकास विभाग, मंत्रालय, मुंबई- ४०० ०३२.
२५. निवड नस्ती. (का. १४), आदिवासी विकास विभाग, मंत्रालय, मुंबई

ANNEXURE 11.14

अनुसूचित जमाती व इतर पारंपारिक वन निवासी (वन हक्कांची मान्यता) अधिनियम, २००६ अंतर्गत वैयक्तिक वन हक्क प्राप्त धारकांना बँकांकडून कर्ज तसेच इतर शासकीय संवर्लतीचा फायदा मिळणेबाबत.

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन परिपत्रक क्रमांक एस-१०/२०१६/प्र.क्र.४१७/फ-३
मंत्रालय, मुंबई-४०००३२
दिनांक :- ०२.११.२०१६

मा. राज्यपाल महोदयांचे अध्यक्षतेखाली दि. १३ जुलै, २०१६ रोजी आदिवासी विकासांशी निगडित विषयांसदर्भात झालेल्या बैठकीत गंदुरबार, धुळे, रायगड, गडचिरोली तसेच इतर काही जिल्ह्यांमध्ये काही ठिकाणी वनजमिनीची नोंद वनखंड क्रमांक (Compartment No.) च्या स्वरूपात असून अशा वनजमिनीबाबत ७/१२ उतारे जारी झाले नसल्याने तेथील दैनंदिन वनहक्कधारक वेंकॉफडूंग भिलणारे कर्ज तसेच इतर शासकीय सवलतींपासून वंचित राहिले असल्याचे शासनाचे निदर्शनास आले आहे.

या पार्श्वभूमीवर असे निर्देश देण्यात येत आहे की, अनुसूचित जमाती व इतर पारंपारिक वन निवासी (वन हक्कांचे मान्यता) अधिनियम, २००६ अंतर्गत वैयक्तिक वनहक्कधारक त्यास प्राप्त झालेल्या टायटल्सच्या आधारावर बँकांकडून मिळणारी कर्जे तसेच इतर शासकीय योजना अंतर्गत प्राप्त होणाऱ्या लाभासाठी पात्र रहातील याची सार्थ संबंधितांनी नोंद घ्यावी.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संगणक संकेतांक २०१६११०३१०५८०६३८१९ असा आहे. हे परिपत्रक डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने.

Virendra R
Tiwari

[illegible]

वीरेंद्र तिवारी
मुख्य वनसंरक्षक (मंत्रालय)

प्रतः=

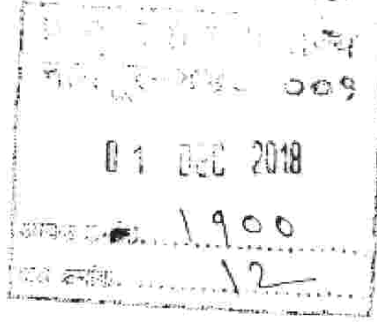
- १) प्रधान सचिव (गहसूल), गहसूल व वन विभाग, मंत्रालय, मुंबई-०३२.
- २) सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई-०३२.
- ३) सचिव, सहकार विभाग, मंत्रालय, मुंबई-०३२.

- ४) प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- ५) मुख्य वनसंरक्षक (प्रादेशिक व वन्यजीव), (सर्व)
- ६) विभागीय आयुक्त, (सर्व)
- ७) जमाबंदी आयुक्त, महाराष्ट्र राज्य, पुणे.
- ८) आयुक्त, आदिवासी विकास विभाग, नाशिक.
- ९) जिल्हाधिकारी (सर्व)
- १०) मुख्य कार्यकारी अधिकारी, जिल्हापरिषद, (सर्व)
- ११) उप वनसंरक्षक (सर्व)
- १२) अपर आदिवासी आयुक्त, (सर्व)
- १३) जिल्हा उप निबंधक, जिल्हा मध्यवर्ती सहकारी बँक, (सर्व)
- १४) निवड नस्ती (फ-३)

ANNEXURE 11.15

महाराष्ट्र शासन

डे मेलद्वारे



क्र. एकएलडी २०१८/११, व. २०१८/११
महसूल व वन विभाग,
खोली, क्र. ४५६/४५५ विस्तार,
गादाम कामा मार्ग, हुतात्मा रावतमुक्त चौक,
मंत्रालय, मुंबई-४०० ०२२
दिनांक:- २७/११/२०१८

प्रति,

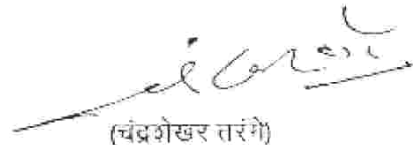
- १) प्रधान मुख्य वनसंरक्षक (वनवल प्रमुख), महाराष्ट्र राज्य, नागपूर
- २) अपर प्रधान मुख्य वनसंरक्षक तथा केंद्रस्थ अधिकारी, महाराष्ट्र राज्य, नागपूर
- ३) अपर प्रधान मुख्य वनसंरक्षक (संधारण), महाराष्ट्र राज्य, नागपूर
- ४) मुख्य वनसंरक्षक (प्रा.), सर्व
- ५) सयवनसंरक्षक (प्रा.), सर्व

विषय:- प्रधानमंत्री ग्रामसडक योजना/ मुख्यमंत्री ग्रामसडक योजना अंतर्गत रस्त्यांबाबत.

महोदय,

प्रधानमंत्री ग्रामसडक योजना/ मुख्यमंत्री ग्रामसडक योजना अंतर्गत प्रशासकीय व तांत्रिक मान्यता ही रस्त्याच्या संपूर्ण लांबीकरीता देण्यात येते. सदर रस्ता हा अनेक गावे, वस्ती, पाडे यामधून जात असून संपूर्ण रस्त्याची लांबी विचारात घेतली असता आवश्यक असलेले वनक्षेत्र हे १ हेक्टरपेक्षा अधिक लागत असल्याने त्याकरीता वनहक्क अधिनियम, २००६ मधील कलम-३ (२) नुसार परवानगी देणे अशक्य होते. सल्लापक्षी, गाव, वस्ती किंवा पाडा हा प्रत्येकी एक घटक मानून रस्त्याची लांबी विचारात घेतली असता १ हेक्टरपेक्षा कमी वनक्षेत्र लागत असल्याने वनहक्क अधिनियम, २००६ मधील कलम-३ (२) नुसार परवानगी देणे शक्य होते. क्षेत्रिय स्तरावर याबाबत संदिग्धता असल्याने प्रधानमंत्री ग्रामसडक योजना/ मुख्यमंत्री ग्रामसडक योजना अंतर्गत नंदुरबार जिल्ह्यातील रस्त्यांची कामे प्रलंबित आहेत.

प्रशासकीय मान्यता प्राप्त रस्ता अनेक गाव, पाडे यांना जोडत असला व त्याकरीता १.०० हेक्टर पेक्षा अधिक क्षेत्र लागत असले तरी प्रत्येक पाडा अथवा गाव हा घटक मानून लागणारे क्षेत्र १.०० हेक्टर पेक्षा कमी असल्याने, सदर गाव किंवा पाडावरील रस्त्याकरीता वनहक्क अधिनियम-२००६ नुसार परवानगी देता येईल किंवा कसे ? याबाबत शासनपत्र दिनांक २५/०६/२०१८ अन्वये केंद्र शासनाचे मार्गदर्शन मागविण्यात आले होते. त्यास अनुसरून केंद्र शासनाने दिनांक ०२/११/२०१८ रोजीच्या पत्रान्वये अभिप्राय सावर केले आहेत. केंद्र शासनाचे अभिप्राय पुढील आवश्यक त्या कार्यवाहीसाठी सोबत पाठविण्यात येत आहेत.


(चंद्रशेखर तरंगे)

अवर सचिव, महसूल व वन विभाग

प्रत:

५ सचिव, प्रधानमंत्री ग्रामसडक योजना, मुंबई

1. DEEPAK K. KHANDEKAR, IAS
Secretary to Government of India



D.O. No. 25011/18/2014-FRA(pt.)

Dear Shri Jain,

Please refer to your D.O. letter No. CSO-2018/c-3449823/D-1 dated 17.10.2014, in relation relating to provisions under clause 3(2)(i) of SFs and OTFDs (Regulation) 2005 (Forest Rights Act, 2005 (Forest Rights Act)).

2. The issue under the question is whether diversion of forest land can be permitted for a single road passing through different villages when diversion of forest land in each case is less than one hectare but combined diversion of the projected road is more than one hectare.

3. It may be reiterated that Section 3 (2) of the Act provides for diversion of forest land for the purposes of certain development facilities (13 in number) subject to the condition that such developmental project involves felling of trees not exceeding seventy-five trees per hectare. Proviso to this Section provides for (i) forest land to be diverted for the purpose mentioned in this subsection is less than one hectare in each case; and (ii) the clearance of such developmental project shall be subject to the condition that the same is recommended by the Gram Sabha.

4. Thus, for a single road passing through different villages, the Act allows diversion of less than one hectare of forest land in each of the village provided both the conditions mentioned in the above proviso are fulfilled. Combined diversion of the forest land for this purpose may not be diversion of more than one hectare of land.

5. It will not be out of context to mention that even for bigger development projects involving larger chunks of forest land, Gram Sabha is the sole authority to give consent when a forest land is to be diverted for non-forestry purposes. Hence the appropriate procedure would be to obtain the consent of the Gram Sabha of each of the villages through which the single road would pass, in terms of Section 3 (2) of the Forest Rights Act.

Yours faithfully,

Yours sincerely,

(Deepak Khandekar)

Shri D.K. Jain,
Chief Secretary,
Government of Maharashtra
Chief Secretary's Office
Hutafma Rajguru Chowki
Madame Cama Marg

ANNEXURE 11.16

E-mail: sunil.pandhare@nic.in
दूरध्वनी क्रमांक : ०२२/ २२८९३६२३



क्रमांक: एस-१०/२०१९/प्र.क्र.५९/फ-३
महसूल व वन विभाग
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : ७.०२.२०१९

प्रति,

- १) प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर.
- २) अपर प्रधान मुख्य वनसंरक्षक (संघारण), महाराष्ट्र राज्य, नागपूर.
- ३) मुख्य वनसंरक्षक (सर्व).
- ४) उप वनसंरक्षक, (सर्व).

विषय:- अनुसूचित जमाती व इतर पारंपारिक वन निवासी वनहक्क
अधिनियम, २००६ व नियम २००८ च्या अंमलबजावणीबाबत.. (FRA)

संदर्भ:- १) आदिवासी विकास विभागाचे पत्र क्र.वहाक-२०१८/प्र.क्र.१११
/कार्या.-१४, दिनांक ११.०१.२०१९.

२) जनजातीय कार्य मंत्रालय, भारत सरकार यांचे अर्ध शाराकीय पत्र
क्र.२३०११/०१/२०१९/FRA, दिनांक १५.०१.२०१९.

महोदय,

उपरोक्त विषयाबाबत आदिवासी विकास विभागाचे दिनांक ११.०१.२०१९ व जनजातीय कार्य मंत्रालय, भारत सरकार यांचे दिनांक १५.०१.२०१९ रोजीचे पत्र सहपत्रित करित आहे, कृपया त्यांचे एकत्रितपणे अवलोकन व्हावे.

अनुसूचित जमाती व इतर पारंपारिक वन निवासी वनहक्क अधिनियम, २००६ अंतर्गत पात्र दावेदारांना वनजमिनीचे पट्टे वाटप केले जातात. वनहक्क पट्ट्यांवर पट्टेधारकांचा संपूर्ण उदरनिर्वाह अवलंबून असतो. वनहक्क पट्टेधारकांचे जिवनमान सुधारण्याच्या अनुषंगाने शासनाच्या विविध विभागांमार्फत राबविल्या जाणाऱ्या योजना सदर वनहक्क पट्टे क्षेत्रावर राबविता येतील किंवा कसे, यासंदर्भात या.मुख्य राक्षिद, महाराष्ट्र राज्य यांनी दिनांक ११.०१.२०१९ रोजीच्या पत्रान्वये केंद्र शासनाचे अभिप्राय अपेक्षिते होते.

त्याबाबत जनजातीय कार्य मंत्रालय, भारत सरकार यांनी त्यांच्या दिनांक १५.०१.२०१९ रोजीच्या पत्रान्वये त्यांचे पुढीलप्रमाणे अभिप्राय दिले आहेत :-

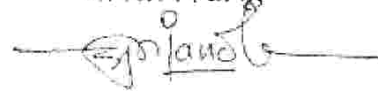
I would like to invite your attention to Rule 16 of Forest Rights Rules, 2007 which provides for "Post Claim support and handholding to holders of forest rights". It states further that the State Government shall ensure through its departments especially Tribal and Social Welfare, Environment and Forest, Revenue, Rural Development, Panchayati Raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government scheme including those relating to land improvement, land

productivity, basic amenities and other livelihood measures are provided to such claimant and communities whose rights have been recognized and vested under the Act.

The need for dovetailing all development and welfare programmes in tribal areas for a coherent strategy and coordinated approach involving all departments had been stressed by the then Prime Minister, in his address during the conference of Chief Ministers and State Ministers convened by this Ministry in November, 2009. It was duly conveyed to the State Governments vide letter no 23011/20/2009-FRA dated 19.11.2009 and again on 18.02.2010. The need for convergence of Government developmental programmes so as to improve the standard of living of Forest Right Holders, was reiterated in D.O. Letter No. 23011/05/2010-FRA dated 27.09.2010.

केंद्र शासनाच्या उपरोक्त अभिप्रायाच्या अनुषंगाने आवश्यक कार्यवाही करण्याबाबत सर्व संबंधितांना आपल्या स्तरावरून निदेश देण्यात यावेत, हि विनंती.

सहपत्र : वरीलप्रमाणे.

आपला विश्वासू

(सुनिल पांडरे)
अवर सचिव,
महसूल व वन विभाग

दीपक खाण्डेकर, आई.ए.एस.
सचिव, भारत सरकार
DEEPAK KHANDEKAR, IAS
Secretary to Govt. of India



भारत सरकार
Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs

D.O. No. 23011/01/2019-FRA

मुख्य सचिव के कार्यालय
महाराष्ट्र, मुंबई-400032
दिनांक: 18 JAN 2019

15.01.2019

Dear Shri Jai,

e-3617956

Please refer to your D.O. letter No. VaRaKa-2018/C.R.111/Desk-14 dated 11.01.2019 regarding undertaking of activities on lands of Individual Forest Right holders in convergence of schemes of different departments.

17 JAN 2019

2. I would like to invite your attention to Rule 16 of Forest Rights Rules, 2007 which provides for "Post Claim support and handholding to holders of forest rights" It states further that the State Government shall ensure through its departments especially Tribal and Social welfare, Environment and Forest, Revenue, Rural Development, Panchayati Raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.

3. The need for dovetailing all development and welfare programmes in tribal areas for a coherent strategy and coordinated approach involving all departments had been stressed by the then Prime Minister, in his address during the conference of Chief Ministers and State Ministers convened by this Ministry in November, 2009. It was duly conveyed to the State Governments vide letter no 23011/20/2009- FRA dated 19.11.2009 and again on 18.02.2010. The need for convergence of Government developmental programmes so as to improve the standard of living of Forest Right Holders, was reiterated in D.O. letter no. 23011/05/2010-FRA dated 27.09.2010.

4. I am advising my Economic Adviser to send copies of all such correspondence made by this Ministry to Secretary, Tribal Development, Government of Maharashtra.

With regards,

Yours sincerely,

(Deepak Khandekar) 15/01/19

Sh. D.K. Jais
Chief Secretary,
Government of Maharashtra
Madam Cama Road,
Mantralaya, Mumbai-400032

मुख्य सचिव
महाराष्ट्र शासन

Copy may be sent to Forest Deptt



D. K. Jain
Chief Secretary

No. VaHaKa-2018/C.R.111/Desk-14
Tribal Development Department
Hutatina Rajguru Chowk,
Madam Cama Road,
Mantralaya, Mumbai - 400 032.

Date - 11th January, 2019

Dear Shri Deepak,

Kindly refer to my telecon in the evening of 10th January, 2019.

This is in reference to rights of beneficiaries of Individual Forest Rights (IFR) under Forest Rights Act, 2006 (FRA). As you are aware, the Forest Rights Act, 2006 gives framework for recognizing historical rights of tribals and forest dwelling communities. These communities are dependent for their subsistence on these rights and hence it is very important to strengthen and supplement these rights for improvement of their living standards. In this connection, in the spirit of the Forest Rights Act, State Government wants to provide land development measures such as land levelling, contour bunding, farm pond, trenches, open dug wells, provisioning for pumping devices (solar/electrical/diesel), kachcha shed for activities like tussar silk production etc. on the forest lands on which Individual Forest Rights are duly recognized as per law. State Government would like to develop integrated development plans for beneficiaries under FRA through convergence of schemes of different departments like Agriculture and allied sectors. Such convergence would be necessary for benefitting the claimants by improving incomes as most of the lands are under subsistence agriculture on very small holdings.

I would be grateful if you could kindly confirm that the activities given above can be undertaken on the lands of FRA beneficiaries.

With regards,

Yours sincerely,


(D.K. Jain)

Shri Deepak Khandekar
Secretary
Ministry of Tribal Affairs
Room No.738, Shastri Bhawan,
A Wing, New Delhi - 110 001

Tel. : 011-2202 50 42 / 2202 87 62, Fax : 2202 85 94, E-mail : cs@maharashtra.gov.in

ANNEXURE 12.01

 सत्यमेव जयते		RNI No. MAHBIL/2009/31733 Reg. No. MH/MR/South-322/2013-15
महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ		
वर्ष ५, अंक ४७]	मंगळवार, जुलै २३, २०१३/श्रावण १, शके १९३५	[पृष्ठे ७, किंमत : रुपये २५.००
असाधारण क्रमांक ९८ प्राधिकृत प्रकाशन महाराष्ट्र शासनाने केंद्रीय अधिनियमांवरचे तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश महसूल व वन विभाग मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २० जुलै २०१३. अधिसूचना वन्यजीव (संरक्षण) अधिनियम, १९७२. क्रमांक डब्ल्यूएलपी-०६१३/प्र.क्र. १९९/फ-१. - वन्यजीव (संरक्षण) अधिनियम, १९७२ (१९७२ चा अधिनियम क्रमांक ५३) याच्या कलम ४, पोट-कलम (१), खंड (क) याद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून आणि या बाबतीत, वेळोवेळी काढण्यात आलेल्या यापूर्वीच्या सर्व अधिसूचना व आदेश यांचे अधिक्रमण करून महाराष्ट्र शासन याद्वारे, महाराष्ट्र राज्याकरिता, मुख्य वन्यजीव संरक्षक म्हणून प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य यांची नियुक्ती करीत आहे. महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने, डॉ. यु. एम. फारूकी, शासनाचे सह सचिव.		

महाराष्ट्र शासन राजपत्र असाधारण भाग चात-अ, जुलै २३, २०१३/श्रावण १, शके १९३५

REVENUE AND FORESTS DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated 20th July 2013.

NOTIFICATION

WILD LIFE (PROTECTION) ACT, 1972.

No. WLP-0613/CR-199/F-1.- In exercise of the powers conferred by clause (a) of sub-section (1) of section 4 of the Wild Life (Protection) Act, 1972 (No. 53 of 1972), in its application to the State of Maharashtra, and in supersession of all previous Notifications and Orders, issued from time to time, in this behalf, the Government of Maharashtra is hereby pleased to appoint the Principal Chief Conservator of Forests (Wildlife), Maharashtra State, as the Chief Wild Life Warden for the State of Maharashtra.

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

DR. U. M. FAROOQUI,
Joint Secretary to Government.

ANNEXURE 12.02

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, जुलै २३, २०१३/आवण १, पृष्ठ १९३५

महसूल व वन विभाग

मादाम कामा मार्गे, हुतात्मा राजगुरू चौक,

मंत्रालय, मुंबई ४०० ०३२, दिनांक २१ जुलै २०१३.

अधिसूचना

वन्यजीव (संरक्षण) अधिनियम, १९७२.

क्रमांक डब्ल्यूएलपी-०६१३/प्र.क्र.१९९/फ-१. — ज्याअर्थी, महाराष्ट्र शासनाने वन्यजीव (संरक्षण) अधिनियम, १९७२ (१९७२ चा अधिनियम क्रमांक ५३) (त्यात यापुढे ज्याचा निर्देश "उक्त अधिनियम" असा करण्यात आला आहे) याच्या कलम ४, पोट-कलम (१), खंड (ख) व (ग) यांद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, शासकीय आदेश, महसूल व वन विभाग, क्र. डब्ल्यूएलपी-१०७७/८६८५४-फ-१, दिनांक ५ मे १९७७ अनुसार अपर मुख्य वन्यजीव रक्षक, उप मुख्य वन्यजीव रक्षक, वन्यजीव रक्षक व सहायक वन्यजीव रक्षक यांची नियुक्ती केली आहे ;

आणि ज्याअर्थी, महाराष्ट्र शासनाने उक्त अधिनियमाच्या कलम ५४ च्या प्रयोजनार्थ शासकीय अधिसूचना महसूल व वन विभाग, क्र.डब्ल्यूएलपी-१०७७/८६८५४-फ-१, दिनांक ५ मे १९७७ अनुसार मुख्य वन्यजीव रक्षक, अपर मुख्य वन्यजीव रक्षक व उप मुख्य वन्यजीव रक्षक यांना अधिकार प्रदान केले आहेत ;

आणि ज्याअर्थी, महाराष्ट्र शासनाने उक्त अधिनियमाच्या कलम ५५ खंड (ख) च्या प्रयोजनार्थ शासकीय अधिसूचना, महसूल व वन विभाग, क्र.डब्ल्यूएलपी-१०९७/प्र.क्र.१२१/फ-१, दिनांक २६ सप्टेंबर २००१ यानुसार मुख्य वन्यजीव रक्षक यांच्या अधिकारांचा वापर करण्यासाठी, राज्याच्या प्रत्येक जिल्ह्यात (वाशिम व नंदुरबार वगळता) मानद वन्यजीव रक्षक यांना प्राधिकृत केले आहे ;

आणि ज्याअर्थी, महाराष्ट्र शासनाने शासकीय आदेश, महसूल व वन विभाग, क्र. डब्ल्यूएलपी-१००३/प्र.क्र.८९/फ-१, दिनांक २३ फेब्रुवारी २००४ यानुसार उक्त अधिनियमाच्या प्रकरण सहा-क मधील सक्षम प्राधिकाऱ्याची कार्ये पार पाडण्यासाठी विवक्षित अधिकाऱ्यांना प्राधिकृत केले आहे ;

आणि ज्याअर्थी, महाराष्ट्र शासनाने शासकीय अधिसूचना, महसूल व वन विभाग, क्र.डब्ल्यूएलपी-१००३/प्र.क्र.८९/फ-१, दिनांक २३ फेब्रुवारी २००४ यानुसार उक्त अधिनियमाच्या कलम ५०, पोट-कलम (८), खंड (क) ते (घ) मधील अधिकारांचा वापर करण्यासाठी सर्व अपर मुख्य वन्यजीव रक्षक, उप मुख्य वन्यजीव रक्षक व वन्यजीव रक्षकांना प्राधिकृत केले आहे ;

आणि ज्याअर्थी, वन विभाग तसेच महाराष्ट्र वन विकास महामंडळ मर्यादित यांच्या संघटनात्मक संरचनेतील झालेला बदल आणि त्यानुषंगाने विविध पदांची झालेली श्रेणीवाढ आणि परिणाम स्वरूप उक्त अधिनियमाच्या प्रयोजनार्थ वेळोवेळी निवृत्त करण्यात आलेल्या अधिकाऱ्यांच्या विवक्षित पदांच्या पदनामांमध्ये झालेला बदल विचारात घेता, या अधिकाऱ्यांना नियुक्त करण्यासाठी, अधिकार प्रदान करण्यासाठी व विविध प्रयोजनार्थ प्राधिकृत करण्यासाठी अधिसूचना निर्गमित करणे इष्ट आहे ;

त्याअर्थी, आता, वन्यजीव (संरक्षण) अधिनियम, १९७२ (१९७२ चा अधिनियम क्रमांक ५३) महाराष्ट्र राज्यास लागू असताना, कलम ४ चे पोट-कलम (१), कलम ३९ चे पोट-कलम २, कलम ५० चे पोट-कलम (८), कलम ५४, कलम ५५ चे खंड(ख), कलम ५८ च. ५८ छ आणि ६० ख यांद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, आणि त्या बाबतीत त्यास समर्थ करण्याच्या इतर सर्व अधिकारांचा वापर करून आणि या बाबतीत वेळोवेळी काढण्यात आलेल्या वर नमूद केलेल्या सर्व अधिसूचना व आदेशांचे अधिक्रमण करून, महाराष्ट्र शासन याद्वारे,—

(एक) खाली दिलेल्या अनुसूचीमध्ये नमूद केल्याप्रमाणे वन विभाग व महाराष्ट्र वनविकास महामंडळ मर्यादित या संघटनेमध्ये पुढील अधिकाऱ्यांचे त्यांच्या प्रादेशिक अधिकार क्षेत्रासाठी वन्यजीव रक्षक म्हणून निवृत्ती करित आहे :—

अनुसूची

अनुक्रमांक (१)	संघटना (२)	अधिकारी (३)
१	वन विभाग	अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), मुख्य वनसंरक्षक, व्याघ्र प्रकल्पाचे क्षेत्र संचालक, वनसंरक्षक, उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील उप संचालक, स्वतंत्र उप विभागांचे उप विभागीय वन अधिकारी, सहायक वनसंरक्षक, वन परिक्षेत्र अधिकारी, वनपाल व वनरक्षक.
२	महाराष्ट्र वन विकास महामंडळ, मर्यादित.	महाव्यवस्थापक, प्रादेशिक व्यवस्थापक, विभागीय व्यवस्थापक, सहायक व्यवस्थापक, वन परिक्षेत्र अधिकारी, वनपाल व वनरक्षक.

स्पष्टीकरण.— वरील अनुसूचीमधील अनुक्रमांक १ समोरील स्तंभ (३) मध्ये नमूद केलेल्या अधिकाऱ्यांमध्ये वन विभागाच्या प्रादेशिक व वन्यजीव अशा दोन्ही शाखांमधील अधिकाऱ्यांचा समावेश असेल. उदा. मुख्य वनसंरक्षक यांमध्ये मुख्य वनसंरक्षक (वन्यजीव) याचा समावेश आहे.

(दोन) खाली दिलेल्या अनुसूचीच्या स्तंभ (२) मध्ये नमूद केलेल्या वन विभाग, महाराष्ट्र वन विकास महामंडळ, मर्यादित या संघटनेमधील अधिकाऱ्यांना व पोलीस अधिकाऱ्यांना स्तंभ (३) मध्ये विनिर्दिष्ट केलेल्या उक्त अधिनियमाच्या विविध कलमांच्या प्रयोजनार्थ, नियुक्त करीत आहे, त्यांना अधिकार प्रदान करीत आहे व प्राधिकृत करीत आहे :-

अनुसूची

अनुक्रमांक (१)	अधिकारी (२)	कलमे (३)
१	(एक) अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक, ३९ (२) उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील उप संचालक, स्वतंत्र उपविभागांचे उपविभागीय वन अधिकारी, सहायक वनसंरक्षक व वन परिक्षेत्र अधिकारी. (दोन) महाराष्ट्र वन विकास महामंडळ, मर्यादित यांचे महाव्यवस्थापक, प्रादेशिक व्यवस्थापक आणि विभागीय व्यवस्थापक.	
२	(एक) अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक, ५० (८) उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील उप संचालक, स्वतंत्र उपविभागांचे उपविभागीय वन अधिकारी आणि सहायक वनसंरक्षक (दोन) महाराष्ट्र वन विकास महामंडळ, मर्यादित यांचे महाव्यवस्थापक, प्रादेशिक व्यवस्थापक, विभागीय व्यवस्थापक व सहायक व्यवस्थापक.	
३	(एक) मुख्य वन्यजीव रक्षक, अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक व उप वनसंरक्षक. (दोन) महाराष्ट्र वन विकास महामंडळ, मर्यादित यांचे महाव्यवस्थापक व प्रादेशिक व्यवस्थापक.	५४
४	पोलीस उप निरीक्षक या दर्जापेक्षा खाली नसलेला पोलीस अधिकारी.	५५ (ख)
५	अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक.	५८ घ
६	मुख्य वन्यजीव रक्षक, अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक व वनसंरक्षक.	५८ छ
७	मुख्य वन्यजीव रक्षक	६० ख

स्पष्टीकरण (१).— वरील अनुसूचीच्या स्तंभ (२) मध्ये नमूद केलेल्या अधिकाऱ्यांमध्ये वन विभागाच्या प्रादेशिक व वन्यजीव या दोन्ही शाखांमधील अधिकाऱ्यांचा समावेश असेल. उदा. मुख्य वनसंरक्षक यांमध्ये मुख्य वनसंरक्षक (वन्यजीव) याचा समावेश आहे.

स्पष्टीकरण (२).— या अधिसूचनेद्वारे अधिक्रमण करण्यात आलेल्या आणि उक्त अधिनियमाच्या तरतुदीखाली काढलेल्या कोणत्याही अधिसूचनेद्वारे किंवा आदेशांद्वारे प्रदान केलेल्या अधिकारांचा वापर करून कोणत्याही अधिकाऱ्याने केलेल्या कायदेशीर कार्यवाहीच्या परिणामी, जी कोणताही कार्यवाही सुरू असेल, अशा कोणत्याही कार्यवाहीवर, या अधिसूचनेतील कोणत्याही गोष्टीमुळे बाधा पोहोचणार नाही किंवा ती कायदेशीर संकोच पावणार नाही.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

डॉ. द. एम. फारूकी,
शासनाचे सह सचिव.

REVENUE AND FORESTS DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated 21st July 2013.

NOTIFICATION

WILD LIFE (PROTECTION) ACT, 1972.

No. WLP-0613/CR-199/F-1.—Whereas, the Government of Maharashtra, *vide* Government Order, Revenue and Forests Department, No. WLP-1077/86854-F-1, dated the 5th May 1977, in exercise of the powers conferred by clauses (b) and (c) of sub-section (1) of section 4 of the Wild Life (Protection) Act, 1972 (No. 53 of 1972) (hereinafter referred to as 'the said Act'), appointed the Additional Chief Wildlife Wardens, Deputy Chief Wildlife Wardens, Wildlife Wardens and Assistant Wildlife Wardens ;

And whereas, the Government of Maharashtra *vide* Government Notification, Revenue and Forests Department, No. WLP-1077/86854-F-1, dated the 5th May 1977, empowered the Chief Wildlife Warden, Additional Chief Wildlife Wardens and Deputy Chief Wildlife Wardens for the purpose of section 54 of the said Act ;

And whereas, the Government of Maharashtra *vide* Government Notification Revenue and Forests Department, No. WLP-1097/CR-121/F-1, dated the 26th September 2001, authorized the Honorary Wildlife Wardens in each District of the State (except Washim and Nandurbar) to exercise the powers of the Chief Wildlife Warden in the respective District for the purpose of clause (b) of section 55 of the said Act ;

And whereas, the Government of Maharashtra *vide* Government Order, Revenue and Forests Department, No. WLP-1003/CR-89/F-1, dated the 23rd February 2004, authorized certain officers to perform the functions of the competent authority under Chapter VI-A of the said Act ;

And whereas, the Government of Maharashtra *vide* Government Notification Revenue and Forests Department, No. WLP-1003/CR-89/F-1, dated the 23rd February 2004, authorized all Additional Chief Wildlife Wardens, Deputy Chief Wildlife Wardens, and Wildlife Wardens to exercise powers under clause (a) to (d) of sub-section (8) of section 50 of the said Act ;

And whereas, in view of change in the organizational structure of the Forest Department and that of the Forest Development Corporation of Maharashtra Limited, and consequent up-gradation of certain posts and change of designations of certain posts of the officers appointed from time to time for the purpose of the said Act, it is expedient to issue notification to appoint, empower, and authorize these officers for various purposes of the said Act ;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 4, sub-section (2) of section 39, sub-section (8) of section 50, section 54, clause (b) of section 55, sections 58D, 58G and 60B of the Wild Life (Protection) Act, 1972 (53 of 1972), in its application to the State of Maharashtra, and all other powers enabling it in that behalf, and in supersession of all above mentioned Notifications and Orders, issued from time to time in this behalf, the Government of Maharashtra hereby,—

(1) appoints following officers in the organizations of the Forest Department and the Forest Development Corporation of Maharashtra Limited as Wild Life Wardens for their respective territorial jurisdiction as mentioned in the Schedule given below,—

SCHEDULE

Sr. No. (1)	Organization (2)	Officers (3)
1	Forest Department	Additional Principal Chief Conservator of Forests (Wildlife), Chief Conservators, Field Directors of Tiger Reserves, Conservators, Deputy Conservators, Divisional Forest Officers, Deputy Directors in Tiger Reserves, Sub-Divisional Forest Officers of independent Sub-Divisions, Assistant Conservators, Range Forest Officers, Foresters and Forest guards.
2	Forest Development Corporation of Maharashtra Ltd.	General Managers, Regional Managers, Divisional Managers, Assistant Managers, Range Forest Officers, Foresters and Forest guards.

Explanation.— The officers mentioned in column (3) against Sr. No. 1 in the Schedule above will include the officers of both the Territorial and Wildlife Wings of the Forest Department, e.g. Chief Conservator includes Chief Conservator (Wildlife).

(II) appoints, empowers, and authorizes the following officers in the organizations of the Forest Department, Forest Development Corporation of Maharashtra Limited and Police officers mentioned in column (2) of the Schedule given below, for the purpose of various sections of the said Act specified in column (3).—

SCHEDULE

Sr. No. (1)	Officers (2)	Sections (3)
1	(i) Additional Principal Chief Conservator of Forests (Wildlife), Field Directors of Tiger Reserves, Chief Conservators, Conservators, Deputy Conservators, Divisional Forest Officers, Deputy Directors in Tiger Reserves, Sub-Divisional Forest Officers of independent sub-divisions, Assistant Conservators and Range Forest Officers. (ii) General Managers, Regional Managers and Divisional Managers of the FDCM Ltd.	39(2)
2	(i) Additional Principal Chief Conservator of Forests (Wildlife), Field Directors of Tiger Reserves, Chief Conservators, Conservators, Deputy Conservators, Divisional Forest Officers, Deputy Directors in Tiger Reserves, Sub-Divisional Forest Officers of independent sub-divisions and Assistant Conservators. (ii) General Managers, Regional Managers, Divisional Managers and Assistant Managers of the FDCM Ltd.	50(8)
3	(i) Chief Wild Life Warden, Additional Principal Chief Conservator of Forests (Wildlife), Field Directors of Tiger Reserves, Chief Conservators, Conservators and Deputy Conservators. (ii) General Managers, and Regional Managers, of the FDCM Ltd.	54
4	Police officers not below the rank of Police Sub-Inspector.	55 (b)
5	Additional Principal Chief Conservator of Forests (Wildlife), Field Directors of Tiger Reserves, Chief Conservators.	58D
6	Chief Wild Life Warden, Additional Principal Chief Conservator of Forests (Wildlife), Field Director of Tiger Reserves, Chief Conservators, Conservators.	58G
7	Chief Wildlife Warden.	60B

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, जुलै २३, २०१३/आवण १, शके १९३५

Explanation.—(1) Officers mentioned in column (2) in the Schedule above will include the officers of both the Territorial and Wildlife Wings of the Forest Department, e.g. Chief Conservator includes Chief Conservator (Wildlife).

Explanation.—(2) Nothing in this Notification shall affect or abridge any proceeding which is in progress as a consequence of lawful actions taken by any officer in accordance with the powers conferred by any of the notifications or orders issued under the provisions of the said Act, which are superseded by this Notification.

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

DR. U. M. FAROOQUI,
Joint Secretary to Government.

ANNEXURE 12.03

क्रमांक: डब्ल्युएलपी-०६१३/प्र.क्र.-१९९/फ-१,
महसूल व वन विभाग,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक : २२/७/२०१३.

प्रति,

प्रधान मुख्य वनसंरक्षक (वन्यजीव),
महाराष्ट्र राज्य, नागपूर.

विषय : वन्यजीव (संरक्षण) अधिनियम, १९७२ मुख्य वन्यजीव रक्षक यांचे
अधिकार सोपविण्याबाबत.

संदर्भ : आपल्याकडील पत्र क्र.कक्ष-२३(४)/प्र.क्र.४९४/८९७, दिनांक ६.६.२०१३

महोदय,

वरील विषयाबाबत आपल्या उक्त संदर्भांकित पत्रान्वये प्राप्त प्रस्ताव व त्यासंदर्भात आपल्याशी वेळोवेळी झालेल्या चर्चेच्या अनुषंगाने वन्यजीव (संरक्षण) अधिनियम, १९७२ अनुसार आपले अधिकार आपल्या कनिष्ठ अधिकाऱ्यांना सोपविण्याकरिता सोबत जोडलेल्या प्रारूपानुसार आदेश निर्गमित करण्यासाठी उक्त अधिनियमाच्या ५ (२) अनुसार याद्वारे पुर्व मान्यता प्रदान करण्यात येत आहे.

सहपत्र : प्रारूप आदेशाची मराठी व इंग्रजी प्रत.

आपला,



(डॉ.यु.एम.फारुकी)
सहसचिव (वने)

ANNEXURE 12.04

महाराष्ट्र शासन राजपत्र अध्यापण भाग चार-क, ऑगस्ट २, २०१३/श्रावण ११, शके १९३५

३

CHIEF WILDLIFE WARDEN, MAHARASHTRA STATE

Van Bhavan, Ramgiri Road, Civil Lines, Nagpur 440001,
dated the 26th July 2013

Order

WILD LIFE (PROTECTION) ACT, 1972.

No. Desk-23(1)/C No. 494/1603.—In exercise of the powers conferred by sub-section (2) of section 5 of the Wild Life (Protection) Act, 1972 (53 of 1972) and in supersession of all other orders issued in this behalf, the Chief Wild Life Warden, Maharashtra State, with the precious approval of the State Government accorded *vide* Government Letter, No. WLP. 0613/CR-199/F-1, dated the 22nd July 2013, hereby delegates his powers and duties under this Act, as specified in column (3) of the Schedule appended hereto to the Wild Life Wardens appointed under Government Notification Revenue and Forests Department, No. WLP. 0613/CR-199/F-1, dated the 21st July 2013 and to the Honorary Wild Life Wardens as may be appointed by the State Government from time to time, specified in column (2) for their respective territorial jurisdiction, namely :—

SCHEDULE

Sr. No. (1)	Wild Life Wardens and Honorary Wild Life Wardens (2)	Sections (3)
1	Additional Principal Chief Conservator of Forests (Wildlife), Field Directors of Tiger Reserves, Chief Conservators, Conservators.	11(1)(b), 17C(1), 17D(1), 17E(1), 27(1)(b), 27(2)(c), 28, 31 r/w 35(8), 33(a), 33(b), 33(c), 33A, 34 r/w 35(8), 34A(1)(a), 34A(1)(b), 39(3), 40(1), 40(2), 40(4), 41(1), 42, 43(2), 44(2), 44(3), 44(4), 44(7), 45, 47(a)(ii), 47(b), 48A, 49C(1), 49C(2), 49(C)(6), 50(1), 50(3), 50(3A), 50(6), 54 and 55(b).
2	General Managers, Regional Managers, FDCM Ltd.	11(1)(b), 33A, 34A(1)(a), 34A(1)(b), 39(3), 50(1), 50(3), 50(3A), 50(6), 54 and 55(b).
3	Deputy Conservators, Divisional Forest Officers, Deputy Directors in Tiger Reserves, Sub-Divisional Forest Officers of Independent Sub-Divisions.	11(1)(b), 17C(1), 17D(1), 17E(1), 27(1)(b), 27(2)(c), 28(1)(d), 28(1)(e), 31 r/w 35(8), 33(a), 33(b), 33(c), 33A, 34(1), 34(2) r/w 35(8), 34A(1)(a), 34A(1)(b) (full powers except that the powers of the Sub-Divisional Forest Officers of independent sub-divisions shall be restricted only to the extent of removal of unauthorized structures, buildings, or constructions erected on any Government land within any sanctuary and national park and shall not include the power of confiscation), 39(3), 40(1), 40(2), 41(1), 47(a)(ii), 47(b), 48A, 49C(1), 49C(2), 49(C)(6), 50(1), 50(3), 50(3A), 50(6), 54 (only Deputy Conservators) and 55(b).
4	Divisional Managers, FDCM Ltd.	11(1)(b), 33A, 34A(1)(a), 34A(1)(b), (excluding the power of confiscation) 39(3), 50(1), 50(3), 50(3A), 50(6) and 55(b).
5	Assistant Conservators	11(1)(b), 27(2)(c), 28(1)(d), 28(1)(e), 31 r/w 35(8), 33A, 34A(1)(a), 34A(1)(b), (excluding the power of confiscation) 41(1), 47(b), 50(1), 50(3), 50(3A), 50(6) and 55(b).
6	Assistant Managers FDCM Ltd.	11(1)(b) [in respect of nilgai (<i>Boselaphus tragocamelus</i>) and wild pig (<i>Sus scrofa</i>) only] 34A(1)(a), 34A(1)(b), (excluding the power of confiscation) 50(1), 50(3), 50(6) and 55(b).
7	Range Forest Officers	11(1)(b) [in respect of nilgai (<i>Boselaphus tragocamelus</i>) and wild pig (<i>Sus scrofa</i>) only] 27(2)(c), 41(1), 47(b), 50(1), 50(3), 50(6) and 55(b).

SCHEDULE—Contd.

(1)	(2)	(3)
8	Range Forest Officers, FDCM Ltd.	11(1)(b) [in respect of nilgai (<i>Boselaphus tragocamelus</i>) and wild pig (<i>Sus scrofa</i>)] 50(1), 50(3) and 55(b).
9	Foresters, Forest Guards	27(2)(c), 50(1) and 50(3).
10	Foresters and Forest Guards in FDCM Ltd.	50(1) and 50(3).
11	Honorary Wild Life Wardens	55(b).

Explanation.—(1) Officers mentioned in column (2) in the Schedule above will include the officers of both the Territorial and Wildlife Wings of the Forest Department, e.g. Chief Conservator includes Chief Conservator (Wildlife).

(2) Nothing in this order shall affect or abridge any proceeding which is in progress as a consequence of lawful actions taken by any officer in accordance with the orders which are superseded by this order.

S. W. H. NAQVI,
Chief Wildlife Warden,
Maharashtra State, Nagpur.

ANNEXURE 12.05

RNI No. MAHBIL/2009/35527



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-क

वर्ष १, अंक २८।

मंगळवार, ऑगस्ट ४, २०१५/श्रावण १३, शके १९३७

[पृष्ठ २, किंमत : रुपये १.००]

असाधारण क्रमांक ५२

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाध्यक्षित इतर वैधानिक प्राधिकार्यांनी तयार केलेले
(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांच्यातिरिक्त इतर)
वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस अधिष्ठाता, अयुक्त (राज्य उत्पादन शुल्क),
जिल्हाधिकाारी व निवडणूक आयोग, निवडणूक न्यायाधिकारण, निवडणूक निर्णय अधिकारी व निवडणूक आयोग(खालील
इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य

वन अधिन. राणीची रोड, मिर्हाला लेईस, नागपूर ४४० ०१३, दिनांक १४ जुलै २०१५

आदेश

वन्यजीव (संरक्षण) अधिनियम, १९७२.

क्रमांक. पत्र २३(८)/६९ (२०१४-१५)/१५३३.—वन्यजीव (संरक्षण) अधिनियम, १९७२ (१९७२ चा अधिनियम ५३), याच्या कलम ५ वर पेट कलम (१) अन्वये मुख्य वन्यजीव रक्षक यांनी प्रदान करण्यात आलेल्या अधिकाऱ्याचा वन्य जीव वन्य जीव रक्षक महाराष्ट्र राज्य हे शासन, महसूल व वन विभाग या व क्रमांक डब्ल्यूएलए ७८१८/८८८८ ६०६/ए १, दिनांक २९ जुलै २०१५ या अन्वये दिलेल्या राज्य शासनच्या पुढील नमुनेचे, यामध्ये खालीलप्रमाणे ठरविले आहे (१) मध्ये निर्दिष्ट केलेल्याप्रमाणे, शासन अधिपत्य, महसूल व वन विभाग यांच्या डब्ल्यूएलए ७८१८/८८८८ ६०६/ए १, दिनांक २९ जुलै २०१३ या अन्वये नियुक्त केलेल्या व अधिनियम (१) मध्ये निर्दिष्ट केलेल्या वन्यजीव रक्षकाकडे, न्याय्य संश्लेषित शैलीने अधिकार्यांच्या या आदेशात मखालील त्यांचे अधिकार व कर्तव्य पूर्वीप्रमाणे होत आहे :

अ. क्र.	वन्यजीव रक्षक	वर्णन
(१)	(२)	(३)
१	वनपरिक्षेत्र अधिकारी	कलम २९ (३) केवळ कलम ११ (सी) अन्वये दिलेल्या प्रत्येकाप्रमाणे पारध केलेल्या रोडे (Boselaphus tragocamelus) व राबडूकर (Sus scrofa) करित

स्पष्टीकरण.—(१) वरान अनुपूर्वाच्या स्तंभ (२) मध्ये नमूद केलेल्या अधिकार्यांकडे, वन विभागाच्या प्रदेशिक व वनजीव या
दोन्ही शाखांमधील अधिकार्यांचा समावेश असेल व वन परिक्षेत्र अधिकारी यामध्ये वनपरिक्षेत्र अधिकारी (वन्यजीव) यांचा समावेश आहे.

(२) व आदेशाद्वारे यांचे अधिकार्य करण्यात आले आहे अशा अनेकदांनुसार, कोणत्याही अधिकार्याने केलेल्या कचऱेशी
कचऱ्याची वा परिणाम राहणु नो कावेकही चालू असेल अशा कोणत्याही कार्यवाहीवर व आदेशातील कोणत्याही गोष्टीपुढे वाधा पोहचणार
नाही किंवा ही कार्यवाही संपादन करण्यात नाही

सर्जन भागल,

मुख्य वन्यजीव रक्षक तथा

प्रधान मुख्य वनरक्षक (वन्यजीव), महाराष्ट्र राज्य.

CHIEF WILDLIFE WARDEN, MAHARASHTRA STATE

Van Bhavan, Ramgiri Road, Civil Lines, Nagpur 440 001

dated the 24th July 2015

Order

Wildlife (Protection) Act, 1972.

No. Desk 2314/C.No. 69 (2014-15/1623).—In exercise of the powers conferred by sub-section (2) of section 5 of Wildlife (Protection) Act, 1972 (No. 53 of 1972), the Chief Wildlife Warden, Maharashtra State, with the previous approval of the State Government accorded *vide* Revenue and Forest Department Government letter no. WLP-0814/CR. No. 186/F-1, dated 21st July 2015 hereby delegate his powers and duties under this Act, as specified in column (3) of the schedule appended hereto to the Wildlife Warden appointed under Government Notification Revenue and Forest Department No. WLP-0613/CR. No. 199/F-1, dated 21st July 2013 specified in column (2) for their respective territorial jurisdiction.

Sr. No.	Wildlife Warden	Section
(1)	(2)	(3)
1	Range Forest Officer	Section 39 (3)
		Only in respect to Rohea (<i>Boselaphus tragomelus</i>) and Wild pig (<i>Sus scrofa</i>) hunted under permit issued <i>vide</i> section 11(6).

Explanation.—(1) Officers mentioned in column (2) in the schedule above will include the officers of both the Territorial and Wildlife Wings of the Forest Department, e.g. Range Forest Officer includes Range Forest Officer (Wildlife).

(2) Nothing in this order shall affect or abridge any proceeding which is in progress as a consequence of lawful actions taken by any officer in accordance with the order which are superseded by this order.

SARJAN BHAGAT,
Chief Wildlife Warden and
Principal Chief Conservator of
Forests (Wildlife), Maharashtra State.

ANNEXURE 12.06

Annexure IX(29), (Vide Article-9.01 (xxxiii))

[भाग II—खण्ड 3(i)]

भारत का राजपत्र : असाधारण

11

अधिसूचना

नई दिल्ली, 18 अप्रैल, 2003

का.आ. 446(अ).— केन्द्रीय सरकार, वन्यजीव (संरक्षण) अधिनियम, 1972 की (1972 का 53) द्वारा 58ड की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ऐसे सभी अधिकारियों को, जो पुलिस उप महानिरीक्षक की पंक्ति से नीचे के न हों, उक्त अधिनियम की धारा 58ड की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

[फा. सं. 1-1/2003 वन्यजीव-1]

एम.के. शर्मा, वन महानिदेशक एवं विशेष सचिव

NOTIFICATION

New Delhi, the 18th April, 2003

S.O. 446(E).— In exercise of the powers conferred by sub-section (1) of section 58E of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby authorizes all the officers not below the rank of a Deputy Inspector General of Police to exercise the powers of section 58E of the said Act.

[F. No. 1-1/2003 WL-1]

M. K. SHARMA, Director General of Forests and Spl. Secy.

अधिसूचना

नई दिल्ली, 18 अप्रैल, 2003

का.आ. 447(अ).— केन्द्रीय सरकार, वन्यजीव (संरक्षण) अधिनियम, 1972 की (1972 का 53) धारा 54 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेशक, वन्यजीव संरक्षण और सहायक निदेशक वन्यजीव संरक्षण को उक्त सरकार के लिए तथा राज्य सरकार के मामले में मुख्य वन्यजीव वार्डन और ऐसे सभी अधिकारियों को जो उप वन संरक्षक की पंक्ति से नीचे के न हों, उक्त अधिनियम की धारा 54 के निबंधानुसार में शक्तियों का प्रयोग करने के लिए सशक्त करती है।

[फा. सं. 1-1/2003 वन्यजीव-1]

एम.के. शर्मा, वन महानिदेशक एवं विशेष सचिव

NOTIFICATION

New Delhi, the 18th April, 2003

S.O. 447(E).— In exercise of the powers conferred by sub-section (1) of section 54 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby empowers the Director of Wild Life Preservation and Assistant Director, Wild Life Preservation for that Government and in case of a State Government, the Chief Wild Life Warden and all officers not below the rank of the Deputy Conservator of Forests to exercise the powers in terms of section 54 of the said Act.

[F. No. 1-1/2003 WL-1]

M. K. SHARMA, Director General of Forests and Spl. Secy.

ANNEXURE 12.07

PROTECTED AREAS IN MAHARASHTRA

Sr. No.	WL Circle	WL Division	Name of WLS, N.P. & Conservation Reserves	Date of Notification	Area (Sq.Km)
1	2	3	4	5	6
1	APCCF(WL) East Nagpur (15)	CF & FD, Chandrapur	Tadoba N.P. *	31/3/1955	116.550
2			Andhari WLS *	25/2/1986	509.270
3		ACF(WL) Allapalli	Bhamragadh WLS	06/05/1997	104.380
4			Chaprala WLS	25/02/1986	134.780
5		CCF & FD, PTR Nagpur	Bor WLS *	27/11/1970	61.100
6			New Bor WLS*	28/02/2012	60.70
7			New Bor Extended WLS*	03/05/2014	16.32
8			Pench N.P. *	22/11/1975	257.26
9			Mansingdeo WLS	02/11/2010	182.580
10			Umred- Karhandla WLS	29/06/2012	189.29
11		CF & FD NNTR, Gondia	Navegaon N.P *	21/12/2000	129.55
12			Navegaon WLS *	28/02/2012	122.760
13			Nagzira WLS *	03/06/1970	152.810
14			New Nagzira WLS *	29/02/2012	151.33
15			Koka WLS *	18/07/2013	100.138
16	APCCF & FD, M.T.R. Amravti (11)	Sipna (WL) Chikhaldara	Melghat WLS (Part) *	15/02/ 1994 & 06/11/2000	788.75
17		Gugamal (WL) Paratwada -2	Gugamal N.P. (Part) *	27/11/1987 & 08/08/2000	361.280
18		(WL) Akot	Ambabarva WLS *	09/04/1997	127.110
19			Narnala WLS *	02/05/1997	12.350

20			Van WLS *	28/07/1997 & 29/07/1997	211.00
			Meighat (Part) *		
			Gugamal(Part) *		
21		(WL) Akola	Dhyanganga WLS	07/05/1997 & 09/05/1997	205.210
22			Katepurna WLS	08/02/1988	73.690
23			Lonar WLS	08/06/2000	3.83
24			Karanja-Sohol Black-Buck WLS	07/12/2000	18.32
25		DFO (WL) Pandharkawada	Tipeshwar WLS	24/01/1997 & 30/04/1997	148.63
26			Painganga WLS	25/02/1986 & 24/02/2004	424.890
27	APCCF(WL)		Deulgaon-Rehukari WLS	29/02/1980	2.170
28	West Mumbai (22)	DCF(WL)	Great Indian Bustard WLS	09/03/2016	366.73
29		Pune	Bhimashankar WLS	16/09/1985	130.780
30			New Great Indian Bustard WLS (Gangewadi)	28/02/2012	01.98
31			Mayureshwar- Supe WLS	19/08/1997	5.145
32		Dy.CF(WL)	Phansad WLS	25/02/1986	69.790
33		Thane	Tansa WLS	12/06/1970 & 16/09/1985	304.810
34			Karnala Bird WLS	06/05/1968 & 23/01/2003	12.155
35		CF & FD,	Radhanagri WLS	02/12/1958 & 16/09/1985	351.160
36		STR, Kolhapur	Koyana WLS *	16/09/1985 & 29/05/2019	335.30
37			Chandoli N.P. *	14/05/2004	317.670
38			Sagareshwar WLS	16/09/1985	10.87
39		CCF&Dir,	S.G.N.P.	04/02/1983 & 16/01/1996	86.96
		SGNP Borivali			
40			Tungareshwar WLS	24/10/2003	85.700
41		DFO(WL)	Goutala Autramghat WLS	25/02/1986	260.610

42		Aurangabad	Jaikwadi Bird WLS	10/10/1986	341.050
43			Naigoan-Mayur WLS	08/12/1994	29.89
44			Yedshi RamlingghatWLS	16/05/1997 & 17/05/1997	22.38
45		CF(WL) Nashik	Nandurmadhyameshwar WLS	25/02/1986	100.120
46			Kalsubai Harishchandragad WLS	25/02/1986	361.710
47			Aner-Dam WLS	10/10/1986	82.940
48			Yaval WLS	21/03/1969	177.520
49	CCF(T) Pune	Dy.CF(T) Pune	Tamhini WLS	03/05/2013	49.62
50	CCF(T) Gadchiroli	Dy.CF(T) Sironcha	Pranhita WLS	27/08/2014	420.060
51	CCF(T) Pune	Dy.CF(T) Pune	Sudhagad WLS	27/08/2014	77.128
52	CF(T) Yavatmal	Dy.CF(T) Pusad/Hingoli	Isapur WLS	27/08/2014	37.803
53	CCF(T) Chandrapur	Dy.CF, Bramhpuri	Ghodazari Wildlife Sanctuary	23/03/2018	153.31
54	APCCF (Mangrove cell)	-----	Thane Creek Flamingo WLS	06/08/2015	16.90
55	Mumbai Sub- Urban		Malvan Marine WLS	13/04/1987	29.122
56	CCF(T) Nashik	Dy.CF(T) East, Nashik	Bhorgad Conservation Reserve	05/03/2008	3.49
57	CCF(T) Gadchiroli	Dy.CF(T) Sironcha	Kolamarka Conservation Reserve	08/01/2013	180.72
58	CCF(T) Dhule	Dy.CF(T) Jalgaon	Muktai Bhavani Conservation Reserve	03/05/2014	122.740
59	CCF(T) Nashik	Dy.CF(T)	Mamdapur Conservation	24/06/2014	54.46

		East Nashik	Reserve		
60	CCF(T) Dhule	Dy.CF Nandurbar Forest Division, Shahada	Toranmal Conservation Reserve	11/07/2016	93.42
61	CCF(T) Nashik	Dy.CF, West Nashik	Anjneri Conservation Reserve	31/01/2017	5.69
62	CCF(T) Kolhapur	Dy.CF, (T) Sawantwadi	Tilari Conservation Reserve	22/06/2020	29.53
				Total	9395.311

Total Geographical Area of Maharashtra (3,07,713 Sq. Km) Percentage of WL P.A. Area 3.05 %.

*** Protected Areas included in Tiger Project.**

ANNEXURE 12.08

जप्त केलेल्या वन्यप्राण्यांचे कातडे / वन्यप्राण्यापासून
बनविण्यात आलेल्या वस्तू यांच्या साठ्याची विल्हेवाट.

महाराष्ट्र शासन

महसुल व वन विभाग

शासन निर्णय क्रमांक पी.ओ.सी. १०९४/प्र.क्र.३०५/फ-१

मंत्रालय, मुंबई ४०० ०३२.

दिनांक : १८ जुलै १९९५

वाचा. १) मुख्य वनसंरक्षक (वन्यजीव) यांचे पत्र क्र. २२(डी) (१) /प्र.क्र.१७८/५५०३, दिनांक २९ मार्च १९९५.

२) अतिरिक्त महानिरीक्षक (वन्यजीव) पर्यावरण व वन मंत्रालय, दिल्ली यांचे पत्र क्र.१-६०/८९-डब्ल्युएलपी दिनांक ४ नोव्हेंबर, १९९४.

शासन निर्णय :-

वन विभागाकडे विविध वन्यप्राण्यांचे कातडे / वन्यप्राण्यापासून बनविलेल्या वस्तू तसेच ट्रॉफीजचा जप्त केलेला साठा विविध ठिकाणी पडून आहे. या साठ्याची विल्हेवाट लावणेबाबत उपाययोजना राज्य शासनाच्या व केंद्र शासनाच्या विचाराधीन होती. केंद्र शासनाने त्यांच्या दिनांक ४ नोव्हेंबर, १९९४ च्या पत्रान्वये असे कळविले आहे की, याबाबत सर्वांगीण विचार करून असे ठरविण्यात आले आहे की, जप्त केलेल्या वन्यप्राण्यांच्या कातड्याची / वन्यप्राण्यापासून बनविलेल्या वस्तू तसेच ट्रॉफीज यांची विल्हेवाट खालीलप्रमाणे लावण्यात यावी.

ज्या प्रकरणामध्ये न्यायालयीन प्रकरणे प्रलंबित नाहीत अशी प्रकरणे सोडून इतर सर्व प्रकरणात जप्त केलेला साठा जाळून नष्ट करण्यात यावा. असे करण्याआधी काही चांगले नमूने वन संवर्धनाबाबत शिक्षणासाठी व जागरुकता निर्माण करण्यासाठी शासकिय संस्था, सार्वजनिक संग्रहालय तसेच मान्यताप्राप्त शिक्षण संस्था यांना देण्यास राखून ठेवण्यात यावेत. ज्या प्रकरणी न्यायालयीन प्रकरणे प्रलंबित असतील त्याबाबत कार्यवाही न्यायालयाच्या आदेशानंतरच करण्यात यावी. साठा नष्ट करण्यापूर्वी वन्यजीव (संरक्षण) अधिनियम १९७२ च्या तरतुदीची अंमलबजावणी करावी.

केंद्र शासनाच्या आदेशानुसार राज्यातही कार्यवाही व्हावी अशी शिफारस मुख्य वनसंरक्षक (वन्यजीव) यांनी केली होती. हे लक्षात घेवून केंद्र शासनाने ठरवून दिलेल्या पध्दती नुसारच जप्त

वन्यप्राण्याचे कातडे / त्यापासून बनविण्यात आलेल्या वस्तू तसेच ट्रॉफीज यांची विल्हेवाट लावण्यात यावी असे ठरविण्यात आले आहे.

जप्त वन्यप्राण्याचे कातडे / वन्यप्राण्यापासून बनविण्यात आलेल्या वस्तू, ट्रॉफीज इत्यादींची विल्हेवाट जाळून करण्यात येणार असेल अशा वेळेस आवश्यक ती स्थानिक पूर्वप्रसिध्दी देण्याची दक्षता घ्यावी. तसेच, संबंधित उपवनसंरक्षक हयाच्या समक्ष रितसर पंचनामा करून साठ्याची विल्हेवाट लावण्यात यावी. विल्हेवाट लावत असतांना वन विभागाच्या अधिका-याव्यतिरिक्त किमान दोन जबाबदार / स्थानिक महत्व असलेल्या व्यक्ती हजर राहतील हयाची दक्षता घेण्यात यावी. वन्यजीव (संरक्षण) अधिनियम १९७२ मधील तरतुदीची अंमलबजावणी होईल याचीही दक्षता घेण्यात यावी.

हा शासन निर्णय, वित्त विभागाच्या सहमतीने त्यांच्या अनौपचारिक संदर्भ क्र. प्र. क्र. ३८३/९५/व्यय-१० दि. २८/६/१९९५ ला अनुलक्षून निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

स्वाक्षरी

(नि. ह. काकोडकर)

विशेष कार्य अधिकारी, महसुल व वन विभाग.

प्रति,

प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर,
मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर,
सर्व मुख्य वनसंरक्षक,
सर्व वनसंरक्षक
सर्व उपवनसंरक्षक,
सर्व उप विभागीय वन अधिकारी (स्वतंत्र कार्यभार)
महालेखापाल-१ व २ (लेखा व अनुज्ञेयता), महाराष्ट्र, मुंबई / नागपूर.
महालेखापाल-१ व २ (लेखापरिक्षा), महाराष्ट्र, मुंबई / नागपूर.
आयुक्त, पोलीस महासंचालनालय, मुंबई
वित्त विभाग (व्यय-१०), मंत्रालय, मुंबई-३२
गृह विभाग, मंत्रालय, मुंबई-३२
वन विभागामधील सर्व सहसचिव/उपसचिव,
वन विभागामधील सर्व कार्यासने,
फ-१ कार्यासने, महसुल व वनविभाग, (निवडनस्ती)

ANNEXURE 12.09

जप्त केलेल्या वन्यप्राण्यांचे कातडे /
वन्यप्राण्यापासून बनविण्यात आलेल्या
वस्तू यांच्या साठ्याची विल्हेवाट.

महाराष्ट्र शासन
महसुल व वन विभाग
शासन निर्णय क्रमांक पी.०९४/प्र.क्र.३०५/फ-१
मंत्रालय, मुंबई ४०० ०३२.
दिनांक : ५ ऑगस्ट, १९९५

वाचा:- शासन निर्णय समक्रमांक दिनांक १८ जुलै १९९५.

शुध्दीपत्रक:-

जप्त केलेल्या वन्यप्राण्यांचे कातडे / वन्य प्राण्यांपासून बनविण्यात आलेल्या वस्तू यांच्या साठ्याची विल्हेवाट लावण्याबाबत उपरोक्त शासन निर्णय निर्गमित करण्यात आला आहे. या शासन निर्णयातील दुस-या परिच्छेदातील

" ज्या प्रकरणामध्ये न्यायालयीन प्रकरणे प्रलंबित नाहीत अशी प्रकरणे सोडून इतर सर्व प्रकरणांत जप्त केलेला साठा जाळून नष्ट करण्यात यावा"

याऐवजी

" ज्या प्रकरणामध्ये न्यायालयात प्रकरणे प्रलंबित नाहीत अशा प्रकरणात जप्त केलेला साठा जाळून नष्ट करण्यात यावा." असे वाचावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

स्वाक्षरी
(नि. ह. काकोडकर)
विशेष कार्य अधिकारी,
महसुल व वन विभाग.

प्रति,

प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर,
मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर,
सर्व मुख्य वनसंरक्षक,
सर्व वनसंरक्षक
सर्व उपवनसंरक्षक,
सर्व उप विभागीय वन अधिकारी (स्वतंत्र कार्यभार)
महालेखापाल-१ व २ (लेखा व अनुज्ञेयता), महाराष्ट्र, मुंबई / नागपूर.
महालेखापाल-१ व २ (लेखापरिक्षा), महाराष्ट्र, मुंबई / नागपूर.
आयुक्त, पोलीस महासंचालनालय, मुंबई
वित्त विभाग (व्यय-१०), मंत्रालय, मुंबई-३२
गृह विभाग, मंत्रालय, मुंबई-३२
वन विभागामधील सर्व सहसचिव/उपसचिव,
वन विभागामधील सर्व कार्यासने,
फ-१ कार्यासन, महसुल व वनविभाग, (निवडनस्ती)

ANNEXURE 12.10

Annexure IX (7) No.13-3/99-SU (Vide Article-9.014(1))
Government of India
Ministry of Environment and Forests

Paryavaran Bhavan, CCO Complex,
Lodi Road,
New Delhi-110003.
Dated: 21.2.2000

The Regional Chief Conservator of Forests
Southern Region,
Bangalore.

Sir,

Please find enclosed a copy of the interim directions issued by the Hon'ble
Supreme Court during the hearing dated 14.2.2000 for information and necessary action.

Encl: As above

Yours sincerely,

(A.R. Chadha)

Deputy Inspector General of Forests

Copy to: The Regional Chief Conservator of Forests, Bangalore, Lucknow,
Bhubaneswar, Shillong & Bhopal

2. The Regional Conservator of Forests, Chandigarh

4362875

MOST IMMEDIATE

OUT TODAY

D.No. 597/1995/S.
SUPREME COURT OF INDIA
NEW DELHI

DATED: 17th February, 2000

FROM : Ramesh Chand,
Section Officer (PIL CELL)

- To :
1. Union of India,
through the Secretary,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi.
 2. State of Andhra Pradesh,
through its Chief Secretary,
Hyderabad (A.P.)
 3. State of Arunachal Pradesh,
through its Chief Secretary,
Itanagar (Arunachal Pradesh)
 4. State of Assam,
through its Chief Secretary,
Dispur (Assam)
 5. State of Bihar,
through its Chief Secretary,
Patna (Bihar)
 6. State of Goa,
through its Chief Secretary,
Panaji (Goa)
 7. State of Gujarat,
through its Chief Secretary,
Gandhinagar (Gujarat)
 8. State of Haryana,
through its Chief Secretary,
Chandigarh
 9. State of Himachal Pradesh,
through its Chief Secretary,
Shimla (H.P.)
 10. State of Jammu & Kashmir,
through its Chief Secretary,
Srinagar (J & K)
 11. State of Karnataka,
through its Chief Secretary,
Bangalore (Kannataka)

rejoinder within two weeks thereafter. List after six weeks.
Stay of recovery by coercive process in the meantime.

I.A. No. **548**.. (filed by Mr. P K Manohar, Adv.) : An application has been filed through the Amicus Curiae in court, inter alia, praying for clarification that the order dated 12th December, 1996 contained a ban against the removal of any fallen trees or removal of any diseased or dry standing tree from the areas notified under Section 18 or 35 of the Wildlife Protection Act, 1972. Let the same be taken on record.

Issue notice to all the respondents. In the meantime, we restrain respondents Nos. 2 to 32 from ordering the removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses, etc. from any National Park or Game Sanctuary or forest. If any order to this effect has already been passed by any of the respondent-States, the operation of the same shall stand immediately stayed.

Reply be filed within three weeks.

The Union of India will also indicate in its reply affidavit as to what safeguards or steps should be taken, relation to such trees.

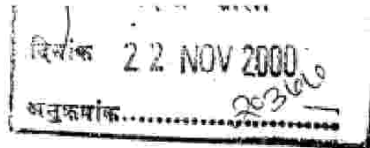
The Registry should communicate this order of stay to Chief Secretaries of all the States immediately without payment process fee.

It is submitted by the Amicus Curiae that it has been reported in the Press that the State of Himachal Pradesh has passed some orders lifting the ban on felling of trees in that State. It is submitted that by order dated 12th December, 1996 of this Court in W.P.(C) No. 202/1995 felling of trees in any forest, public or private, has been banned and this order has not been varied so far. He, therefore, submits that if there is any order issued by the State of Himachal Pradesh giving permission to the felling of trees, that would amount to contravention of this Court's order dated 12th December, 1996 and would, therefore, be bad in law.

We issue notice to the State of Himachal Pradesh to file an affidavit within three weeks so as to inform the Court whether any such order has been passed. We make it clear that if any such order has been passed, the operation of the same shall remain stayed till further orders by this Court.

I.A. No. 513 : An affidavit is stated to have been filed on behalf of the Ministry of Environment in reply to this I.A. The Chief Secretary, State of M.P. should file his response to this affidavit within two weeks from today. In particular, the Court would require information with regard to paragraph 5 of the said affidavit. If the said affidavit affirms that the land records of Damoh for the period 1910-11 to 1954-55 are missing,

ANNEXURE 12.11



D.No 1004/1995/30 2000

SUPREME COURT OF INDIA
NEW DELHI

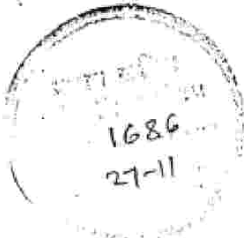
Annexure IX(8)
(Vide Article-9.01(xi))

DATED: 22nd November, 2000

FROM : Ramesh Chand
Section Officer (PIL CELL)

TO :

1. The Secretary,
Ministry of Environment & Forests,
Govt. of India,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi
2. State of Andhra Pradesh,
through its Chief Secretary,
Hyderabad (A.P)
3. State of Arunachal Pradesh,
through its Chief Secretary,
Itanagar (Arunachal Pradesh)
4. State of Assam,
through its Chief Secretary,
Dispur (Assam)
5. State of Bihar,
through its Chief Secretary,
Patna (Bihar)
6. State of Goa,
through its Chief Secretary,
Panaji (Goa)
7. State of Gujarat,
through its Chief Secretary,
Gandhinagar (Gujarat)
8. State of Haryana,
through its Chief Secretary,
Chandigarh
9. State of Himachal Pradesh,
through its Chief Secretary,
Shimla (H.P)
10. State of Jammu & Kashmir,
through its Chief Secretary,
Srinagar (J & K)



24/11/2000
OSD/g

...2/-

11. State of Karnataka,
through its Chief Secretary,
Bangalore (Karnataka)
12. State of Kerala,
through its Chief Secretary,
Thiruvananthapuram (Kerala)
13. State of Madhya Pradesh,
through its Chief Secretary,
Bhopal (M.P)
14. State of Maharashtra,
through its Chief Secretary,
Mumbai (Maharashtra)
15. State of Manipur,
through its Chief Secretary,
Imphal (Manipur)
16. State of Meghalaya,
through its Chief Secretary,
Shillong (Meghalaya)
17. State of Mizoram,
through its Chief Secretary,
Aizawl (Mizoram)
18. State of Nagaland,
through its Chief Secretary,
Kohima (Nagaland)
19. State of Orissa,
through its Chief Secretary,
Bhubneshwar (Orissa)
20. State of Punjab,
through its Chief Secretary,
Chandigarh
21. State of Rajasthan,
through its Chief Secretary,
Jaipur (Rajasthan)
22. State of Sikkim,
through its Chief Secretary,
Gangtok (Sikkim)
23. State of Tamil Nadu,
through its Chief Secretary,
Chennai (T.N)

24. State of Tripura,
through its Chief Secretary,
Agartala (Tripura)
25. State of Uttar Pradesh,
through its Chief Secretary,
Lucknow (U.P.)
26. State of West Bengal,
through its Chief Secretary,
Calcutta (W.B.)
27. Union Territory of Andaman & Nicobar Islands,
through its Administrator,
Port Blair
28. Union Territory of Chandigarh,
through its Administrator,
Chandigarh
29. Government of NCT of Delhi,
through its Chief Secretary,
5, Sham Nath Marg,
Delhi
30. Union Territory of Daman & Diu,
through its Administrator,
Moti Daman

IN THE MATTER OF:

INTERLOCUTORY APPLICATION NO. 2
(Application for directions)

IN

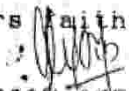
WRIT PETITION (CIVIL) NO. 337 OF 1995
(Under Article 32 of the Constitution of India)

Centre for Environmental Law, WWF-I	...Petitioner
Union of India & Ors.	Respondents
Versus	

Sir,

I am directed to forward herewith a copy of the Order dated 13th November, 2000 directing stay in the matter above-mentioned for your information and necessary action.

Yours faithfully,


SECTION OFFICER

For State of
Goa & West Bengal
(R.Nos. 10 & 30)

Ms. A. Subashini, Advocate

For State of
Maharashtra (R.No. 18)

M/s S.S. Shinde, Shivalji M. Jadav,
and S.V. Deshpande, Advocates

For Union Territory
of Chandigarh
(R.No. 7)

Ms. Kamini Jaiswal, Advocate

For Union Territory
of Pondicherry

Mr. V.G. Pargasam, Advocate
Mr. Jasdev Singh Manhan, Advocate

For State of
Andhra Pradesh
(R.No. 3)

Ms. K. Amarezwari, Senior Advocate
(M/s G. Venkatesh and Anil Kumar
Tandale, Advocates with her)

The Application for direction in Writ Petition
above-mentioned being called on for hearing before this
Court on the 13th day of November, 2000, UPON perusing
the said Writ Petition, Application and the accompanying
documents AND UPON hearing counsel for the appearing
parties above-mentioned, ^{named Indul} THIS COURT while directing to
list the above application after five weeks DOH ORDER:
THAT pending further Orders no dereservation of
Forests/Sanctuaries/National parks shall be affected

AND THIS COURT DOH FURTHER ORDER THAT this ORDER
be punctually observed and carried into execution by all
concerned.

WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief
Justice of India at the Supreme Court, New Delhi dated
this the 13th day of November, 2000.

Sd/-
(V.K. SABHARWAL)
JOINT REGISTRAR

ANNEXURE 12.12

SUPREME COURT OF INDIA RECORDS OF PROCEEDINGS

I.A. Nos. 1430-1432 in W.P.(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(for directions, ad-interim and exemption from filing O-T.)

Date: 25/11/2005 These Petitions were called on for hearing today.

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

ORDER

I.A. No. 1220 (interim resort of CEC in I.A. No. 5481 and I.A. 994

Some of the State Governments/Union Territories have filed their responses to the recommendations of the CEC. Such of the States/Union Territories which have not filed the same, are granted further four weeks' time.

None of the States has filed any objection to the recommendations of the CEC made in paras 14 and 15 in relation to clarification about allowing conservation and protection related activities for better management of the protected areas. The recommendations contained therein are, accordingly, accepted and the order dated 14th February, 2000 is clarified according. Accepting the said recommendations, we direct & a under :

(A) Various activities such as removal of weeds, clearing and burning of vegetation for fire lines, maintenance of fair weather reads, habitat improvement, digging, temporary water holes, construction of anti-poaching camps, chowkies, check posts, entry barriers, water towers, small civil works, research and monitoring activities, etc. are undertaken for protection and conservation of the protected areas and therefore permissible under the provisions of Section 29 of the Wildlife (Protection) Act, 1972. These activities are necessary for day to day management of the protected areas besides it does not involve any type of commercial exploitation.

The activities above-mentioned are permissible under the various provisions of other environmental laws as well.

(B) The order dated 14th February, 2000 will not be applicable to the following activities provided that they (i) are undertaken as per the Management Plan approved by the competent authority; (ii) are consistent with the provisions of the Wildlife (Protection) Act, 1972; (iii) are undertaken consistent with the National Wildlife

Action Plan; (iv) are in conformity with the guidelines issued for the management of the protected areas from time to time; and (v) the construction and related activities are designed to merge with the natural surroundings and as far as possible use forest friendly material.

(a) Habitat improvement activities :

Weed eradication, maintenance and development of meadows/grass land required for wild herbivores which are prey base for the carnivores, digging and maintenance of small water holes and small anicuts, earthen tanks, impoundment of rain water/ relocation of villages outside the protected areas and habitat improvement of areas so vacated.

(b) Fire protection measures:

Clearance and maintenance of fire lines as prescribed in the Management Plan by undertaking controlled cool or early burning and construction of watch towers.

(c) Management of wet grassland habitats :

Early or cool controlled winter burning of grasslands habitats such as in Kaziranga and Manas National Parks in Assam, to facilitate growth of fresh grass.

(d) Communication and protection measures :

Construction of wireless towers, improvement and maintenance of fair weather non-tarred forest roads not exceeding three meters in width, small bridges, culverts, fences etc.

(e) Anti poaching initiatives :

Construction, maintenance and improvement of small anti-poaching camps/chowkies, patrolling camps, check posts, barriers, boundary walls, construction of small staff quarters for the front line staff, etc.

(D.P. WALIA)
COURT MASTER

(V.P. TYAGI)
COURT MASTER

SUPREME COURT OF INDIA
(RECORD OF PROCEEDINGS)

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

Date: 14/09/2007 These appln.(s)/petition(s) were called on for hearing today.

CORAM :

HON'BLE CME CHIEF JUSTICE
HON'BLE DR. JUSTICE ABHJIT PASAYAN
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr. Adv. (A.C.) (N.P.)

Mr. C.U. Is'it, Sr. Adv. (A.C.)

Mr. Ranjit Kumar, Sr. Adv. (A.C.)

Mr. Kanai Gupta, Adv. (A.C.)

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)/
Appellant

Mr. P.K. Marohar, Adv.

IA 1220 in IA 548

Mr. M.C. Mehta, (In person)

Ms. Suparna Srivastava, Adv.

Ms. Nidhi Mirocha, Adv.

Mr. Rajesh Srivastava, Adv.

I.A.No.1220 in I.A.NO.548 & 994 IN W.P. (C)
No.202/1995

The CEC has filed an interim report wherein it has stated that this Court passed an order dated 14.2.2000 by which certain activities were expressly prohibited and that included:

- (i) felling of trees and their removal;
- (ii) removal of bamboo or grasses for any purpose whatsoever;

(iii) removal of corals and other living forms from marine national parks/sanctuaries;

(iv) construction of tourist complexes, hotels and restaurants, zoos and safari parks or any other building not for direct use for protection and management of wildlife and its habitat; and other non-forest activities.

But it was not specifically stated as to what permitted activities could be done in the forest which may not have any commercial concern. In the CEC report it has been stated that the removal of weeds, clearing and burning of vegetation for fire lines, maintenance of fair weather roads, habitat improvement, digging, temporary water holes, construction of anti-poaching camps, chowkies, check posts etc. may be essential for maintenance of forests and for the prohibition and supervision of the forests for the Forest Department. We permit all these activities to be done though they do not come within the purpose of Order passed on 14.2.2000. It is also stated that the following activities may also be permitted:

(i) Laying of underground drinking water pipelines up to 4 inch diameter;

(ii) Laying of 11 KV distribution lines for supply of electricity to rural areas;

(iii) Laying of telephone lines or optical fiber for providing communication facilities in rural areas;

(iv) Wells, hand pumps, small water tanks etc. for providing drinking water facilities to villagers, who are yet to be relocated from the protected area.

In addition to the above, the Anganwadies, government schools and government dispensaries which are essential for the inhabitants of people who are nearer to these forest areas shall continue and the Government may carry out construction activities in the forest area for the said purposes without there being any cutting or felling of trees.

The States may file application for clarification, if any of the States have any other difficulty. It is open to them to make any appropriate suggestion in this regard.

T.A. is disposed of accordingly.

(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master

ANNEXURE 12.13

List of Zoo in Maharashtra State

Sr.No.	Name of Zoo and Address	Type
1)	The Director, Virmata Jijabai Bhonsale Udyan & Zoo, Dr. B.R. Ambedkar Road, Byculla (East), Mumbai 400 027.	Medium Zoo
2)	The Zoo Director, Rajiv Gandhi Zoological Park and Wildlife Research Centre, Municipal Corporation, Pune-Satara Road, Opp. Katraj Dairy, Pune-411 046.	Medium Zoo
3)	The Officer Incharge, Maharajabagh Zoo, Amaravati Road, Civil Lines, Nagpur.	Small Zoo
4)	The Director, Nisargakavi Bahinabai Chaudhary Zoo, MIDC, G Block, Near Kamalnayan Bajaj School, Sambhajinagar, Chinchwad, Pune.	Small Zoo
5)	The Director, Mahatma Gandhi Udyan Zoo, Opp. Dharmaveer Sambhaji Talav, N.H.No.13, Solapur.	Small Zoo
6)	The Zoo Director, Siddharth Garden and Zoo, Near Central Bus Stand, Aurangabad.	Small Zoo
7)	The Chief Conservator of Forests & Director, Sanjay Gandhi National Park, Borivali (E), Mumbai 400 066	Small Zoo
8)	The Secretary, Shetkari Shikshan Mandal, ,Dholgarwadi, Chandgad Taluka, Kolhapur-416 507	Mini Zoo
9)	The Operating Trustee, Maharaja Shahaji Chatrapati Zoo, New Palace, Kolhapur-416003.	Mini Zoo
10)	The Divisional Manager, Gorewada Rescue Centre, Gorewada Project, Fetri-Mahurzhari Road, Nagpur-441 501	Rescue Centre
11)	The Veternary Officer, Manikdoh Leopard Rescue Centre, Junnar, Distt. Pune-410502.	Rescue Centre
12)	The Director, People for Animal Shelter House, Geeta Bhawan, Gopuri, Wardha-442001.	Rescue Centre
13)	Amate Prani Udyan, Hemalkasa, Distt. Gadchroli.	Rescue Centre

ANNEXURE 12.14

Project Elephant

No 9-5/2003-PE dated 8-1-08

To

The CWLW

All States/UTs

Sub - Guidelines for care and management of captive elephants

Sir

Asian elephant has been accorded highest protection by listing them in Schedule I of the Wildlife (Protection) Act 1972, Ministry is quite concerned about its protection, care and management. It may be recalled that Ministry had constituted an expert committee under the Chairmanship of Mr S C Dey, EX ADG (WL) in the year 2003 to study the status of elephants in India. The Committee submitted its report in 2004. The Committee also has given several recommendations for care and general welfare of captive elephants. Ministry vide letter no 9-5/03-PE dated 1.6.2005 had requested all CWLWs for action on following points:

1. Need for framing special rule / guidelines for management & care of captive elephants on lines of Kerala.
2. Need for improving training facility for mahouts & elephants.
3. Need for improving working condition of mahouts including wages / salary.
4. Need for better vet care for captive elephants.
5. Need for enforcing the legal provisions particularly for ownership and prevention of cruelty.

However, Ministry has not received any feedback from any of the State / UT of the action initiated on above.

The matter was discussed in detail with CWLWs of the States having major population of captive elephant and it was decided that till states formulate their own Rules, Central government should consider issuing a guideline laying down norms for transportation, housing, feed, vets care and other norms for the states to follow. Accordingly a detailed guidelines for the care and management of captive elephants is being circulated. It is requested to ensure its implementation in letter and spirit.

Encl. As above

Yours faithfully

(A N Prasad)

IGF & Director (PE)

404
19

Guidelines for care and management of captive elephants

Ownership certificate

1. All States / UTs would carry out a fresh survey of the captive elephants in their territory within a period of six months and report the number to the Ministry. All the captive elephants shall be microchipped for which chips have been provided in adequate numbers to the states / UTs. Fresh ownership certificate should be issued in the form annexed for a period of five years and should be renewed every five years in case there is no violation of the norms to be followed.
2. Illegal elephants i.e. those which have not been declared under the declaration of the Wild life Stock Rules 2003 or are found without valid documents will be confiscated.
3. It would be mandatory for the owners to declare in writing in advance to the nearest Divisional Forest Officer or to the authorized officer by the state government of the pregnancy of the female elephants in order to get fresh ownership certificate of the calf. The certificate would be issued to the calves of the legal cows only after physically ascertaining that they are genuine offspring or after getting the DNA test done.

Transportation of elephants

1. For transportation of elephants, necessary permission from CWLW or any officer authorized by the government in this behalf shall be obtained as per section 48 A of the WP Act 1972.
2. A valid health certificate from a veterinary doctor to the effect that the elephant is fit to travel by road or rail, as the case may be, and is not showing any sign of infectious or contagious disease shall be obtained.
3. In the absence of such certificate, CWLW shall not give permission for transport.
4. Permission, if any, should be given for transport to a particular destination and for a fixed period. It would be incumbent for the owner to bring back the elephant to the place of residence within this period.
5. Before the issue of transport permit, CWLW or the authority issuing the permit would obtain no objection from the CWLW of the state where it is to be transported about the availability of the adequate housing facility at the place where it is to be kept.
6. It will be mandatory for the owner to inform the CWLW of the state within 30 days where it has been transported.
7. Except for return journey, no permission for the further onward transport of the elephant to other states will be given by the CWLW of the state where it is in transit.

8. In case any captive elephant is found in any state without valid transport certificate, it is liable for confiscation.

9. CWLWs may consider banning of captive elephants entry in Municipal limits under sec 40 (2).

Norms and Standards for Transportation

- (d) The elephant shall be properly fed and given water before loading;
- (e) Necessary arrangements shall be made for feeding and watering the elephant en route;
- (f) No elephant shall be made to walk for more than three hours at a stretch;
- (g) While transporting elephants by walk during nights, two prominent reflectors shall be placed at the front and hind portion of the elephant;
- (h) No elephant shall be made to walk more than 30 kms a day and any transportation for more than 50 kms shall be carried out in a vehicle;
- (i) Trucks with length less than 12 feet shall not be used for carrying elephants except calves (height below of and 1.59 m)
- (j) One truck shall not be used to carry more than two weaned calves (height below 1.50 m) or one elephant with one unweaned calf or one adult/sub-adult elephant (height above 1.51 m);
- (k) At least 12 hour rest should be allowed to elephants for every 12 hours of journey by trucks.
- (l) Cow elephants in advanced stage of pregnancy shall not be transported by trucks;
- (m) While transporting elephants by rail, an ordinary goods wagon should not carry more than three adult elephants or six calves on broad gauge, or not more than two elephants or three calves on meter gauge, or not more than one adult elephant or two calves on narrow gauge;
- (n) While transporting elephants by truck or train, care shall be taken to maintain constant speed avoiding jerks and sudden stops and reducing affects of shocks and jolts to the minimum;
- (o) Each truck or wagon carrying elephant should have at least two attendant mahouts;
- (p) Sedatives, if necessary, shall be used to control nervous or temperamental elephants only as prescribed by the veterinary doctor.
- (q) Vehicle breakdown is one of the most common problem contributing to unsuccessful translocation. Therefore it should be ensured that vehicle is in order and a trained mechanic with tool must accompany the vehicle. Vehicle must have drainage facility to keep it dry and must have a water storage facility.

Housing of Elephants

- (a) The owner shall provide a stable (tethering place) in a clean and healthy environment with sufficient shade to keep elephants during its rest period;
- (b) Each elephant must be ensured a minimum floor area as specified below:-
 - (i) Weaned Calf (height below 1.50 m) 5m x 2.5m
 - (ii) Sub-adult elephant (height 1.50 m to 2.25 m) 7m x 3.5m
 - (iii) Adult elephant (height above 2.25 m) and
Cow elephant with unweaned calf 9m x 6m
- (c) In the case of covered sheds, the height of the structure shall not be less than 5.5m;
- (d) Corrugated iron sheets or asbestos when used for roofing of elephant stables shall be covered with cooling materials like gunny bags, grass, cadjan leaves etc.

Care of Elephant

- (a) The mahout shall ensure that the elephant gets a thorough bath every day;
- (b) If the elephant is found sick, injured, unduly stressed or pregnant the mahout shall report the condition to the owner, who in turn shall consult a Veterinary Doctor for providing treatment expeditiously;
- (c) Routine examination including parasitic checks shall be carried out regularly and preventive medicines including vaccination be administered at such intervals as may be prescribed by the Veterinary Doctor;
- (d) The owner shall arrange for medical check-up of the mahout responsible for upkeep of the elephant at least once in two years to ensure that they do not have any diseases, which may infect the elephant;
- (e) The organizers of festivals where elephants are used shall submit in writing the programmes with details to the station house officer and the Range Officer having jurisdiction over the area, who in turn shall ensure the implementation of the provisions in these rules;
- (f) The owner shall inform within 24 hours, to the Chief Wildlife Warden or the nearest forest officer, the cases of attack of anthrax, rinderpest, hemorrhagic septicemia, surra or any other contagious diseases and shall follow the instructions issued by the authorities regarding the treatment of the animal or disposal of the carcass. The Chief Wildlife Warden or an officer authorized by him shall ensure proper veterinary assistance and advice;

(g) The owner shall obtain prior permission of the Chief Wildlife Warden or the officer authorized by him before undertaking distortions, sterilization, vasectomy, tubectomy or any other population control measures for the elephant and shall ensure the assistance of a competent veterinary doctor for these measures;

(h) The elephant showing symptoms of musth shall be got examined by a Veterinary Doctor;

(i) No drugs or intoxicants shall be used to suppress musth except on a written prescription by a Veterinary Doctor;

(j) The owner of the elephant shall ensure that in case of musth, the elephant is secured properly and does not become a hazard to the public at large;

(k) An elephant in musth shall not be put to any work;

(l) No owner shall put to work, any elephants having pregnancy of 12 months or above, or any cow elephant having a sucking calf of age below 6 months, or any elephant of height below 5 feet;

(m) No owner shall permit the use of nylon ropes or chains/hobbles with spikes or sharp edges for tying the elephants;

(n) Weight of the chains and hobbles shall commensurate with age and health of the elephant;

(o) No owner shall permit any type of harness which may expose the back or other sensitive organs of the elephant to pain and injury;

(p) No owner shall permit his elephant to be trained by a trainer who is not approved by the Chief Wildlife warden or the officer authorized by him for the purpose;

(q) The owner shall report within 24 hours, to the Chief Wildlife Warden or to the officer authorized by him, the death of an elephant and the tusks, if any, shall be declared within one week to the Chief Wildlife Warden for obtaining Ownership Certificate;

(r) The owner shall get the postmortem examination of the elephant done by a veterinary doctor and shall submit the report to the Chief Wildlife Warden or the officer authorized by him within 15 days of the death.

Feeding of Elephants

(a) The owner or the person who is managing the elephant on contract or the person who has taken the elephant for own purpose shall ensure timely supply of wholesome feed with variety in required quantity to each elephant. Green fodder shall be supplemented by ration as prescribed by veterinary doctor;

(b) The minimum feed supply for elephant shall be as follow:

Height of Elephant	Green Fodder
Below 1.59 m (weaned calf)	Not less than 100 kg
1.50 m to 1.80 m	Not less than 150 kg
1.81 m to 2.25 m	Not less than 200 kg
Above 2.25 m	Not less than 250 kg

(or 5% of its body weight)

(c) Supply of sufficient quantity of succulent food to the elephant shall be ensured during hot climate;

(d) The owner or contactor or hirer of the elephant shall provide sufficient potable drinking water to the elephant, preferably from a river or any other source of running water.

Work Load of Elephant

(a) The scale of load including gears, riders and materials for the elephant shall be as follow:

Height of elephant	Load
Below 1.50 m	Not to be used for carrying load.
1.50 m to 1.80 m	Not exceeding 150 kg (to carry only fodder and trainer)
1.81 m to 2.25 m	Not exceeding 200 kg
2.26 m to 2.55 m	Not exceeding 300 kg
Above 2.55 m	Not exceeding 400 kg

(b) The load scale shall be reduced by 50% in hilly or other difficult terrain;

(c) The elephants of height below 2.10 m shall not be deployed for logging operations;

(d) The elephants of height from 2.10 m to 2.25 m shall not be used for dragging timber logs exceeding 750 kg in weight;

(e) The elephants of height above 2.25 m shall not be engaged for dragging logs exceeding 1000 kg in weight;

(f) Ill-designed logging harness such as exposing elephants back bone and chest to extreme strain and injuries, using tusks and jaws regularly for dragging timber logs, timber hauling over steep areas or rocky areas etc. shall not be done.

Retirement of Elephants

- (a) An elephant shall normally be allowed to retire from its work on attaining an age of 65 years;
- (b) Healthy elephants above 65 years of age shall be allowed to be put to light work under proper health certificate from the veterinary doctor.

Records to be kept

- (a) Every owner shall maintain the following records and registers in respect of the elephant in the form given in appendix-II and such records and registers shall be produced before the officers authorized by Government in this behalf for inspection at such time as may be called for.
 - (i) Vaccination record.
 - (ii) Disease and treatment record.
 - (iii) Movement register.
 - (iv) Feeding register.
 - (v) Work register.

Cutting Tusks

- (a) The owner of the tusker shall apply for permission of the Chief Wildlife Warden or the officer authorized by him in this behalf, for cutting or shaping the tusk through a letter sent by registered post, including the location where it will be done and the name of the competent person who would perform the operation at least one month in advance;

(b) The Chief Wildlife Warden shall issue the permission within three weeks to carry out the operation in the presence of an officer not below the rank of Forest Range Officer or Forest Veterinary Officer or Assistant Forest Veterinary Officer as instructed by the Chief Wildlife Warden;

(c) The authorized officer shall report to the Chief Wildlife Warden, the details of the cut portion such as, length and weight of the tusk;

(d) In case permission is not granted, the owner shall be intimated of the reason for rejecting the request in writing;

(e) The Chief Wildlife Warden, based on a written request with the details shall issue permit to the owner for keeping the cut tusks in accordance with the provisions of the Act.

Acts which are tantamount to cruelty to elephants :- The following acts shall be considered as acts of cruelty to elephant and is prohibited:-

(a) beating, kicking, over-driving, over-loading, torturing or treating any elephant so as to subject it to unnecessary pain or suffering, or being an owner permitting, any elephant to be so treated;

(b) employing in any work or labour or for any purpose, any elephant which by reason of its age or disease, infirmity, wound, sore or other cause, is unfit to be so employed, or being owner permitting any such elephant to be employed;

(c) willfully and unreasonably administering any injurious drug or injurious substance to an elephant or uses drugs or intoxicants to control elephants particularly to suppress musth without proper veterinary advice;

(d) conveying or carrying whether in or upon any vehicle or not, an elephant, in such a manner or position as to subject it to unnecessary pain or suffering or cause accident;

(e) keeping or confining an elephant, in any cage or receptacle, which does not measure the specification given in rule 4;

(f) keeping for unreasonable time, an elephant chained or tethered upon an unreasonable short or unreasonably heavy chain or cord;

(g) using an elephant for drawing any vehicle or carrying any load, more than nine hours a day or for more than five hours continuously without a break or rest for the elephant or exposes the elephant to hot climatic conditions without ensuring enough succulent food and electrolytes;

(h) failing to provide an elephant, with sufficient food, drinking water or shelter;

- (i) abandoning an elephant in circumstances, which will render it to suffer pain by reason of starvation or thirst;
- (j) offering for sale any elephant, which is suffering from pain by reason of mutilation, starvation, thirst, over-crowding or other ill treatment;
- (k) not providing adequate veterinary care to a sick, injured or pregnant elephant;
- (l) cutting the tusks of a bull elephant too short so as to expose horn cord/pulp;
- (m) forcibly weaning away an elephant calf below 2 years of age from its mother;
- (n) using heavy chains and hobbles with spikes or sharp edges or barbed wires for tying elephants;
- (o) using "peti" (belly band) on cow elephants in advanced stage of pregnancy;
- (p) using pad and Nundah of improper size on working elephant exposing its spinal cord to injuries;
- (q) marching a sick, injured to or pregnant elephant or a young calf over a very long distances or for a long duration at a stretch;
- (r) marching an elephant over tarred roads or otherwise, during hottest period of the day and for a long duration at a stretch without rest for religious or any other purpose;
- (s) transporting elephants on trucks of inadequate size or trucks with uneven floor, or tying them in an improper manner-subjecting them to severe jerks during journey by truck;
- (t) transporting elephants in trucks for over 12 hours at a stretch;
- (u) transporting elephants through any conveyance without making arrangement for adequate fodder and drinking water during the journey;
- (v) carrying load on an elephant without proper pad;
- (w) making an elephant carry load unevenly balanced on its back;
- (x) making the elephant to stand in scorching sun for long duration, or put the ceremonial gears or decoration for unreasonably long duration, or bursts crackers from or near the elephants for ceremonial purpose;
- (y) using an elephant in such a manner so as to cause any injury, over-stress or strain to the elephant for tourism purpose;
- (z) using an elephant for sports and games such as tug-of-war, foot ball etc. in such a manner so as to cause over stress or strain to the elephant.

APPENDIX I

REGISTRATION CERTIFICATE OF OWNERSHIP OF AN ELEPHANT

NAME OF OWNER

ADDRESS

Description of the Elephant

1. Name of the elephant
2. Age
3. Sex
4. Colour
5. Colour of eye
6. Height
7. Length
8. Neck girth
9. Chest girth
10. Weight of the animal
11. No. of nails
12. Length of Tusk/tushes along the Curvature
13. Any other identification marks
14. No. of Insurance Certificate dated of
15. No. of Veterinary Certificate dated of
16. Present market value
17. Source of purchase

18. Registration valid upto

Place: -----

Date: -----

Signature of the issuing authority with date
Office Seal

APPENDIX II

FORM FOR CERTIFICATE OF FITNESS TO TRAVEL ELEPHANTS

(This certificate should be completed and signed by a Veterinary Doctor)

Date and Time of Examination

Number of Elephants

Name of Elephants

Age/Sex

Number of Cages

1. That, at the request of (consignor).....I examined the above mentioned elephants in their traveling cages not more than 12 hours before their departure.
2. That each elephant appeared to be in a fit condition to travel from the
.....area to..... by road/ rail and is not showing any signs of infections or contagious diseases.
3. That no cow elephant appeared to be under advanced stage of pregnancy.
4. That the elephants were adequately fed and watered for the purpose of the journey.
5. That the elephants have been vaccinated.

(a) Type of vaccine/s

(b) Date of vaccination/s

Signed

Address

Qualifications

Place:

Date:

APPENDIX III

FORMS OF RECORDS AND REGISTERS TO BE KEPT

1. Vaccination Record

(a) Name of the Elephant:

(b) Sex:

(c) Age:

Date of Vaccination	Name of Disease	Due date for next Vaccination	Signature of the Veterinary Surgeon

2. Disease and Treatment Record

(a) Name of the Elephant:

(b) Sex:

(c) Age:

Date of Treatment	History	Description by Veterinary Surgeon	Diagnosis	Treatment	Prevention Measure	Signature of Veterinary Surgeon

3. Movement Register

(178)

(a) Name of the Elephant:

(b) Sex:

(c) Age

Date	Place to Move		Time		Signature of the Mahout
	Starting	Ending	Starting	Ending	

4. Feeding Register

(a) Name of the Elephant:

(b) Sex:

(c) Age:

(d) Ration prescribed by the
Veterinary Surgeon:

Date	Type of Food	Quantity given	Signature of Mahout

5. Work Register

(a) Name of the Elephant:

(b) Sex:

(c) Age:

(d) Admissible quantum of work:

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ANNEXURE 12.15



प्रधान मुख्य वन संरक्षक (वन वल प्रमुख), महाराष्ट्र राज्य याचें कार्यालय
Office of the Principal Chief Conservator of Forests (HoFF), Maharashtra State
वन भवन, रामगिरी रोड, सिविल लाइन्स, नागपूर Van Bhavan, Ramgiri Road, Civil Lines, Nagpur 440001

प्रधान मुख्य वन संरक्षक (वन्यजीव) Principal Chief Conservator of Forests (Wildlife)
व मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य & Chief Wildlife Warden, Maharashtra State



www.mahaforest.gov.in; Phone: 0712-2549563; Fax: 0712-2553018; pccfwlmgp@mahaforest.gov.in

Sub: Ban on movement of elephants in Municipal Corporations

No. Desk-23(4)/ C.N.32 (2013)/3209 dated 08/12/2014

ORDER

It has been brought to our notice that elephants are often brought within the limits of notified Municipal Corporations in the Maharashtra State, and used for the purposes of entertainment and rallies. Notified Municipal Corporations are densely populated urban areas and have high level of vehicular disturbances and noise. Elephants in such conditions of cities under Municipal Corporations are likely to get agitated and threat to human life as well as serious risk to public safety.

Elephant (*Elephas maximus*) is a wild animal included in Schedule-I of the Wild Life (Protection) Act, 1972. Section 42 of the Wild Life (Protection) Act, 1972 provides for the certificate of ownership and requires ensuring that the owners have adequate facilities for housing, maintenance and upkeep for the elephants. The Guidelines issued by the Project Elephant (Government of India) vide No.9-5/2003/PE dated 08.01.2008 include ban on entry of captive elephants, as and when required, in the municipal limits under Section 40(2) of Wild Life (Protection) Act, 1972.

After due considerations pertaining to movement of elephants on foot within limits of Municipal Corporations, and in exercise of powers granted under the Wild Life (Protection) Act, 1972, the Chief Wild Life Warden, Maharashtra State hereby issues the following order:

ORDER

There shall be no movement of any elephant on foot within any Municipal Corporation of Maharashtra State without specific permission of the Chief Conservator of Forests in charge of the area. This order shall not be applicable in cases of movement of any elephant within enclosed spaces in a recognized zoo or enclosed premises of the owner recognized by concerned Chief Conservator of Forests for the purpose.

Further, owners of the elephants shall ensure that any elephant is not brought in close proximity of any person who is not trained to handle elephants in captivity.

This order shall be effective from 15 December 2014.



Principal Chief Conservator of Forests (Wildlife)
& Chief Wildlife Warden, Maharashtra State

To:

- 1). The Chief Conservator of Forests (Territorial) (All)
- 2). The Deputy Conservator of Forests (Territorial) (All)

ANNEXURE 12.16



प्रधान मुख्य वन संरक्षक (वन वल प्रमुख), महाराष्ट्र राज्य यांचे कार्यालय
Office of the Principal Chief Conservator of Forests (HoFF), Maharashtra State
वन भवन, रामगिरी रोड, सिविल लाइन्स, नागपूर Van Bhavan, Ramgiri Road, Civil Lines, Nagpur 440001

प्रधान मुख्य वन संरक्षक (वन्यजीव)
व मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य

Principal Chief Conservator of Forests (Wildlife)
& Chief Wildlife Warden, Maharashtra State



www.mahaforest.gov.in; Phone: 0712-2549563; Fax: 0712-2553018; pccfwlnpgp@mahaforest.gov.in

Sub: Ban on movement of elephants in urban areas other
than municipal corporations in Maharashtra

No.Desk-23(4)/ C.N.32 (2013)/3239 dated 09.12.2014

To:

The Chief Conservators of Forests (Territorial) (All)

Ref: The Chief Wildlife Warden's order No.Desk-23(4)/C.N.32 (2013)/3209 dated 08.12.2014

(2) The Chief Wildlife Warden's Notification No.Desk-23(4)/C.N.494/1603 dated 26.7.2013

(3) The Additional Principal Chief Conservator of Forests (Wildlife) West, Mumbai's
circular dated 28.10.2013 sent along with letter No.D-4/WL/560 dated 28.10.2013

It has been brought to our notice that elephants are often brought within the limits of urban areas of the State, and used for the purposes of entertainment and rallies. Densely populated urban areas of notified municipal bodies have high level of noise and vehicular disturbances. Many parts of the urban areas have crowded narrow streets. Elephants in such urban conditions are likely to agitate, and cause serious risk to human life and public safety.

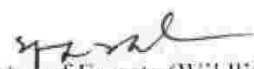
Elephant (*Elephas maximus*) is a wild animal included in Schedule-I of the Wild Life (Protection) Act, 1972. Section 42 of the Wild Life (Protection) Act, 1972 provides for the certificates of ownership and requires ensuring that the owners have adequate facilities for housing, maintenance and upkeep for the elephants. The Project Elephant, Government of India's Guidelines issued vide No.9-5/2003/PE dated 08.01.2008 includes banning entry of captive elephants in the Municipal limits under Section 40(2) of Wild Life (Protection) Act, 1972 as and when required.

The Chief Wildlife Warden has banned movement of elephants on foot within limits of municipal corporations vide his order dated 08.12.2014. The Additional Principal Chief Conservator of Forests (Wildlife) West, vide his circular dated 28.10.2013, had issued circular to ban entry of captive elephants in city limits of Mumbai, Navi Mumbai and Thane. In the context of above, following instructions are issued, which should be scrupulously followed.

(1). The Chief Conservators of Forests (Territorial) are directed to review conditions of elephant movement in urban areas other than municipal corporations under their jurisdictions, and issue appropriate orders regarding ban on entry of captive elephants in urban areas in their jurisdictions. The Chief Conservator of Forests and other authorized officers are advised to discourage movement of captive elephants on foot in crowded places of the urban areas unless there is a

compelling reason to do so. Further, owners of the elephants shall ensure that the elephant is not brought in close proximity of any person who is not trained to handle elephants in captivity. The Chief Conservator of Forests (Territorial) and few other officers have been delegated related powers vide notification dated 26.7.2013.

- (2). Local forest officers should regularly monitor upkeep, housing and maintenance of captive elephants in their jurisdiction. Although forest officers are not empowered to take action under the animal welfare regulations, any case of cruelty to elephants should be immediately brought in the notice of concerned Police Station and statutory bodies of the Government of India such as the Animal Welfare Board of India. Legal action under the Wild Life (Protection) Act, 1972 (such as measures regarding certificate of ownership and/or prosecution) by the competent authority should be initiated in cases of concerned Police Station reporting a prima facie case of cruelty to a captive elephant. Local officers should take necessary action and give appropriate advice or guidance to any person reporting maltreatment of captive elephants with focus on welfare of elephants.
- (3). The Chief Conservator of Forests (Territorial) should organize training and awareness generation programs for Assistant Conservators of Forests, Range Forest Officers and other field officers on issues related to monitoring of captive wild animals in their areas. The concerned officers of other relevant departments should also be invited in such training programs.


Principal Chief Conservator of Forests (Wildlife)
& Chief Wildlife Warden, Maharashtra State

Copy Submitted/ Forwarded to:

- 1). The Inspector General of Forests (Project Elephant), Ministry of Environment, Forests & Climate Change, New Delhi
- 2). The Principal Secretary (Forests) Revenue & Forest Dept., Mantralaya, Mumbai
- 3). The Director General of Police, Maharashtra State, Fort, Mumbai 400001
- 4). The Additional Principal Chief Conservators of Forests (Wildlife) (All)
- 5). The Divisional Commissioners, Revenue Divisions (All)
- 6). The Municipal Commissioners, Municipal Corporations (All)
- 7). The Commissioners of Police (All)
- 8). The Inspector General of Police (All)
- 9). The Chief Conservators of Forests (Wildlife) (All)


Principal Chief Conservator of Forests (Wildlife)
& Chief Wildlife Warden, Maharashtra State

ANNEXURE 12.17



सत्यमेव जयते

महाराष्ट्र शासन

वनविभाग

संरक्षित क्षेत्राबाहेरील
वन्यजीवांच्या संरक्षणाबाबत उपाययोजना
स्थायी आदेश क्रमांक - ००१
(सुधारणा, २०१५)

प्रधान मुख्य वनसंरक्षक (वन्यजीव),
महाराष्ट्र राज्य, नागपूर यांचे कार्यालय

प्रधान मुख्य वनसंरक्षक (वन्यजीव),

संरक्षित क्षेत्राबाहेरील वन्यजीवांच्या संरक्षणाबाबत उपाययोजना

प्रस्तावना:-

महाराष्ट्र राज्याचे भौगोलिक क्षेत्र ३०७ लक्ष हेक्टर आहे. त्यापैकी वनक्षेत्र ६३ लक्ष हेक्टर आहे. हे वनक्षेत्र वन आणि महसूल विभाग यांच्या ताब्यात अनुक्रमे ५५ लक्ष व ८ लक्ष हेक्टर आहे. या वनामध्ये आणि वनाबाहेर वेगवेगळ्या वन्यप्राणी प्रजातींचा निवास आहे. वनांचा -हास होत असल्यामुळे वन्यप्राण्यांच्या निवास व संरक्षणाचा मोठा प्रश्न निर्माण झालेला आहे. तसेच समाजातील काही लोक वन्यप्राण्यांची शिकार करून त्यांचे मांस, कातडी, शिंगे इत्यादि वस्तूंची अवैध तस्करी/व्यापार करीत आहेत. या सर्व बाबींवर मात करण्यासाठी अभयारण्ये व राष्ट्रीय उद्यानांची निर्मिती करण्यात आलेली आहे. वन खात्यामध्ये वन्यजीव व्यवस्थापनासाठी १९८४ या वर्षापासून वेगळा वन्यजीव विभाग कार्यरत आहे. संरक्षित क्षेत्राबाहेरील वन्यप्राण्यांच्या, विशेषतः वाघ या सर्वात महत्वाच्या वन्यप्राण्याच्या संख्येत घट होत चालली असून जर याबाबत योग्य उपाययोजना केली गेली नाही तर या क्षेत्रातील वाघ आणि त्याच्यासोबत इतर वन्यप्राणी लुप्तप्राय होतील व त्याचा दुष्परिणाम निश्चितच पर्यावरणावर होवून त्यामुळे वनांची प्रत व वनसंवर्धनाचीही मोठ्या प्रमाणावर हानी होण्याची शक्यता आहे.

अशा क्षेत्रात वन्यजीवांची संख्या कमी होण्याचे मुख्य कारण म्हणजे या भागात वन्यजीवांचे संरक्षण तसेच त्यांचे आश्रयस्थळ व परिसराच्या योग्य संवर्धनासाठी पुरेशी उपाययोजना व प्रयत्नांची कमतरता हे होय. संरक्षित क्षेत्रात ज्या पद्धतीने वन्यजीवांसाठी आश्रयस्थळ व पाणस्थळांचा विकास तसेच त्यांच्या संरक्षणासाठी उपाययोजना केल्या जातात, त्या पद्धतीची कार्यवाही या क्षेत्राबाहेर केली जात नाही. संरक्षित क्षेत्राबाहेर वन्यजीवांना अवैध शिकारी, अधिवास क्षेत्राचा -हास, चारा व पाण्याची कमतरता यासारख्या मोठ्या अडचणींना तोंड द्यावे लागत असल्यामुळे याचा भयंकर परिणाम त्यांच्या प्रजनन व संवर्धनावरही होतो. अवैध शिकार वा अपुरे प्रजनन याचा दुष्परिणाम म्हणून त्यांची संख्या भयावह वेगाने रोडावत आहे. अशा परिस्थितीत वने व वन्यजीवांचे संरक्षण तसेच पर्यावरणाचा समतोल राखण्याचे दृष्टीने तात्काळ उपाययोजना करणे आवश्यक आहे. यापुढे या कामासाठी संरक्षित क्षेत्रात नेमलेले सर्व मुख्य वनसंरक्षक, वनसंरक्षक, उपवनसंरक्षक व सहायक वनसंरक्षक वन्यप्राण्यांना संरक्षित क्षेत्राबाहेर संरक्षण देण्यासाठी प्रादेशिक कामावर नेमण्यात आलेले अधिकारी व कर्मचारी यांना वन्यप्राणी व त्यांचे अधिवास वाचविण्यासाठी उद्युक्त करतील व तांत्रिक दृष्टीकोनातून वेळोवेळी मार्गदर्शन व मदत करतील. राज्यात ६ राष्ट्रीय उद्याने, ४७ अभयारण्ये व ४ संवर्धन राखीव क्षेत्रे अशी एकूण ५७ संरक्षित क्षेत्रे अधिसूचित करण्यात आली असून त्यांचे एकूण क्षेत्र १००५१.५२९ चौ.कि.मी. (राज्याच्या एकूण क्षेत्रफळाच्या ३.२६ टक्के) आहे. राज्यातील १९ संरक्षित क्षेत्रांचा (५ राष्ट्रीय उद्यान व १४ अभयारण्य) समावेश करून मेळघाट, पेंच, ताडोबा-अंधारी, सहयाद्री, नवेगांव-नागझिरा आणि बोर असे ६ व्याघ्र प्रकल्प आहेत. राज्यातील संरक्षित क्षेत्रांची यादी परिशिष्ट-१ मध्ये दिलेली आहे.

अन्न साखळीमध्ये वाघ हा सर्वोच्च स्थानी असून संरक्षित व स्वस्थ पर्यावरणाचा तो प्रतिक आहे म्हणून जगात जीवन कायम ठेवण्यासाठी त्याला संरक्षण देणे अत्यंत आवश्यक आहे. केंद्र शासनाच्या राष्ट्रीय व्याघ्र संवर्धन प्रतिष्ठान यांच्या मदतीने भारतीय वन्यजीव संस्थेने वर्ष २००६ मध्ये देशात नविन सुधारीत पद्धतीने प्रगणना केली आहे. प्रगणना वर्ष २०१० मध्ये केंद्र शासनाच्या राष्ट्रीय व्याघ्र संवर्धन प्राधिकरणाच्या सूचनेनुसार भारतीय वन्यजीव संस्थेने दि. २८ मार्च २०११ रोजी निष्कर्ष जाहीर केला त्यानुसार महाराष्ट्रात किमान १६०, कमाल १९६ आणि सरासरी १६९ वाघ आढळून आले आहेत. वर्ष २०१४ मध्ये राष्ट्रीय व्याघ्र संवर्धन प्राधिकरणाच्या अहवालानुसार राज्यात १९० वाघांचे अस्तित्व आढळून आले आहेत. मागील ८ ते १० वर्षांपासून संरक्षित क्षेत्रातील वाघांची जवळपास संख्या स्थिर आहे. परंतु संरक्षित क्षेत्राबाहेरील वनक्षेत्रातील वाघांच्या उपस्थितीचे क्षेत्र दिवसेंदिवस वाढत असून वाघासह इतर सर्व वन्यप्राण्यांचे संरक्षण व संवर्धनावर भर देणे संरक्षित क्षेत्राच्या बाहेर सुध्दा गरजेचे आहे.

संरक्षित क्षेत्राबाहेरील इतर क्षेत्रात वन विभाग व वन विकास महामंडळ यामध्ये वनसंवर्धनासाठी जे अधिकारी/कर्मचारी कार्यरत आहेत, ते वन्यजीवांच्या संरक्षण व संवर्धनाबाबत विशेष लक्ष पुरवू शकत नाहीत.

शासन निणयं क्रमांक-डब्ल्युएलपी-०६१३/प्र.क्र.१९९/फ-१, दिनांक २१ जुलै, २०१३ व मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य यांनी जारी केलेले आदेश क्र.२३ (४)/प्र.क्र.४९४/१६०३, दिनांक २६ जुलै, २०१३ अन्वये वन्यजीवांचे संरक्षण व शिकार प्रतिबंधक उपाययोजना करण्यासाठी वनाधिका-यांना अधिकार प्रदान केलेले आहेत. (परिशिष्ट-२ व ३) तसेच जेथे जेथे रानडुकरांच्या संख्येमध्ये जास्त वाढ झालेली आहे व पिक नुकसानी करित आहे, तेथे त्याचा प्रादुर्भाव कमी करण्यासाठी प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर यांचे कार्यालयीन पत्र क्रमांक कक्ष-२३(३)/२८९९ दिनांक २८.०१.२००२ अन्वये करावयाच्या उपाययोजनांबाबत सूचना जारी करण्यात आल्या आहेत.

वन्यजीवांचे प्रमाण संरक्षित क्षेत्राबाहेर देखील मोठ्या प्रमाणावर असल्याने त्यांच्या संरक्षणाचे महत्त्व लक्षात घेवून प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे कडून सन २००१ या वर्षात "संरक्षित क्षेत्राबाहेरील वन्यजीवांच्या संरक्षणाबाबत उपाययोजना" ह्या शिर्षाखाली स्थायी आदेश क्रमांक ००१ निर्गमित करण्यात आले होते. सदरहू आदेश निर्गमित होवून जवळजवळ १४ वर्षे म्हणजे एक तपाहून जास्त वर्षांचा कालावधी लोटला आहे. दरम्यानच्या काळात वन्यजीव व्यवस्थापनाबद्दल बरेचसे बदल घडून आले असून त्यावेळेस क्षेत्रीय स्तरावर कार्य करणारे कर्मचारी/अधिकारी पदोन्नतीने वरिष्ठ पातळीवर कार्य करीत आहेत. त्यांची जागा क्षेत्रीय पातळीवर नव्याने नियुक्ती झालेली कर्मचारी/अधिकारी यांनी घेतली असल्याने त्यांचे माहितीसाठी व कार्यरत अधिकारी/कर्मचारी यांच्या उजळणीसाठी पुन्हा नव्याने सुधारित स्थायी आदेश काढण्याचा मानस सर्वोच्च पातळीवर व्यक्त होत होता, त्या दृष्टीने सन २००१ मध्ये काढण्यात आलेला स्थायी आदेश क्र.००१ मध्ये सुधारणा करून संरक्षित क्षेत्राबाहेरील वन्यजीवांच्या संरक्षणाबाबत उपाययोजना बाबत खालीलप्रमाणे आदेश देण्यात येत आहे.

१. प्रादेशिक वन अधिका-यांनी त्यांच्या अखत्यारितील क्षेत्रात, वन्यजीवांचे संरक्षण व अवैध शिकार प्रतिबंधक उपाययोजना अंमलात आणणेसाठी खालील सूचना देण्यात येत आहे.

१.१ वन्यजीव संरक्षणाकरीता वार्षिक संरक्षण आराखडा तयार करणे.

वन्यजीव संरक्षणाचे काम प्रभावीपणे करण्यासाठी वनपरिक्षेत्रनिहाय माहिती संकलन करून उपवनसंरक्षक (प्रादेशिक) यांनी विभाग स्तरावर विशेष करून पावसाळा व उन्हाळ्यातील गस्तीकरीता वार्षिक वन्यजीव संरक्षण आराखडा तयार करून वरिष्ठ कार्यालयास करावे. क्षेत्रीय स्तरावर वन्यजीव संरक्षण आराखड्याप्रमाणे संरक्षण विषयक कार्याची अंमलबजावणी होईल, याबाबत दक्षता घेण्यात यावी.

१.२ वन्यजीव संरक्षणाकरीता क्षेत्रीय अधिका-यांनी दक्षता घेणे.

वन्यप्राण्यांच्या संवर्धन व संरक्षणाच्या संदर्भात वनरक्षकापासून सर्व वरिष्ठ कर्मचारी व अधिकारी त्यांच्या दैनंदिन कर्तव्यात नेहमीच दक्ष राहतील तसेच वन्यप्राण्यांच्या संवर्धन व संरक्षणाबाबत आवश्यक उपाययोजना करतील. सर्व संभाव्य व अस्तित्वात असलेले वन्यजीव परिसराचे संवर्धन व विकासाची तसेच संरक्षणाची जबाबदारी लक्षात घेवून अवैध शिकारी संबंधी व घडलेल्या कुठल्याही घटनांची माहिती वरिष्ठांना त्वरीत कळवतील. पदनिहाय देण्यात आलेली कर्तव्ये खालीलप्रमाणे आहेत.

१.२.१ वनरक्षकांची कर्तव्ये:-

वन्यजीव संरक्षणाच्या संदर्भात वनरक्षक हा एक प्रमुख घटक असून सर्व गुन्ह्यांची वन्यजीव विषयक प्राथमिक माहिती त्यांच्याकडून प्राप्त करून वेळीच वन गुन्ह्यावर नियंत्रण सुध्दा करता येवू शकेल. याबाबत खालीलप्रमाणे वनरक्षकांनी कृती करणे आवश्यक आहे.

१) वनरक्षकांनी त्यांच्या अधिनस्त सर्व वनक्षेत्राची व सर्व पाणस्थळांची माहिती त्यांच्या क्षेत्रामध्ये फिरून प्राप्त करावी.

- २) त्याच्या विटामध्ये आढळणाऱ्या सर्व प्रमुख वन्यप्राण्यांची माहिती करून घ्यावी व कुठल्या क्षेत्रामध्ये कोणते प्राणी जास्त प्रमाणावर आहेत याचा नियमित आढावा स्वतः फिरून व स्थानिक लोकांकडून घ्यावा.
- ३) वन्यजीव विषयक अपराधाचा इतिहास असणाऱ्या संशयित गुन्हेगारांची माहिती ठेवावी तसेच त्यांच्या हालचालीवर सुध्दा बारीक लक्ष ठेवावे.
- ४) वनक्षेत्रामधून जात असलेल्या विद्युत वाहिन्यांजवळ, अवैध विद्युत प्रवाहाने वन्यप्राण्यांच्या हत्या अलीकडे मोठ्या प्रमाणावर होवू लागल्याने वनरक्षकांनी आपल्या क्षेत्रातील सर्व विद्युत वाहिन्या जात असलेल्या क्षेत्रांची नियमित तपासणी करावी. रात्रीच्या वेळेस गस्त करीत असतांना अशा क्षेत्रांची माहिती वनरक्षकांच्या स्वतःच्या सुरक्षिततेसाठी सुध्दा उपयुक्त ठरेल.
- ५) पोलीस पाटील यांचेसोबत समन्वय ठेवून मुसाफीर रजिस्टर नियमित तपासावे. आठवडी बाजार, भटक्या लोकांचे तांडे इत्यादी ठिकाणी भेटी देवून त्यांची ओळख तपासावी व कुठल्याही परिस्थितीत शिकारी टोळ्यांचे लोक वास्तव्य करणार नाही याबाबत दक्ष रहावे.
- ६) वन्यजीवांचे अपराधाकरिता संवेदनशिल असलेल्या क्षेत्रात नियमित गस्त करून अपराधांना आळा घालावे तसेच वन्यजीव संरक्षित क्षेत्रात नियमित गस्त घालून वन्यजीवांचे आढळ बाबत नोंदी घ्यावे.
- ७) वन्यजीवांचे मृत्यु प्रकरणी किंवा वन्यप्राणी हल्यात पाळीव प्राणी मारले गेल्यास तात्काळ त्या ठिकाणी पोहचून त्याबाबत वरिष्ठांना माहिती द्यावी.

१.२.२ वनपालांची कर्तव्ये:-

१. वनरक्षकाकडून अपेक्षित बरील सर्व कामे नियमित होत आहेत याकडे वनपालांनी लक्ष पुरविणे हे त्यांचे आद्य कर्तव्य राहिल.
२. वनपालांनी आपल्या उपक्षेत्रातील सर्व पाणस्थळे व मुख्यत्वे करून पाणीटंचाईच्या काळामध्ये पाणी उपलब्ध असलेल्या स्थळांची माहिती ठेवावी व ही माहिती आपल्या उपक्षेत्राच्या नकाशावर दर्शवावी.
३. पाणी उपलब्ध असलेल्या पाणस्थळांच्या टंचाईच्या काळात अधिक तिब्रतेने नियमित तपासणी करावी व त्यामध्ये विष किंवा युरिया टाकले जाणार नाही या दृष्टीकोनातून सतर्क रहावे.
४. वनपालांनी आपल्या अधिनस्त वनरक्षक व त्यांचे सहाय्यक यांचे सोबत नियमित रात्रीची गस्त करावी.
५. वन्यप्राण्यांकडून पाळीव जनावरे ठार होणे अथवा मनुष्य जिवीतास हानी होणाऱ्या घटनांची ताबडतोब दखल घेवून प्राथमिक चौकशी करावी व १२ तासाचे आंत वरिष्ठांना अहवाल सादर करावा व त्यांना सहकार्य करावे.
६. मृत झालेल्या पाळीव जनावराच्या प्रकरणात विषप्रयोगाद्वारे वन्यप्राण्यांची हत्या होणार नाही याबाबत काळजी घ्यावी.
७. आपले अधिनस्त क्षेत्रातील बंदुक किंवा इतर तत्सम शस्त्रधारींची माहिती ठेवावी.
८. वन्यप्राण्यांमुळे पाळीव जनावरांचे मृत्यु प्रकरणी तसेच पिक नुकसानी प्रकरणी संबंधित यंत्रणेसोबत घटनेचा पंचनामा करून शासन नियमानुसार सानुग्रह अनुदानाकरीता कागदपत्रे विहित मुदतीच्या आत तयार करून प्रकरण वनपरिक्षेत्र अधिकारी यांचेकडे सादर करावे.

१.२.३ वनपरिक्षेत्र अधिकारी यांची कर्तव्ये:-

- १) वनपरिक्षेत्र अधिकारी यांनी आपल्या अधिनस्त वनपाल/वनरक्षकांच्या कामाचा नियमित आढावा घ्यावा व वन्यजीव संरक्षण आराखड्याची काटेकोरपणे अंमलबजावणी करावी.
- २) उपरोक्त प्राप्त माहितीच्या आधारे त्यांनी संवेदनशिल क्षेत्राची माहिती वनपरिक्षेत्राच्या नकाशावर दर्शवावी. यामध्ये विद्युत वाहिन्यांचे अस्तित्व, पाणस्थळे, वन्यप्राणी आढळ क्षेत्र, शस्त्रधारक व्यक्तींची गावे इत्यादी माहिती दर्शविण्यात यावी.
- ३) संवेदनशिल क्षेत्रात वनपाल/वनरक्षकांकडून नियमित गस्त होत असल्याची खात्री करावी व त्यांचेकडून खैरियत अहवाल प्राप्त करावा. या अहवालात वन्यप्राणी मुख्यतः वाघ व बिबट्या प्राण्यांचा कुठल्या क्षेत्रामध्ये वावर आहे, या माहिती मध्ये अंतर्भाव असतो.

- ४) वनपरिक्षेत्र अधिकारी यांनी नियमित आपल्या परिक्षेत्रातील विट मुख्यालयास भेट देवून व काही प्रसंगी रात्रीचा मुक्काम करून वनमजूर व स्थानिक लोकांशी संपर्क ठेवावा व गुप्त माहिती देणा-यांचे जाळे तयार करावे.
- ५) वन्यप्राण्यांच्या हल्यात मृत पावलेल्या/जखमी झालेल्या पाळीव प्राण्यांच्या प्रकरणामध्ये देण्यात येणारी नुकसान भरपाई संबंधितास मिळण्यासाठी प्रकरणांचा निपटारा तात्काळ करावा.
- ६) ग्रामीण भागामध्ये वन्यप्राणी व पक्षी किंवा त्याच्या मासांची विक्री विशेषतः आठवडी बाजारात होवून नये याबाबत वनपरिक्षेत्र अधिका-यांनी खातरजमा करावी व तशा प्रकारचे नियमित अहवाल त्यांनी आपल्या क्षेत्रासाठी मागवावे.
- ७) तेंदू हंगामामध्ये तेंदूपाने गोळा करण्याकरिता मजूर संरक्षित क्षेत्रात जातात असे निदर्शनास आलेले आहे. त्या दृष्टिकोनातून आदेशीत करण्यात येते की, राष्ट्रीय उद्यान/अभयारण्यापासून ३ कि.मी. च्या आत तेंदूपाने संकलन केंद्र स्थापित करणा-या परवानाधारकावर कायदेशीर कारवाई करावी.
- ८) लगतचे वन्यजीव, वनविकास महामंडळाचे वनपरिक्षेत्र अधिकारी यांच्याशी समन्वय ठेवून वन्यजीव संरक्षणाकरीता प्रभावीपणे गस्ती कार्यक्रमाची अंमलबजावणी करावी.
- ९) वन्यजीव गुन्हे प्रकरणात तपास कार्य पूर्ण करून प्रकरण कोर्टात दाखल करण्याचे अधिकार वनपरिक्षेत्र अधिकारी यांना असल्यामुळे गुन्हे प्रकरण विहित मुदतीत न्यायालयात दाखल करावे व प्रकरणातील साक्षीदार तारखेला उपस्थित राहतील याकडे सुध्दा लक्ष द्यावे. साक्षीदार विहित तारखेला उपस्थित राहत नसतील तर सदर बाब न्यायालयाच्या निदर्शनास आणून आवश्यक कार्यवाही करावी. तसेच न्यायालयाकडून गुन्हेगारांना शिक्षा होण्याकरिता आवश्यक सर्व प्रयत्न करावे.

१.२.४ सहाय्यक वनसंरक्षकांची कर्तव्ये:-

- १) सहाय्यक वनसंरक्षक यांनी वन्यप्राणी संरक्षणासंदर्भात आपल्या अधिनस्त वनरक्षक/वनपाल/वनपरिक्षेत्र अधिकारी यांचेकडून नियमित आढावा घ्यावा. सर्व अधिनस्त कर्मचा-यांना विहीत केलेली कामे ते काटेकोरपणे करीत आहेत याबाबत त्यांनी वेळीअवेळी, अचानकपणे दौरा करून खात्री करावी.
- २) आपल्या अधिनस्त संवेदनशील क्षेत्रात स्थानिक कर्मचा-यांसोबत नियमित गस्त करावी व संशयित गुन्हेगारांच्या हालचालीबाबतचा आढावा कर्मचारी व स्थानिक ग्रामस्थ/पदाधिकारी यांचेकडून घ्यावा.
- ३) सहाय्यक वनसंरक्षक यांनी आग प्रतिबंधक उपाययोजना व्यवस्थित राबविल्या जात आहे याची खात्री करावी.
- ४) वन्यजीव गुन्हे प्रकरणांचा आढावा घेवून प्रकरण न्यायप्रविष्ट करणेसाठी वनपरिक्षेत्र अधिकारी यांनी आवश्यक मार्गदर्शन करावे. आवश्यक असल्यास तपासादरम्यान गुन्हे प्रकरणातील साक्षीदारांची बयाणे नोंदवावे. चौकशी कार्यात विशेष लक्ष घालून त्रुटी विरहीत दोषारोपपत्र न्यायप्रविष्ट केले जाईल याकडे लक्ष द्यावे. सर्व न्यायालयीन प्रकरणांचा नियमित आढावा मुख्य वनसंरक्षक, वनसंरक्षक/उपवनसंरक्षक यांना सादर करावा.
- ५) वाघ/बिबट प्राण्यांचे मृत्यु, त्यांचे शवाची विल्हेवाट लावणे तसेच मानवी वस्तीत भरकटलेल्या वाघामुळे निर्माण झालेल्या तातडीच्या परिस्थितीत करावयाची उपाययोजना, इत्यादी प्रकरणी वरिष्ठ अधिका-यांचे मार्गदर्शनाखाली याबाबत राष्ट्रीय व्याघ्र संवर्धन प्राधिकरण, नवी दिल्ली यांनी जारी केलेले प्रमाणभूत कार्यपद्धतीची अंमलबजावणी केली जाईल याबाबत दक्षता बाळगावी.

१.२.५ विभागीय वन अधिकारी (दक्षता) यांची कर्तव्ये:-

- १) वृत्त स्तरावर विभागीय वन अधिकारी (दक्षता) यांनी सहाय्यक वनसंरक्षक (संरक्षण) यांचे सभेत दर महिन्याला विभाग निहाय वन्यप्राणी गुन्हे प्रकरणाबाबत आढावा घ्यावा.
- २) वन्यजीव गुन्हे संबंधी संवेदनशील क्षेत्रात वृत्तस्तरावरून गस्तीचा कार्यक्रम आखून त्यानुसार गस्ती कार्यक्रमालाची अंमलबजावणी करावी.

- ३) वृत्तस्तरावर वन्यजीव गुन्हे व गुप्तवार्ता माहितीसाठी जाळे उभारुण गुन्हेगारांबाबत माहिती संकलित करावी व त्यानुसार सर्व प्रकारचे प्रतिबंधात्मक उपाययोजना राबवावे.
- ४) वन्यजीव गुन्हे प्रकरणांचे अनुषंगाने वृत्तस्तरावर प्रादेशिक, वन्यजीव तसेच वन विकास महामंडळ विभाग यांचेमध्ये आंतरविभागीय समन्वय साधण्यासाठी विभाग प्रमुख सोबत दर महिन्याला सभा घ्यावी.
- ५) वृत्त स्तरावर वन्यजीव विषयक गुन्हे सक्षमपणे हाताळले जातील याबाबत योग्य ती कार्यवाही करावी.

१.२.६ उपवनसंरक्षक (प्रादेशिक) यांची कर्तव्ये :-

- १) उपवनसंरक्षक (प्रादेशिक) यांनी विभाग स्तरावरील सहायक वनसंरक्षक व वनपरिक्षेत्र अधिकारी यांचे मासिक सभेत वन्यजीव गुन्हे प्रकरणांचा निवमित आढावा घ्यावा. वन्यजीव गुन्हेसंबंधी न्यायालयीन प्रकरणे सक्षमपणे हाताळले जातील याबाबत दक्षता बाळगावी.
- २) विभाग स्तरावर वन्यजीव गुन्हे प्रतिबंधात्मक उपाययोजनेच्या अनुषंगाने संवेदनशिल क्षेत्राकरीता संयुक्त गस्त कार्यक्रम तयार करुन त्याची काटेकोरपणे अंमलबजावणी होईल, याबाबत दक्षता घ्यावी.
- ३) विभाग स्तरावर वन विभाग, वन्यजीव विभाग व वन विकास महामंडळ यांच्यात वन्यजीव गुन्हे प्रकरणी समन्वय ठेवण्यासाठी समिती गठीत करुन वन्यजीव संरक्षणाचे अनुषंगाने आवश्यक सर्व उपाययोजना कराव्या.
- ४) वन्यजीव गुन्हे अपराधाबाबत तपशिल जिल्हा व्याघ्र कक्षाचे सभेत वेळोवेळी निदर्शनास आणुन घ्यावे व वन्यजीव गुन्हे नियंत्रणाकरीता पोलीस विभागाच्या मदतीने संयुक्त गस्त कार्यक्रम तयार करुन त्याची काटेकोरपणे अंमलबजावणी होईल, या बाबत दक्षता बाळगावी.
- ५) विभागस्तरावर गुप्तवार्ता माहिती प्राप्तीसाठी जाळे उभारुन, वन्यजीव गुन्हेगाराबाबत माहिती संकलित करुन आवश्यक वन्यजीव गुन्हे प्रतिबंधात्मक उपाययोजना कराव्या.
- ६) विभागस्तरावर सहायक वनसंरक्षक (संरक्षण) यांचे नियंत्रणाखाली वन्यजीव गुन्हे विषयक शोध व संनियंत्रण कक्ष स्थापित करुन दर महिन्याला त्याचा आढावा घ्यावा.
- ७) वाघ/बिबट प्राण्यांचे मृत्यु, त्यांचे शवाची विल्हेवाट लावणे तसेच मानवी वस्तीत भरकटलेल्या वाघामुळे निर्माण झालेल्या तातडीच्या परिस्थितीत करावयाची उपाययोजना, इत्यादी प्रकरणी याबाबत राष्ट्रीय व्याघ्र संवर्धन प्राधिकरण, नवी दिल्ली यांनी जारी केलेले प्रमाणभूत कार्यपद्धतीची अंमलबजावणी केली जाईल याबाबत दक्षता बाळगावी.

१.२.७ मुख्य वनसंरक्षक (प्रादेशिक) यांची कर्तव्ये:-

- १) वनवृत्त स्तरावर उपवनसंरक्षक (सर्व) यांचे सभेत विभागनिहाय वन्यजीव गुन्हे प्रकरणांचा आढावा घ्यावा. वन्यजीव गुन्हेसंबंधी न्यायालयीन प्रकरणे सक्षमपणे हाताळले जातील याबाबत दक्षता बाळगावी.
- २) वनवृत्त स्तरावर विभागीय वन अधिकारी (दक्षता) यांचे नियंत्रणाखाली वन्यजीव गुन्हे विषयक शोध व संनियंत्रण कक्ष स्थापित करुन दर महिन्याला वन्यजीव गुन्हेबाबत आढावा घ्यावा.
- ३) वृत्तस्तरावर वन्यजीव गुन्हे रोखण्यासाठी तसेच गुन्ह्यांचा, आरोपींचा शोध व तत्सम कार्यवाहीसाठी महसूल विभाग स्तरावरील क्षेत्रिय पोलीस महानिरीक्षक यांचे अध्यक्षतेखालील समितीचा आवश्यकतेनुसार उपयोग करुन घ्यावा.

२. वन्यप्राण्यांच्या अधिवासांचे संवर्धन करणे:-

२.१ वन्यजीव संवर्धन व्यवस्थापन आराखडा तयार करणे.

संरक्षित क्षेत्रालगतचे वन क्षेत्रात तसेच प्रादेशिक वन विभागाचे ज्या क्षेत्रात वन्यप्राण्यांचे आढळ आहे अशा क्षेत्रात वन्यप्राण्यांचे संरक्षण व संवर्धन चांगल्या रितीने होणेकरीता सदर क्षेत्रांचा समावेश करुन संरक्षित क्षेत्राकरीता व्यवस्थापन आराखड्याच्या धर्तीवर वन विभाग स्तरावर ५ वर्षाकरीता

वन्यजीव संवर्धन व्यवस्थापन आराखडा तयार करावे. सदर आराखड्यात वन्यजीव अधिवासाच्या विकासाचे अनुषंगाने करावयाचे वर्षानिहाय कामांचा समावेश करावा.

२.२ वन्यप्राण्यांचे आढळ असलेल्या क्षेत्रात अधिवास विकास कामे करणे:-

प्रादेशिक वनक्षेत्रामध्ये दिवसेंदिवस कमी होत असलेल्या वन्यजीवांची संख्या लक्षात घेवून उपवनसंरक्षक/मुख्य वनसंरक्षक (प्रादेशिक) यांनी वन्यप्राण्यांच्या विशेषत: वाघ, बिबट, अस्वल, रानकुत्रे व इतर अनुसूची १ तसेच इतर धोकाग्रस्त प्रजातींचे आश्रयस्थळ/प्रजनन क्षेत्र इत्यादीचा शोध घेवून अशा क्षेत्राला वन्यजीवांचे दृष्टीने संवेदनशील घोषित करावे व या क्षेत्रात विशेष उपाययोजना करून वार्षिक आराखडा तयार करावा आणि अर्थसंकल्पात त्याचा समावेश करून योग्य अंमलबजावणी करण्याची दक्षता घ्यावी. या उपाययोजनेतील विशेषत: खालील ३ बाबींचा समावेश असावा.

- १) संवेदनशील क्षेत्रात आढळणा-या वन्यप्राण्यांची सध्याची संख्या व स्थिती काय आहे व ते स्थानिक किंवा राज्यस्तरावर नष्टप्राय होण्याच्या स्थितीत आहे किंवा कसे याबाबतचा अहवाल विभागीय स्तरावर तयार करावा.
- २) या क्षेत्रात वन्यप्राण्यांचे आश्रयस्थळ/प्रजनन क्षेत्र/वावर क्षेत्र इ. ची माहिती गोळा करून परिक्षेत्रावर नकाशात दाखवून त्यांच्या अस्तित्वासंबंधी संभाव्य धोका ओळखून त्यासंबंधी उपाययोजना करावी.
- ३) पाणी व चारा उपलब्धतेबाबत माहिती गोळा करून पाणी, चारा व आश्रयस्थळ संबंधी अपायकारक बाबींवर मात करण्यासाठी उपाययोजना करावी.

यासंबंधी कृती आराखडा विभागीय स्तरावर तयार करून त्याची योग्य अंमलबजावणी बाबतचा आढावा मुख्य वनसंरक्षक स्तरावरून घेण्यात यावा असे केल्यास, संरक्षित क्षेत्राबाहेरही वन्यप्राण्यांच्या संख्येत हळुहळू निरंतर होत असलेली घट थांबेल व त्यांचे संवर्धन, प्रजनन व संरक्षण होवून त्या भागात संरक्षित क्षेत्राप्रमाणे वन्यप्राण्यांची व पर्यायाने संख्या स्थिर होईल.

३. वन्यजीव संरक्षण व गुप्तवार्ता प्राप्तीसाठी माहिती जाळे उभारणे :-

वन्यजीव विषयक गुन्ह्यांना प्रतिबंध घालणे आणि गुन्हाशोधन करून गुन्हेगारांवर वचक ठेवण्यासाठी वनाधिका-यांनी आपआपल्यास्तरावर गुप्त माहिती जाळे निर्माण करणे अत्यंत आवश्यक आहे. स्थानिक लोक, वनमजूर व वनरक्षक यांना परिसरातील बारीकसारीक घडामोडींची बरीच माहिती असते. वरिष्ठ अधिका-यांनी स्थानिक कर्मचारी व लोकांशी मिसळून त्यांचेकडून महत्वाची माहिती प्राप्त करावी. अशा प्रकारे मिळालेल्या पूर्वसूचनेनुसार संभाव्य गुन्ह्यांवर नियंत्रण ठेवता येईल. तसेच गुप्त माहिती मिळवून वन्यजीव विषयक अवैध शिकार व व्यापार प्रतिबंधात्मक चांगले कार्य केल्याबद्दल वन अधिकारी व कर्मचा-यांना प्रोत्साहन देण्यात यावे व उत्कृष्ट कामांची नोंद त्यांच्या सेवापुस्तकेत घेण्यात यावी.

४. वन्यजीव संरक्षणाचे कामे प्रभावीपणे करण्यासाठी वन विभाग, वन्यजीव विभाग व महाराष्ट्र वन विकास महामंडळातील विभागांमध्ये समन्वय ठेवणे.

या करीता विभाग स्तरावर तसेच वनपरिक्षेत्र स्तरावर समिती गठन करण्यात यावी व सदर समिती उपवनसंरक्षक (प्रादेशिक) यांचे अध्यक्षतेखाली स्थापन करून त्यामध्ये वन्यजीव संरक्षणाचे अनुषंगाने करण्यात आलेल्या कामांचा आढावा तसेच वन्यजीव प्रतिबंधात्मक उपाययोजना यांचे अनुषंगाने सविस्तर चर्चा करून पुढील महिन्यांकरीता योजनाबद्ध संयुक्त गस्ती कार्यक्रम तयार करावे व वनपरिक्षेत्र स्तरावर त्यांची अंमलबजावणी होईल याबाबत दक्षता घ्यावी. वनपरिक्षेत्र स्तरावर वनपरिक्षेत्र अधिकारी (प्रादेशिक)/वन्यजीव /वनविकास महामंडळ यांनी गस्ती कार्यक्रमाचे अंमलबजावणी करीता चर्चा करून समन्वयाने गस्ती कार्यक्रम आपआपल्या क्षेत्रामध्ये राबवून वन्यजीव संरक्षकांचे काम यशस्वीरित्या पार पाडावे.

५. जिल्हा व्याघ्र कक्षातर्फे संवेदनशिल क्षेत्रात संयुक्त गस्त कार्यक्रम राबविणे.

जिल्हा व्याघ्र कक्षाचे सभेत उपवनसंरक्षक (प्रादेशिक) यांनी वन्यजीव अपराध बाबत तपशिल जिल्हा पोलीस अधिक्षक व इतर व्याघ्र कक्षाचे सदस्य यांचे निदर्शनास आणून द्यावी व वन्यजीव अपराध नियंत्रण व प्रतिबंधात्मक उपाययोजनेच्या अनुषंगाने पोलीस विभागाच्या मदतीने संवेदनशील क्षेत्रात संयुक्त गस्त कार्यक्रम व रात्र कालीन संयुक्त गस्तीचे कार्यक्रम राबविण्याकरीता नियोजन करावे व त्या अनुषंगाने क्षेत्रीय स्तरावर केलेल्या संयुक्त गस्त कार्यक्रमाचा आढावा घेण्यात यावा.

६. वन्यजीव संरक्षणाकरीता जनजागृती करणे:-

वन्यप्राणी वनक्षेत्राच्या बाहेर ग्रामपरिसरात सुध्दा जातात व त्यांचा संबंध ग्रामस्थांसोबत येतो. त्याचप्रमाणे वनक्षेत्राजवळील ग्रामस्थांमध्ये वन्यप्राण्यांबाबत भितीमिश्रित कुतूहल असते. त्यामुळे या ग्रामस्थांना माहितीपत्रके, चित्रफिती व प्रत्यक्ष सभांचे आयोजन करून वन्यप्राण्यांबाबत माहिती देणे आवश्यक आहे. स्थानिकांच्या मनात वन्यप्राण्यांबाबत आस्था निर्माण करून ते त्यांच्या प्रगतितील अडचण नसून वन्यप्राण्यांच्या अस्तित्वामुळे पर्यावरणाचा समतोल राखले जावून ग्रामस्थांना फायदाच होईल, या बाबत त्यांना अवगत करण्यात यावे. अशा प्रकारच्या सभामध्ये शालेय विद्यार्थ्यांना केंद्रबिंदू मानण्यात यावे. साधारणतः वन्यजीव क्षेत्रात ग्रामस्थ तसेच स्थानिक अधिकारी/कर्मचारी यांचे साठी नियमित अभ्यास दौरे/शिबीर/प्रबोधन कार्यशाळा आयोजित केल्या जातात. मात्र प्रादेशिक वनक्षेत्रात वन्यजीव संबंधी असे कार्यक्रम कमी प्रमाणात घेतले जातात म्हणून उपवनसंरक्षक (प्रादेशिक)/मुख्य वनसंरक्षक (प्रादेशिक) यांनी जातीने लक्ष घालून अशा कार्यक्रमाचे आयोजनात वाढ करून वर्षभरात कमीत कमी २ प्रबोधन कार्यशाळा ग्रामस्थ, वनसंरक्षण समिती / वन व्यवस्थापन समिती सदस्य तसेच वनरक्षक आणि वनपालांसाठी प्रत्येक परिक्षेत्रात आयोजित कराव्या. यासाठी वन्यजीव शाखेचे सहकार्य घेण्यात यावे व त्यांनी वार्षिक आराखड्यात व अर्थसंकल्पात त्याबाबत तरतूद करावी.

७. वन्यप्राण्यांच्या हालचालींचा मागोवा घेणे:-

वनक्षेत्रामध्ये अथवा बाहेर सुध्दा वन्यप्राण्यांचा संचार असतो. स्थानिक कर्मचा-यांनी आपल्या क्षेत्रातील वन्यप्राण्यांचा मुख्यत्वे करून वाघ, बिबट या प्राण्यांचा मागोवा घ्यावा. विशेषतः पावसाळ्यात आणि उन्हाळ्यात वन्यजीव वनक्षेत्राबाहेर भटकतात व याचवेळी त्यांची शिकारही होते असे आढळून आले आहे. या कालावधीत वनकर्मचा-यांनी वन्यप्राण्यांच्या हालचालींचा मागोवा ठेवावा व या क्षेत्रात गुन्हेगारांकडून दुष्कृत्य होणार नाही, याची दक्षता बाळगावी, तसेच अशा प्रकारच्या माहितीचा दुरुपयोग गुन्हेगारांकडून होणार नाही, याची दक्षता बाळगण्याची सुध्दा आवश्यकता आहे.

८. स्थानिक वनसंरक्षण/संयुक्त वनव्यवस्थापन समित्यांची मदत घेणे:-

वनविभाग व वन्यजीव विभागामार्फत अनेक वनसंरक्षण/संयुक्त वनव्यवस्थापन समित्या स्थापित करण्यात आल्या असून, त्यांचे समन्वयाने वन्यजीवांच्या संरक्षणाबाबत मोठी कामगिरी बजावता येऊ शकेल. राष्ट्रीय उद्याने व अभयारण्ये यांच्या हद्दीच्या बाहेर ही वनक्षेत्रात मोठ्या प्रमाणावर वन्यप्राणी आढळतात व बरेच वेळी ते अभयारण्य क्षेत्रातून बाहेरही भटकतात. अशा क्षेत्रातील वनकर्मचा-यांनी स्थानिक समित्यांच्या समन्वयातून माहिती गोळा करून वन्यप्राण्यांना आवश्यक संरक्षण पुरवावे. याबाबत वन संरक्षण/संयुक्त वनव्यवस्थापन समितीच्या कार्यसूचीमध्ये जरूर तो उल्लेख करण्यात यावा.

९. वन्यप्राणी संरक्षण उपसमिती:-

अभयारण्ये व राष्ट्रीय उद्याने यांच्या सभोवतालच्या वनक्षेत्रामध्ये अनेक प्रकारचे वन्यप्राणी आढळून येतात. त्यांचे संरक्षण करण्यासाठी लगतच्या ज्या गावांमध्ये संयुक्त वन व्यवस्थापनामार्फत स्थापन करण्यात आलेल्या समितीमध्ये वन्यप्राणी संरक्षण उपसमितीची निर्मिती करण्यात यावी. व्याघ्र

प्रकल्प क्षेत्राचे बफर झोन क्षेत्रात व संरक्षित क्षेत्राच्या सिमे वा लगत असलेल्या गावांमध्ये ग्राम परिस्थितीकी विकास समिती गठीत करुन ग्रामस्थांना वन्यजीव संरक्षण कामात सहभागी करुन घ्यावे.

१०. वन्यप्राण्यांचा अवैध व्यापार:-

वन्यजीवांच्या न्यायप्रविष्ट प्रकरणांच्या आढाव्याचे दरम्यान असे आढळून आले की, वन्यप्राण्यांची गुन्हाविषयक बरीच प्रकरणे घडतात व न्यायप्रविष्ट सुध्दा करण्यात येतात. परंतु न्यायालयात त्यांचा सतत पाठपुरावा करण्यात येत नाही. त्यामुळे काही कालावधीनंतर आरोपी निर्दोष मुक्त होतात. *विभाग स्तरावर वन्यजीव विषयक प्रकरणे निकाली काढणे तसेच न्यायालयात दाखल केलेल्या वन्यजीव विषयक गुन्हे प्रकरणांचा सतत पाठपुरावा करण्याची विशेष जबाबदारी उपवनसंरक्षक व संबंधित सहायक वनसंरक्षक यांची राहिल आणि वृत्त स्तरावर वन्यजीव विषयक प्रकरणे सक्षमपणे हाताळण्याची जबाबदारी विभागीय वन अधिकारी (दक्षता) यांची राहिल.* या दृष्टीकोनातून सतत पाठपुरावा करण्यात यावा. तसेच प्रत्येक विभागाने आरोपींची व संशयीत इसमांची यादी तयार करुन ठेवावी. सराईत गुन्हेगारांची यादी छायाचित्रासह प्रत्येक परिक्षेत्र कार्यालयामध्ये ठेवण्यात यावी.

११. मानव-वन्यप्राणी संघर्ष:-

वन्यप्राण्यांचे संरक्षण करुन पर्यावरणाचा समतोल सांभाळणे अत्यंत आवश्यक आहे. वननितीप्रमाणे ३३ टक्के भाग वनाच्छादित असावा व त्यातील जैविक विविधता सर्वंकषपणे चिरकालीन स्वरूपात राहणेसाठी संरक्षित क्षेत्राचे जाळे असावे. दिवसेंदिवस कमी होत असलेले वनाच्छादितक्षेत्र व लोकांच्या वाढत्या गरजा यांचा ताळमेळ जुळत नाही. त्यातूनच वन्यप्राणी व स्थानिक लोकांमध्ये परस्परात चढाओढ होत असल्याचे आढळते. वन्यप्राण्यांना संरक्षित क्षेत्रात संरक्षण मिळत असल्याने त्यांच्या संख्येत वाढ होत आहे. अनावधाने व जाणीवपूर्वक वन्यप्राणी खाजगी क्षेत्रात प्रवेश करतात. वन्यजीवांपासून मिळणारे फायदे व तोट्यांचा एकत्रितपणे विचार न होता गैरसमजुतीपोटी काही वेळा केवळ नुकसान झाल्याचीच ओरड होते. वन्यप्राण्यामुळे मनुष्यहानी, पशुधनहानी किंवा पिक नुकसानीचे प्रकरणात वाढ झाल्यास व पिडीत लोकांना वेळेत नुकसान भरपाई देण्यात उशीर झाल्यास लोकांकडून वन्यप्राण्यांच्या जीवाला धोका उदभवू शकतो. या करीता नुकसानभरपाईबाबत सानुग्रह अनुदान पीडीत व्यक्तीला लवकरात लवकर मिळण्यासाठी खालीलप्रमाणे शासन निर्णयानुसार आवश्यक कार्यवाही करण्यात यावी.

- १) वन्यप्राण्यांच्या हल्ल्यामुळे झालेल्या मनुष्यहानीसाठी महसूल व वन विभाग, शासन निर्णय क्र.डब्ल्यूएलपी-२०१२/प्र.क्र.३३७/फ-१, दि.३० मार्च, २०१३ व दि.१६ जानेवारी, २०१५ अन्वये अर्थसहाय्य देण्याबाबत कार्यवाही करण्यात यावी.
- २) वन्यप्राण्यांच्या हल्ल्यात पशुधनहानी झाल्यास, महसूल व वन विभाग, शासन निर्णय क्र.डब्ल्यूएलपी-१००८/प्र.क्र.२७०/फ-१, दि.०२.०७.२०१० अन्वये अर्थ सहाय्य मिळण्याकरीता कार्यवाही करण्यात यावी.
- ३) वन्यप्राण्यांच्या हल्ल्यामुळे शेतपीक /फळबाग नुकसानीचे प्रकरणात, शासन निर्णय क्र. डब्ल्यूएलपी २०१२/प्र.क्र.३२६/फ-१, दि. ०५ सप्टेंबर २०१३ अन्वये देय अर्थसहाय्यकरीता कार्यवाही करण्यात यावी.

मानव वन्यजीव संघर्षाची परिस्थिती निर्माण झाल्यास राष्ट्रीय व्याघ्र संवर्धन प्राधिकरण यांनी या संबंधात जारी केलेले प्रमाणभूत कार्यपध्दती नुसार कार्यवाही करण्यात येईल, याबाबत दक्षता बाळगावी.

१२. मानद वन्यजीव रक्षकांची नियुक्ती व कर्तव्ये:-

वन्यजीव (संरक्षण) अधिनियम १९७२ मधील कलम ४ (१) (ख ख) नुसार प्रत्येक जिल्ह्यातील मानद वन्यजीव रक्षकाची नेमणूक करण्यात आली आहे. शासनाचे दिनांक २७ सप्टेंबर २००१ च्या

राजपत्रानुसार कलम ५५ चे तरतुदीचे वापर करण्याचे अधिकार मानद वन्यजीव रक्षकांना देण्यात आले आहेत. मानद वन्यजीव रक्षकांनी खालील कर्तव्ये करणे अपेक्षित आहे.

- (१) लोकांमध्ये निसर्ग व वन्यजीव संवर्धनाबाबत आस्था व जागृती निर्माण करणे.
- (२) राज्य वन्यजीव सल्लागार मंडळ किंवा मुख्य वन्यजीव रक्षक यांनी सुचविलेल्या वन्यजीव संरक्षण विषयक प्रकरणांमध्ये सहभाग घेणे.

निसर्ग आणि वन्यजीव संवर्धनाबाबत लोकांमध्ये जागृती निर्माण करणे जरूरीचे आहे. भारतीय दंड संहितेच्या कलम २१ अंतर्गत मानद वन्यजीव रक्षक यांना लोकसेवक मानले असून वन्यजीव संरक्षण अधिनियमाच्या कलम ६० प्रमाणे चांगल्या हेतूने केलेल्या कृत्यांबद्दल त्यांना संरक्षण प्रदान केले आहे.

१३. वनवृत्तस्तरावर नियंत्रण कक्षाची स्थापना:-

महाराष्ट्र शासन, निर्णय दिनांक ७ नोव्हेंबर, २००० अन्वये राज्यात व्याघ्र कक्षाची स्थापना करण्यात आली असून, राज्यस्तरावर अतिरिक्त पोलीस महानिदेशक (मुख्यालय), यांच्या अध्यक्षतेखाली समिती गठीत करण्यात आली आहे. त्यांचे मार्फत वन्यप्राण्यांच्या अवयवांची अवैध तस्करी व व्यापार इत्यादी सारखी प्रकरणे रोखण्यासाठी पोलीस, वन व इतर विभागांमध्ये समन्वय ठेवण्यात येतो.

अशाच प्रकारे महसूल विभागस्तरावर सुध्दा क्षेत्रीय पोलीस महानिरीक्षक यांचे अध्यक्षतेखाली समिती गठीत करण्यात आली आहे. अवैध गुन्हें रोखण्यासाठी तसेच गुन्ह्यांचा, आरोपींचा शोध व तत्सम पुढील कार्यवाहीसाठी सुध्दा या समितीचा पुरेपूर उपयोग करण्यात यावा.

याच धर्तीवर मुख्य वनसंरक्षक (प्रादेशिक) यांनी आपआपल्या वनवृत्तस्तरावर विभागीय वन अधिकारी (दक्षता) यांचे अध्यक्षतेखाली व विभागीय स्तरावर सहायक वनसंरक्षक (संरक्षण) फिरतेपथक यांचे अधिपत्याखाली वन्यजीव गुन्हे विषयक शोध व सनियंत्रण कक्ष स्थापित करण्यात यावे. या कक्षांचा आढावा दर महिन्याला अनुक्रमे संबंधित मुख्य वनसंरक्षक व उपवनसंरक्षक यांनी घ्यावा. तसेच हा कक्ष वर उल्लेख केलेल्या महसूल विभागस्तरीय समितीच्या संपर्कात राहील.

१४. राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण, नवी दिल्ली यांनी जारी केलेल्या प्रमाणभूत कार्यपध्दती अवलंबिणे:-

मानवी वस्तीत भरकटलेल्या वाघामुळे निर्माण झालेली आणीबाणीची परिस्थिती, वाघ/बिबट चे मृत शरीर अथवा अवयवांची विल्हेवाट करणे, वाघाचा मृत्यू झाल्यास, जंगलातील वाघाच्या पोरक्या बछड्यासाठी आणि म्हाता-या किंवा जखमी वाघांची प्रकरणे हाताळणे बाबत आणि मानव-बिबट संघर्ष व्यवस्थापन बाबत मार्गदर्शक तत्वे इत्यादी प्रकरणात राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण, नवी दिल्ली यांनी यासंबंधाने जारी केलेल्या प्रमाणभूत कार्यपध्दती अवलंबिली जाईल याबाबत वरिष्ठ अधिका-यांनी दक्षता घ्यावी.

१५. वन्यप्राण्यांची शिकार, नक्षलवाद्यांकडून, संघटित तस्करांकडून होणारे हल्ले इत्यादी गंभीर घटनांबाबत माहिती शासनास तत्काळ सादर करणे:-

महाराष्ट्र राज्यात वन्यजीव प्राण्यांची शिकार, नक्षलवाद्यांकडून होणारे हल्ले, संघटित तस्करांकडून होणारे हल्ले तसेच मानव वन्यप्राणी संघर्षामुळे उत्पन्न होणारी स्थिती आणि अन्य इतर स्वरूपाच्या गंभीर घटना घडतात. या बाबत शासन पत्र क्र.संकीर्ण-२०१५/स.क्र.४/फ-५, दिनांक ०६.०१.२०१५ अन्वये अशा प्रकारच्या गंभीर स्वरूपाच्या घटनांची माहिती शासनास कळविणे आवश्यक असल्यामुळे, संबंधित मुख्य वनसंरक्षक (प्रादेशिक/वन्यजीव), वनसंरक्षक, उपवनसंरक्षक यांनी अशा गंभीर स्वरूपाच्या घटना बाबतची माहिती सचिव (वने) तसेच मंत्रालयातील मुख्य वनसंरक्षक/सह सचिव (वने)/विशेष कार्य अधिकारी यांना एसएमएस व ई-मेल द्वारे विनाविलंब कळविण्यात यावे.

१६. वन्यप्राणी व त्यांचे अधिवासाचे संनियंत्रण/सर्वेक्षण:-

१६.१ अखिल भारतीय मांसभक्षी/तृणभक्षी प्राणी व त्यांचे अधिवासाचे संनियंत्रण, टप्पा-१ (Phase-I):-

वन विभाग, वन्यजीव विभाग व वन विकास महामंडळाचे नियंत्रणातील सर्व नियत क्षेत्रात दरवर्षी अखिल भारतीय मांसभक्षी/तृणभक्षी प्राणी व त्यांचे अधिवासाचे संनियंत्रण कार्यक्रम भारतीय वन्यजीव संस्था, देहराडून यांनी जारी केलेल्या मार्गदर्शक सूचनानुसार राबविण्यात यावे व त्याबाबतची माहिती विहित प्रपत्र/सॉफ्टवेअर मध्ये वृत्त स्तरावर संकलीत करून वृत्तनिहाय अहवाल प्रधान मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर यांचे कार्यालयास सादर करावे.

१६.२ टप्पा-४ (Phase-IV) संनियंत्रण:-

वाघांचे अस्तित्व असलेल्या सर्व प्रादेशिक विभागांचे क्षेत्रात तसेच सर्व संरक्षित क्षेत्रात राष्ट्रीय व्याघ्र संवर्धन प्राधिकरण यांनी जारी केलेल्या मार्गदर्शक सूचनानुसार टप्पा-४ (Phase-IV) संनियंत्रण कार्यक्रम दरवर्षी राबविण्यात यावे व त्याबाबतची माहिती विहित प्रपत्र/सॉफ्टवेअर मध्ये भरून वृत्त स्तरावर **संकलीत करून** वृत्तनिहाय अहवाल प्रधान मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर यांचे कार्यालयास सादर करावे.

१६.३ पाणवठ्यावरील प्रगणना:-

दरवर्षी माहे एप्रिल/मे महिन्यात येणा-या पोर्णोमेच्या दिवशी पाणवठ्यावरील वन्यप्राणी संनियंत्रण कार्यक्रम राबविण्यात यावे व त्याबाबतची माहिती विहित प्रपत्रात भरून वृत्त स्तरावर संकलीत करून वृत्तनिहाय अहवाल प्रधान मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर यांचे कार्यालयास सादर करावे.

१७. इतर महत्वाच्या सूचना:-

१७.१ शिकारीमध्ये किंवा अपघातामध्ये वन्यप्राणी मृत झाल्यास पंचनामा करून अवयवांसह विल्हेवाट लावण्यात यावी व न्यायप्रविष्ट प्रकरणाव्यतिरिक्त इतर प्रकरणांमध्ये मृत शवाचा कुठलाही अवयव जतन करण्यात येवू नये. वाघ व बिबट या प्राण्यांचे संपूर्ण मृत शव अथवा अवयवांची विल्हेवाट राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण, नवी दिल्ली यांनी यासंबंधाने जारी केलेल्या प्रमाणभूत कार्यपद्धतीनुसार जाळून नष्ट करण्यात यावे.

१७.२ वन्यप्राण्यांच्या मृत्यूबाबत प्राथमिक माहिती संबंधीत वनक्षेत्रपाल यांनी घटना कळल्यानंतर संबंधीत उपवनसंरक्षकांना १२ तासांचे आत द्यावी. संबंधित उपवनसंरक्षक यांनी घटना घडल्याच्या २४ तासांचे आत मुख्य वनसंरक्षक, प्रधान मुख्य वनसंरक्षक (वन्यजीव) आणि प्रधान मुख्य वनसंरक्षक (वनबलप्रमुख) यांना माहिती द्यावी व घटना स्थळालाही २४ तासांच्या आत भेट द्यावी. या संदर्भात तत्कालीन मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य, नागपूर यांचे पत्र क्र.कक्ष-२३ (ब)/०७/००-०१, दि.३.४.२००१ अन्वये सूचना तत्कालीन वनसंरक्षक (सर्व) व उपवनसंरक्षक (सर्व) यांना देण्यात आलेल्या आहेत. वन्यप्राण्यांच्या गुन्ह्यांच्या संदर्भात चौकशी प्राधान्याने व लवकरात लवकर करण्याची आवश्यकता आहे.

१७.३ वाघ, बिबट, काळविट इत्यादी अनुसूची-१ मधील वन्यप्राण्यांच्या मृत्यूबाबत प्रकरणांमध्ये उपवनसंरक्षकांनी तात्काळ घटनेच्या स्थळास भेट देवून त्याबाबत बरिष्ठांना माहिती द्यावी.

१७.४ प्राथमिक अहवालानंतर एका आठवड्याच्या आत द्यावयाच्या सविस्तर अहवालामध्ये सोबत जोडलेल्या प्रपत्रातील माहितीचा अंतर्भाव करावा (परिशिष्ट-४). सदर अहवाल उपवनसंरक्षक यांनी संबंधीत मुख्य

वनसंरक्षक व प्रधान मुख्य वनसंरक्षक (वन्यजीव) यांना शिघ्र टपालाने पाठवावे. उपरोक्त नमूद वृत्तस्तरावरील व विभागीय स्तरावरील शोध व नियंत्रण कक्ष स्थापन केल्यानंतर गुन्ह्यांना प्रतिबंध व नियंत्रण परिणामकारक होतील याकडे सर्व अधिका-यांनी जातीने लक्ष द्यावे. संरक्षित क्षेत्राबाहेरही अशा प्रकरणावर अधिक लक्ष केंद्रीत करण्याची आवश्यकता असून, मुख्य वनसंरक्षक (प्रादेशिक) यांनी "शोध व नियंत्रण" कक्षाचे कामाबाबत नियमित आढावा घ्यावा. वन्यजीव गुन्हे प्रकरणात आवश्यकता वाटल्यास तांत्रिक बाबींवर उप वनसंरक्षक यांनी संबंधित अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), मुख्य वनसंरक्षक/वनसंरक्षक (वन्यजीव) यांचा सल्ला वा मदत घ्यावी.

- १७.५ वन्यप्राण्यांच्या अधिवासाच्या संवर्धन व विकासासाठी पाणस्थळांची निर्मिती, फळझाडांची लागवड, कुरण विकास इत्यादी कामे प्राधान्याने घेण्यात यावी. अधिवास क्षेत्राच्या विकासामुळे तृणभक्षक प्राण्यांची संख्या वाढीस लागून त्यावर अवलंबून असणा-या मांसभक्षक प्राण्यांच्या संख्येत सुद्धा पर्यायाने वाढ होईल. पाणवटे, वनतळी, वनबंधारे व एनिकटस मधून उपलब्ध अनुदानातून नियमित गाळ काढून शक्यतो उन्हाळयायत व टंचाईचे कालावधीत नियमित पाणी उपलब्ध करून द्यावे अशा पाणस्थळांचे अवैध शिकारी व पाळीव जनावरांपासून संरक्षण करणे आवश्यक आहे.
- १७.६ वन्यप्राण्यांचे संवर्धन व विकासासाठी वनक्षेत्राची सलगता असणे आवश्यक आहे. जेणेकरून वन्यप्राण्यांची पुढील प्रजाती आपसातील संकर टाळून अनुवंशिकदृष्ट्या सक्षम निर्माण होतील. सद्यःस्थितीमध्ये वनक्षेत्रे ही विभागलेली आहेत व एक दुस-याचा संबंधी शेती किंवा पडीत/उजाड जमिनीद्वारे आहे. अशा क्षेत्राजवळ राहणा-या स्थानिक ग्रामस्थांचे प्रबोधन करून वन्यप्राणी भ्रमण क्षेत्रातील अडथळे दूर करणे जरीचे आहे. यामध्ये प्रामुख्याने जे पाणवटे वन्यजीव वापरतात त्यांची नियमित देखरेख करणे व पाळीव जनावरे त्या पाणवट्यावर येणार नाही याची खात्री करणे, पाळीव जनावरांसाठी गावालगत पाण्याची सोय उपलब्ध अनुदानातून करणे व संक्रमक रोग थांबविण्यासाठी पशुसंवर्धन विभागामार्फत पाळीव प्राण्यांचे लसीकरण कार्यक्रम घेण्यासंबंधी बाबींचा समावेश असणे आवश्यक आहे. त्याचप्रमाणे या क्षेत्रात स्थानिक ग्रामस्थांचा हस्तक्षेप जास्त प्रमाणात राहणार नाही यासाठी संबंधित वनाधिका-यांनी, वन व पर्यावरणाचे महत्त्व सभा/संमेलनाद्वारे ग्रामस्थांना पटवून द्यावे.
- १७.७ वन्यप्राणी व स्थानिक ग्रामस्थ यांच्यातील सहजीवन सुखद करण्यासाठी पोलीस पाटील, ग्रामसेवक, ग्रामपंचायतीचे पदाधिकारी, अशासकिय संस्था व मानद वन्यजीव रक्षक इत्यादींचे सहकार्य घेण्यात यावे. त्यांच्यामध्ये वन्यप्राण्यांबाबत आस्था निर्माण करून त्यांचा संरक्षणाच्या कामात उपयोग करून घ्यावा.
- १७.८ वनालगत असणा-या काही गावातील गावकरी वनामधील नदी, नाले आणि वनतलावामधून पाणी दैनंदिन उपयोगासाठी आणतात. यामुळे वन्यजीव व गावकरी यांचे हितसंबंध बिघडतात त्यासाठी स्थानिक अधिका-यांनी ही बाब जिल्हा प्रशासनाच्या नजरेस आणून पर्यायी व्यवस्था करण्याबाबत कळवावे व पाठपुरावा करावा.
१८. वन विभाग, सामाजिक वनीकरण विभाग व वन विकास महामंडळ मध्ये कार्यरत असलेल्या वेगवेगळ्या स्तरावरील वन अधिकारी/कर्मचारी हे त्यांचे क्षेत्राबाबत वरील प्रमाणे संपूर्ण माहिती गोळा करून बरिष्ठ अधिका-यांना नियमित सादर करतील आणि वरील प्रमाणे दिलेल्या आदेशाची अंमलबजावणी काटेकोरपणे त्यांचे क्षेत्रामध्ये करतील. सर्व अधिकारी/कर्मचारी जेव्हा निरीक्षणासाठी जातात तेव्हा त्यांनी वन्यप्राण्यांचे संवर्धन आणि संरक्षणासाठी आढावा घेऊन त्यावर त्वरीत उपाययोजना करावी. प्रत्येक अधिकारी आणि कर्मचारी यांना आपले स्वयंमुल्यमापन अहवालात वन्यजीव संरक्षण व संवर्धनाबाबत काम केल्याचा उल्लेख करणे उचित ठरेल.

प्रधान मुख्य वनसंरक्षक (वन्यजीव)
महाराष्ट्र राज्य, नागपूर

परिशिष्ट-१

महाराष्ट्र राज्यातील संरक्षित क्षेत्राबाबत तपशिल

राष्ट्रीय उद्याने

अ.क्र.	अभयारण्य, राष्ट्रीय उद्यानाचे नाव	अधिसूचनेचा दिनांक	क्षेत्र (चौ. कि.मी.)
१.	गुगामल राष्ट्रीय उद्यान *	२७/११/१९८७ & ८/८/२०००	३६१.२८०
२.	संजय गांधी राष्ट्रीय उद्यान	४/२/१९८३ & १६/१/१९९६	८६.९६५
३.	ताडोबा राष्ट्रीय उद्यान *	३१/३/१९५५	११६.५५०
४.	चांदोली राष्ट्रीय उद्यान	१४/५/२००४	३१७.६७०
५.	नवेगाव राष्ट्रीय उद्यान *	२२/११/१९७५	१२९.५५
६.	पेंच राष्ट्रीय उद्यान *	२२/११/१९७५	२५७.२६

अभयारण्ये

अ.क्र.	अभयारण्याचे नाव	अधिसूचनेचा दिनांक	क्षेत्र (चौ. कि.मी.)
१	अंबाबरवा अभयारण्य *	९/४/१९९७	१२७.११०
२	अंधारी अभयारण्य *	२५/२/१९८६	५०९.२७०
३	अनेर डॅम अभयारण्य	१०/१०/१९८६	८२.९४०
४	भामरागड अभयारण्य	६/५/१९९७	१०४.३८०
५	भीमाशंकर अभयारण्य	१६/९/१९८५	१३०.७८०
६	बोर अभयारण्य	२७/११/१९७०	६१.१००
७	चपराळा अभयारण्य	२५/२/१९८६	१३४.७८०
८	देऊळगाव-रेहेकुरी अभयारण्य	२९/२/१९८०	२.१७०
९	ज्ञानगंगा अभयारण्य	७/५/१९९७ & ९/५/१९९७	२०५.२१०
१०	माळढोक अभयारण्य (पुनर्रचित)	२७/२/२०१२	१२२९.२४
११	गौताळा औत्रमघाट अभयारण्य	२५/२/१९८६	२६०.६१०
१२	जायकवाडी पक्षी अभयारण्य	१०/१०/१९८६	३४१.०५०
१३	कळसूबाई-हरीशचंद्रगड अभयारण्य	२५/२/१९८६	३६१.७१०
१४	कारंजा-सोहळ कालवीट अभयारण्य	७/१२/२०००	१८.३२१
१५	कर्नाळा फोर्ट पक्षी अभयारण्य	६/५/१९६८ & २३/१/२००३	१२.१५५

१६	काटेपूर्णा अभयारण्य	८/२/१९८८	७३.६९
१७	कोयना अभयारण्य *	१६/९/१९८५	४२३.५५
१८	लोणार अभयारण्य	८/६/२०००	७३.६९०
१९	मालवण सागरी अभयारण्य	१३/४/१९८७	४२३.५५०
२०	मयुरेश्वर सुपे अभयारण्य	१९/८/१९९७	३.८३१
२१	मेळघाट अभयारण्य *	५/९/१९८५ & १५/२/१९९४	२९.१२२
२२	नायगाव मयूर अभयारण्य	८/१२/१९९४	५.१४५
२३	नांदूर मध्यमेश्वर अभयारण्य	२५/२/१९८६	७८८.७५०
२४	नरनाळा अभयारण्य *	२/५/१९९७	२९.९०१
२५	नागझिरा अभयारण्य *	३/६/१९७०	१५२.८१०
२६	पैनगंगा अभयारण्य	२५/२/१९८६ & २४/२/२००४	४२४.८९०
२७	फणसाड अभयारण्य	२५/२/१९८६	६९.७९०
२८	राधानगरी अभयारण्य	२/१२/१९५८ & १६/९/१९८५	३५१.१६०
२९	सागरेश्वर अभयारण्य	१६/९/१९८५	१०.८७७
३०	तानसा अभयारण्य	१२/६/१९७० & १६/९/१९८५	३०४.८१०
३१	टिपेश्वर अभयारण्य	२४/१/१९९७ & ३०/४/१९९७	१४८.६३२
३२	तुंगारेश्वर अभयारण्य	२४/१०/२००३	८५.७००
३३	वान अभयारण्य *	२८/७/१९९७ & २९/७/१९९७	२११.००६
३४	यावल अभयारण्य	२१/३/१९६९	१७७.५२०
३५	ऐडशी रामलिंगघाट अभयारण्य	१६/५/१९९७ & १७/५/१९९७	२२.३७४
३६	मानसिंगदेव अभयारण्य	२/११/२०१०	१८२.५८०
३७	नवीन नागझिरा अभयारण्य *	२९/२/२०१२	१५१.३३५
३८	नवेगाव अभयारण्य *	२८/२/२०१२	१२२.७५६
३९	नवीन बोर अभयारण्य	२८/२/२०१२	६०.६९
४०	नवीन माळढोक पक्षी अभयारण्य	२८/२/२०१२	०१.९८

४१	उमरेड करांडला अभयारण्य	२९/०६/२०१२	१८९.२९
४२	ताम्हीणी अभयारण्य	०३/०५/०२०१३	४९.६२
४३	कोका अभयारण्य *	१८/०७/२०१३	९७.६२४
४४	न्यु बोर विस्तारीत अभयारण्य *	०३/०५/२०१४	१६.३१
४५	प्राणहिता अभयारण्य	२७/०८/२०१४	४२०.०६
४६	सुधागड अभयारण्य	२८/०८/२०१४	७७.१२८
४७	ईसापूर अभयारण्य	३०/०८/२०१४	३७.८०३

* सदर संरक्षित क्षेत्राचा समावेश व्याघ्र राखीव क्षेत्रात होतो.

संवर्धन राखीव क्षेत्र

अ.क्र.	संवर्धन राखीव क्षेत्राचे नाव	अधिसूचनेचा दिनांक	क्षेत्र (चौ. कि.मी.)
१.	भोरगड संवर्धन राखीव	०५/०३/२००८	३.४९३
२.	ममदापूर संवर्धन राखीव	२४/०६/२०१४	५४.४६
३.	कोलामार्का संवर्धन राखीव	०८/०१/२०१३	१८०.७२
४.	मुक्ताई भवानी संवर्धन राखीव	०३/०५/२०१४	१२२.७४

गोषवारा

अ.क्र.	संरक्षित क्षेत्र	संख्या	क्षेत्र (चौ.कि.मी.)
१	राष्ट्रीय उद्याने	६	१२६९.२७५
२	अभयारण्ये	४७	८४२०.८४
३	संवर्धन राखीव क्षेत्र	४	३६१.४१३
	एकूण	५७	१००५१.५२९

६ व्याघ्र राखीव क्षेत्रा अंतर्गत राष्ट्रीय उद्याने व अभयारण्ये

अ. क्र.	व्याघ्र राखीवक्षेत्र	क्षेत्र (चौ.कि.मी.)			समाविष्ट राष्ट्रीय उद्यान	क्षेत्र (चौ.कि.मी.)	समाविष्ट अभयारण्य	क्षेत्र (चौ.कि.मी.)
		गाभा	बफर	एकूण				
१	मेळघाट व्याघ्र राखीव क्षेत्र	१५००.४९	१२६८.०३	२७६८.५२	गुगामल राष्ट्रीय उद्यान	३६१.२८	मेळघाट अभयारण्य वान अभयारण्य नरनाळा अभयारण्य अंबावरवा अभयारण्य	७८८.७५ २११.०० १२.३५ १२७.११
२	ताडोबा-अंधारी व्याघ्र राखीवक्षेत्र	६२५.८२	११०१.७७	१७२७.५९	ताडोबा राष्ट्रीय उद्यान	११६.५५०	अंधारी अभयारण्य	५०९.२७
३	पेंच व्याघ्र राखीवक्षेत्र	२५७.२६	४८३.९६	७४१.२२	पेंच राष्ट्रीय उद्यान	२५७.२६	मानसिंगदेव अभयारण्य	१८२.५८
४	सह्याद्री व्याघ्र राखीवक्षेत्र	६००.१२	५६५.४५	११६५.५७	चांदोली राष्ट्रीय उद्यान	३१७.६७	कोयना अभयारण्य	४२३.५५
५.	नवेगाव-नागझीरा व्याघ्र राखीवक्षेत्र	६५३.६७	१२४७.४६	१९०१.१३	नवेगाव राष्ट्रीय उद्यान	१२९.५५	नागझीरा अभयारण्य न्यु नागझीरा अभयारण्य नवेगाव अभयारण्य कोका अभयारण्य	१५२.५८ १५१.३३ १२२.७५ १००.१३
६	बोर व्याघ्र राखीवक्षेत्र	१३८.१२	६६१.१६	७९९.२८	—	—	बोर अभयारण्य न्यु बोर अभयारण्य न्यु बोर विस्तारीत अभयारण्य	६१.१० ६०.७० १६.३२
एकूण व्याघ्र राखीव क्षेत्र		३७७८.१७	३४१९.२२	७१९४.४२	एकूण राष्ट्रीय उद्यान क्षेत्र	११८२.३१	एकूण अभयारण्य क्षेत्र	३२१७.२२६

परिशिष्ट-२

महसूल व वन विभाग,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई- ४०० ०३२, दिनांक : २१ जुलै, २०१३.

अधिसूचना

वन्यजीव (संरक्षण) अधिनियम, १९७२.

क्रमांक डब्ल्यूएलपी.०६१३/प्र.क्र.१९९/फ-१ ज्याअर्थी, वन्यजीव (संरक्षण) अधिनियम, १९७२ (१९७२ चा अधिनियम क्रमांक ५३) (त्यात यापुढे ज्याचा निर्देश "उक्त अधिनियम" असा करण्यात आला आहे) याच्या कलम ४, पोट-कलम (१), खंड (ख) व (ग) यांद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासनाने शासकीय आदेश, महसूल व वन विभाग क्र. डब्ल्यूएलपी १०७७/८६५८४/फ-१ दिनांक ५ मे, १९७७ अनुसार अपर मुख्य वन्यजीव रक्षक, उप मुख्य वन्यजीव रक्षक, वन्यजीव रक्षक व सहायक वन्यजीव रक्षक यांची नियुक्ती केली आहे;

आणि ज्याअर्थी, महाराष्ट्र शासनाने उक्त अधिनियमाच्या कलम ५४ च्या प्रयोजनार्थ शासकीय अधिसूचना महसूल व वन विभाग क्र.डब्ल्यूएलपी-१०७७/८६५८४/फ-१, दिनांक ५ मे, १९७७ अनुसार मुख्य वन्यजीव रक्षक, अपर मुख्य वन्यजीव रक्षक व उपमुख्य वन्यजीव रक्षक यांना अधिकार प्रदान केले आहेत;

आणि ज्याअर्थी, महाराष्ट्र शासनाने शासकीय अधिसूचना, महसूल व वन विभाग क्र.डब्ल्यूएलपी-१०९७/प्र.क्र.१२१/फ-१, दिनांक २६ सप्टेंबर, २००१ यानुसार उक्त अधिनियमाच्या कलम ५५ खंड (ख) च्या प्रयोजनार्थ मुख्य वन्यजीव रक्षक यांच्या अधिकारांचा वापर करण्यासाठी, राज्याच्या प्रत्येक जिल्ह्यात (वाशिम व नंदुरबार वगळता) मानद वन्यजीव रक्षक यांना प्राधिकृत केले आहे;

आणि ज्याअर्थी, महाराष्ट्र शासनाने शासकीय आदेश, महसूल व वन विभाग क्र.डब्ल्यूएलपी-१००३/प्र.क्र.८९/फ-१, दिनांक २३ फेब्रुवारी, २००४ यानुसार उक्त अधिनियमाच्या प्रकरण सहा - क मधील सक्षम प्राधिका-याची कार्ये पार पाडण्यासाठी विवक्षित अधिका-यांना प्राधिकृत केले आहे;

आणि ज्याअर्थी, महाराष्ट्र शासनाने शासकीय अधिसूचना, महसूल व वन विभाग क्र.डब्ल्यूएलपी-१००३/प्र.क्र.८९/फ-१, दिनांक २३ फेब्रुवारी, २००४ यानुसार उक्त अधिनियमाच्या कलम ५०, पोट-कलम (८), खंड (क) ते (घ) मधील अधिकारांचा वापर करण्यासाठी सर्व अपर मुख्य वन्यजीव रक्षक, उपमुख्य वन्यजीव रक्षक व वन्यजीव रक्षकांना प्राधिकृत केले आहे;

आणि ज्याअर्थी, वन विभाग तसेच महाराष्ट्र वन विकास महामंडळ मर्यादित यांच्या संघटनात्मक संरचनेतील झालेला बदल आणि त्यानुषंगाने विविध पदाची झालेली श्रेणीवाढ आणि परिणाम स्वरूप उक्त अधिनियमाच्या प्रयोजनार्थ वेळोवेळी नियुक्त करण्यात आलेल्या अधिका-यांच्या विवक्षित पदांच्या पदनामांमध्ये झालेला बदल विचारात घेता, या अधिका-यांना अधिकार प्रदान करण्यासाठी, नियुक्त करण्यासाठी व प्राधिकृत करण्यासाठी अधिसूचना निर्गमित करणे इष्ट आहे;

त्याअर्थी, आता, वन्यजीव (संरक्षण) अधिनियम, १९७२ (१९७२ चा अधिनियम क्रमांक ५३) महाराष्ट्र राज्यास लागू असताना, कलम ४ चे पोट-कलम (१), कलम ५० चे पोट-कलम (८), कलम ५४, ५८ घ, ५८ छ आणि ६० ख यांद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, आणि त्याबाबतीत त्यास समर्थ करणा-या इतर सर्व अधिकारांचा वापर करून आणि याबाबतीत वेळोवेळी काढण्यात आलेल्या वर नमूद केलेल्या सर्व अधिसूचना व आदेशांचे अधिक्रमण करून, महाराष्ट्र शासन याद्वारे,

(एक) सोबत जोडलेल्या अनुसूचीमध्ये नमूद केल्याप्रमाणे वन विभाग व महाराष्ट्र वनविकास महामंडळ मर्यादित या संघटनेमध्ये पुढील अधिकाऱ्यांची त्यांच्या प्रादेशिक अधिकार क्षेत्रासाठी वन्यजीव रक्षक म्हणून नियुक्ती करित आहे.

अनुसूची

अनुक्रमांक	संघटना	अधिकारी
(१)	(२)	(३)
१	वन विभाग	अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), मुख्य वनसंरक्षक, व्याघ्र प्रकल्पांचे क्षेत्र संचालक, वनसंरक्षक, उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील उप संचालक, स्वतंत्र उप विभागांचे उप विभागीय वन अधिकारी, सहायक वनसंरक्षक, वन परिक्षेत्र अधिकारी, वनपाल व वनरक्षक.
२	महाराष्ट्र वनविकास महामंडळ मर्यादित	महाव्यवस्थापक, प्रादेशिक व्यवस्थापक, विभागीय व्यवस्थापक, सहायक व्यवस्थापक, वन परिक्षेत्र अधिकारी, वनपाल व वनरक्षक.

स्पष्टीकरण - वरील अनुसूचीमधील अनुक्रमांक १ समोरील स्तंभ (३) मध्ये नमूद केलेल्या अधिकाऱ्यांमध्ये वन विभागाच्या प्रादेशिक व वन्यजीव अशा दोन्ही शाखांमधील अधिकाऱ्यांचा समावेश असेल. उदा. मुख्य वनसंरक्षक यामध्ये मुख्य वनसंरक्षक (वन्यजीव) याचा समावेश आहे.

(दोन) सोबत जोडलेल्या अनुसूचीच्या स्तंभ (२) मध्ये नमूद केलेल्या वन विभाग, वन विकास महामंडळ मर्यादित या संघटनेमधील अधिकाऱ्यांना व पोलीस अधिकाऱ्यांना स्तंभ (३) मध्ये विनिर्दिष्ट केलेल्या उक्त अधिनियमाच्या विविध कलमांच्या प्रयोजनार्थ, नियुक्त करित आहे, त्यांना अधिकार प्रदान करित आहे व प्राधिकृत करित आहे.

अनुसूची

अनुक्रमांक	अधिकारी	कलमे
(१)	(२)	(३)
१	(एक) अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक, उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील उप संचालक, स्वतंत्र उपविभागांचे उपविभागीय वन अधिकारी, सहायक वनसंरक्षक व वन परिक्षेत्र अधिकारी. (दोन) महाराष्ट्र वन विकास महामंडळ, मर्यादित यांचे महाव्यवस्थापक, प्रादेशिक व्यवस्थापक आणि विभागीय व्यवस्थापक.	४९ (२)
२	(एक) अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक, उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील उपसंचालक, स्वतंत्र उपविभागांचे उपविभागीय वन अधिकारी आणि सहायक वनसंरक्षक (दोन) महाराष्ट्र वन विकास महामंडळ, मर्यादित यांचे महाव्यवस्थापक, प्रादेशिक व्यवस्थापक, विभागीय व्यवस्थापक व सहायक व्यवस्थापक.	५० (८)
३	(एक) मुख्य वन्यजीव रक्षक, अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक व उप वनसंरक्षक. (दोन) महाराष्ट्र वन विकास महामंडळ, मर्यादितचे महाव्यवस्थापक व प्रादेशिक व्यवस्थापक.	५४
४	पोलीस उप निरीक्षक या दर्जापेक्षा खाली नसलेला पोलीस अधिकारी	५५ ख

५	अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक.	५८ घ
६	मुख्य वन्यजीव रक्षक, अपर प्रधान मुख्य वनसंरक्षक (वन्यजीव), व्याघ्र प्रकल्पांचे क्षेत्र संचालक, मुख्य वनसंरक्षक व वनसंरक्षक.	५८ छ
७	मुख्य वन्यजीव रक्षक	६० ख

स्पष्टीकरण (१) :- वरील अनुसूचीच्या स्तंभ २ मध्ये नमूद केलेल्या अधिका-यांमध्ये वन विभागाच्या प्रादेशिक व वन्यजीव या दोन्ही शाखांमधील अधिका-यांचा समावेश असेल. उदा. मुख्य वनसंरक्षक यामध्ये मुख्य वनसंरक्षक (वन्यजीव) याचा समावेश आहे.

स्पष्टीकरण (२) :- या अधिसूचनेद्वारे अधिक्रमण करण्यात आलेल्या आणि उक्त अधिनियमाच्या तरतुदीखाली काढलेल्या कोणत्याही अधिसूचनांद्वारे किंवा आदेशांद्वारे प्रदान केलेल्या अधिकारांचा वापर करून कोणत्याही अधिकाऱ्याने केलेल्या कायदेशीर कार्यवाहीच्या परिणामी, जी कोणतीही कार्यवाही सुरु असेल, अशा कोणत्याही कार्यवाहीवर, या अधिसूचनेतील कोणत्याही गोष्टीमुळे बाधा पोहोचणार नाही किंवा ती कार्यवाही संकोच पावणार नाही.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(डॉ. यु.एम.फारूकी),
शासनाचे सह सचिव

परिशिष्ट-३

मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य, नागपूर
वनभवन, रामगिरी रोड, नागपूर-४४०००१

दिनांक २६ जुलै
२०१३

आ दे श

वन्यजीव
(संरक्षण),
अधिनियम,
१९७२

क्र.कक्ष-२३(४)/प्र.क्र.४९४/१६०३- वन्यजीव (संरक्षण), अधिनियम, १९७२ (१९७२ चा अधिनियम क्रमांक ५३) याच्या कलम ५ च्या पोट-कलम (२) याद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून आणि याबाबतीत काढण्यात आलेल्या इतर सर्व आदेशांचे अधिक्रमण करून, मुख्य वन्यजीव रक्षक, महाराष्ट्र राज्य, हे शासकीय पत्र क्रमांक डब्ल्यूएलपी-०६१३/प्र.क्र.१९९/फ-१, दिनांक २२, जुलै २०१३ या अन्वये दिलेल्या राज्य शासनाच्या पूर्व मंजूरीने, याद्वारे यासोबत जोडलेल्या अनुसूचीच्या स्तंभ (३) मध्ये विनिर्दिष्ट केल्याप्रमाणे, शासकीय अधिसूचना, महसूल व वन विभाग, क्रमांक डब्ल्यूएलपी-०६१३/प्र.क्र.१९९/फ-१, दिनांक २१ जुलै, २०१३ या अन्वये नियुक्त केलेल्या वन्यजीव रक्षकांकडे, आणि राज्य शासनाकडून वेळोवेळी नियुक्त करण्यात येतील त्याप्रमाणे, स्तंभ (२) मध्ये विनिर्दिष्ट केलेल्या मानद वन्यजीव रक्षकांकडे, त्यांच्या संबंधित क्षेत्रीय अधिकारितेनुसार या अधिनियमा खालील त्यांचे अधिकार व कर्तव्ये, पुढील प्रमाणे सोपविले आहेत:-

अनुसूची

अ.क्र.	वन्यजीव रक्षक किंवा मानद वन्यजीव रक्षक	कलमे
(१)	(२)	(३)
१	अपर प्रधान मुख्य वन संरक्षक (वन्यजीव), व्याघ्र प्रकल्पाचे क्षेत्र संचालक, मुख्य वनसंरक्षक, वनसंरक्षक	११(१)(ख), १७ग(१), १७घ(१), १७ड(१), २७(१)(ख), २७(२)(ग), २८, ३१ तसेच ३५(८), ३३(क), ३३(ख), ३३(ग), ३३क, ३४ तसेच ३५(८), ३४क(१)(क), ३४क(१)(ख), ३९(३), ४०(१), ४०(२), ४०(४), ४१(१), ४२, ४३(२), ४४(२), ४४(३), ४४(४), ४४(७), ४५, ४७(क)(दोन), ४७(ख), ४८क, ४९ग(१), ४९ग(२), ४९ग(६), ५०(१), ५०(३), ५०(३क), ५०(६), ५४ आणि ५५(ख).
२	महाव्यवस्थापक, प्रादेशिक व्यवस्थापक, महाराष्ट्र वन विकास महामंडळ मर्यादित	११(१)(ख), ३३क, ३४क(१)(क), ३४क(१)(ख), ३९(३), ५०(१), ५०(३), ५०(३क), ५०(६), ५४ व ५५(ख).
३	उप वनसंरक्षक, विभागीय वन अधिकारी, व्याघ्र प्रकल्प क्षेत्रातील प संचालक, स्वतंत्र उप-विभागांचे प- विभागीय वन अधिकारी	११(१)(ख), १७ग(१), १७घ(१), १७ड(१), २७(१)(ख), २७(२)(ग), २८(१)(घ), २८(१)(ड.), ३१ तसेच ३५(८), ३३(क), ३३(ख), ३३(ग), ३३क, ३४(१), ३४(२) तसेच ३५(८), ३४क(१)(क), ३४क(१)(ख) (स्वतंत्र उपविभागांच्या उप-विभागीय वन अधिका-यांचे अधिकार हे, कोणतेही अभयारण्य व राष्ट्रीय उद्यान यांमधील कोणत्याही शासकीय जमिनीवर उभारलेल्या अनधिकृत संरचना, इमारती किंवा बांधकामे काढून टाकण्याच्या मर्यादेपर्यंतच निर्बंधित असतील आणि त्यामध्ये अधिहरणाच्या अधिकाराचा समावेश नसेल, याव्यतिरिक्त संपूर्ण अधिकार) ३९(३), ४०(१), ४०(२), ४१(१), ४७(क)(दोन), ४७(ख), ४८(क), ४९ग(१), ४९ग(२), ४९ग(६), ५०(१),

अ.क्र.	वन्यजीव रक्षक किंवा मानद वन्यजीव रक्षक	कलमे
(१)	(२)	(३)
		५०(३), ५०(३क), ५०(६), ५४ (केवळ उप वनसंरक्षक) आणि ५५(ख).
४	विभागीय व्यवस्थापक, महाराष्ट्र वन विकास महामंडळ मर्यादित	११(१)(ख), ३३क, ३४क(१)(क), ३४क(१)(ख), (अधिहरणाचा अधिकार वगळून) ३९(३), ५०(१), ५०(३), ५०(३क), ५०(६) आणि ५५(ख).
५	सहायक वनसंरक्षक	११(१)(ख), २७(२)(ग), २८(१)(घ), २८(१)(ड), ३१ तसेच ३५(८), ३३क, ३४क(१)(क), ३४क(१)(ख), (अधिहरणाचा अधिकार वगळून) ४१(१), ४७(ख), ५०(१), ५०(३), ५०(३क), ५०(६), आणि ५५(ख).
६	सहायक व्यवस्थापक, महाराष्ट्र वन विकास महामंडळ मर्यादित	११(१)(ख) [केवळ निलगाय (Boselaphus tragocamelus) आणि रानडुक्कर (Sus scrofa)] ३४ क(१)(क), ३४क(१)(ख), (अधिहरणाचा अधिकार वगळून) ५०(१), ५०(३), ५०(६) आणि ५५(ख).
७	वन परिक्षेत्र अधिकारी	११(१)(ख) [केवळ निलगाय (Boselaphus tragocamelus) आणि रानडुक्कर (Sus scrofa)] २७(२)(ग), ४१(१), ४७(ख), ५०(१), ५०(३), ५०(६) आणि ५५(ख).
८	वन परिक्षेत्र अधिकारी, महाराष्ट्र वन विकास महामंडळ मर्यादित	११(१)(ख) [केवळ निलगाय (Boselaphus tragocamelus) आणि रानडुक्कर (Sus scrofa)] ५०(१), ५०(३), आणि ५५(ख).
९	वनपाल, वनरक्षक	२७(२)(ग), ५०(१) आणि ५०(३).
१०	महाराष्ट्र वन विकास महामंडळ मर्यादित यामधील वनपाल व वनरक्षक	५०(१) आणि ५०(३).
११	मानद वन्यजीव रक्षक	५५(ख).

स्पष्टीकरण (१) वरील अनुसूचीच्या स्तंभ (२) मध्ये नमूद केलेल्या अधिका-यांमध्ये, वन विभागाच्या प्रादेशिक व वन्यजीव या दोन्ही शाखांमधील अधिका-यांचा समावेश असेल. उदा. मुख्य वनसंरक्षक यामध्ये मुख्य वनसंरक्षक (वन्यजीव) याचा समावेश आहे.

स्पष्टीकरण (२) या आदेशाद्वारे, ज्यांचे अधिक्रमण करण्यात आले आहे अशा आदेशानुसार, कोणत्याही अधिका-याने केलेल्या कायदेशीर कार्यवाहीचा परिणाम म्हणून जी कार्यवाही चालू असेल अशा कोणत्याही कार्यवाहीवर या आदेशातील कोणत्याही गोष्टीमुळे बाधा पोहचणार नाही किंवा ती कार्यवाही संकोच पावणार नाही.

(सै.वा.हु.नकवी)
मुख्य वन्यजीव रक्षक,
महाराष्ट्र राज्य.

परिशिष्ट-४
वन्यजीव गुन्ह्याबाबत माहिती प्रपत्र

अ.क्र.	घटना	घटनेचा तपशिल
१.	घटनेची अ. तारीख ब. स्थळ क. वेळ	
२.	घटनेच्या खबरीबद्दलचा तपशिल अ) खबर कुणी दिली ब) किती वाजता दिली क) कर्मचारी घटनास्थळी केव्हा पोहोचले. ड) गुन्ह्याचे ठिकाण	
३.	वनगुन्हा नोंद अ) प्राथमिक गुन्हा क्र. व दि. ब) स्थळ क) वेळ ड) गुन्ह्यात लावलेले कलम	
४.	तक्रार करणा-याचे नांव व पत्ता	
५.	आरोपीची नावे.	
६.	गुन्हा तपास अधिका-याचे नांव व हुददा	
७.	आरोपी विरुद्ध केलेली कार्यवाही अ) अटक केल्याचा दिनांक ब) आरोपपत्र पाठविल्याचे दिनांक व न्यायालयाने नांव व पत्ता	
८.	आरोपी पोलीस कोठडीत आहेत किंवा न्यायालयीन कोठडीत आहे. अ) पोलीस कोठडीत (दिवस) ब) न्यायालयीन कोठडीत (दिवस) क) आरोपी जामिनावर सुटलेत काय व केव्हा पासून. ड) असल्यास जामिन कोणी मंजूर केला.	
९.	आरोपीकडून हस्तगत केलेल्या मालमत्तेचा तपशिल	
१०.	जप्त केलेल्या मालाची विल्हेवाट अ) बंध पत्रावर सोडण्यात आलेला माल ब) सध्या ताब्यात असलेला माल	
११.	शासकीय कर्मचारी आरोपी असल्यास त्याचे विरुद्ध केलेली कार्यवाही	
१२.	अशा प्रकारची घटना घडू नये म्हणून करण्यात आलेली उपाययोजना	
१३.	गुन्ह्याची सद्यःस्थिती (न्यायालयीन प्रकरणे इत्यादी.)	

ANNEXURE 12.18

महाराष्ट्र शासन

क्रमांक :- संकिर्ण-६१५/म.व.व.वि.१५८/२२/फ-१

महसूल व वन विभाग,
मंत्रालय, मुंबई-४०००३२.
ई-मेल osdf1wl@gmail.com
दिनांक :- १७.०६.२०१५.

प्रति,

प्रधान मुख्य वनसंरक्षक (वन्यजीव),
महाराष्ट्र राज्य, नागपूर.

विषय :- वनविभागातील / वनविकास मंडळातील विविध कार्यालय विश्रामगृह
निर्वचन केंद्र वनविद्यालय / महाविद्यालय इथे असलेल्या मृगचिन्हाबाबत ...

संदर्भ :- आपले क्रमांक : कक्ष-२३(४)/प्र.क्र.१९/३४५०/१४-१५, दि.२०.१२.२०१४
रोजीचे पत्र.

उपरोक्त विषयावरील आपल्या संदर्भीय पत्रान्वये आपण व्यक्त केलेल्या धारणेबाबत विधी व न्याय विभागाचे मत घेतले असता आपली धारणा योग्य असल्याचे त्यांनी अभिमत दिले आहे. सोबत अभिमताची छायांकित प्रत जोडली आहे. सबब, यापुढे शासन संपत्ती म्हणून वन विभागाच्या ताब्यात असलेल्या मृगयाचिन्हांचे वनविभाग कार्यकारी प्राधिकारी आणि नैसर्गिक देखरेख करणारे असल्याने, वनविभागाला त्यांच्या ताब्यातील मृगयाचिन्हांबाबत वन्यजीव (संरक्षण) अधिनियम १९७२ चे कम ४० अन्वये घोषित करून कलम ४२ अन्वये मालकी प्रमाणपत्र जारी करण्याची आवश्यकता नाही. सदर बाब ही आपल्यास्तरावरून सर्वसंबंधितांना कळवावी. तसेच केलेल्या कार्यवाहीबाबत शासनास अवगत करावे.

सहपत्र:- वरील प्रमाणे.

अरविंद आपटे
(अरविंद आपटे)
विशेष कार्य अधिकारी
महसूल व वन विभाग

ISSUED
17/06/15
Scan & mail

Law and Judiciary Department

The Revenue and Forest Department vide it's U.O.R. dated 22.4.2015 has sought opinion of the Law and Judiciary Department on the point 'whether it is necessary to issue Certificate of Ownership under section 42 of the Wild Life Protection Act, 1972, for custody or possession of trophy or uncured trophy of any captive animal specified in Schedule I or Part II of the Schedule II of the said Act, by the rest house, transitive centres, school, colleges and other offices under the control of the Forest Department and Forest Development Board.

2. On perusal of the papers, it reveals that the Revenue and Forest Department has sought above opinion on the issue raised by the Head of Forest Force, Maharashtra State, Nagpur in his letter dated 20.12.2014. As per the said letter, the office of the Head of Forest Force is in process of setting up of protection program in respect of the trophy or uncured trophy of any captive animal specified in Schedule I or Part II of the Schedule II of the Wild Life Protection Act, 1972, under custody of the rest houses, transitive centres, school, colleges and other offices under the control of the Forest Department and Forest Development Board and therefore the said office is in process of preparing the inventory of such trophies. It is also mentioned in the said letter that such trophies are the Government property and therefore the forest offices are the custodian of such trophies. Taking custody of such trophies is the regular process duly followed by the forest offices. After taking possession/custody of such trophies, such trophies are either stored at storerooms or displayed in the rest house, transitive centres, school, colleges and other offices under the control of the Forest Department and Forest Development Board as a part of tradition.

As per view expressed by the Head of Forest Force the Forest Department is an executive authority as well as a natural custodian of such trophies or uncured trophies and acquiring possession of such trophies is a part of their regular working process, therefore, it is not necessary to issue certificate of ownership

under Section 42 of the Wild Life Protection Act, 1972, for custody or possession of such trophies by the rest houses, transitive centres, schools, colleges and other offices under the control of the Forest Department and Forest Development Board and hence, requested Revenue and Forest Department to confirm their view. Accordingly, the Revenue and Forest Department has sought opinion of this Department on said issue raised by the office of the Head of Forest Force, Nagpur.

3. In view of above it is submitted that Chapter V of the said Act, 1972 deals with 'Trade or Commerce in Wild Animals, Animal Articles and Trophies'. The relevant provisions under Sections 39, 40 and 42 are reproduced below ;

" Section 39 -: Wild animals, etc., to be Government property

(1) Every-

(a)

(b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed;

(c)

(d)

shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat derived from such animal, or any vehicle, vessel, weapon, trap or tool used in such hunting shall be the property of the Central Government.

(3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorized officer-

(a) acquire or keep in his possession, custody or control, or

- (b) transfer to any person, whether by way of gift, sale or otherwise, or
- (c) destroy or damage, such Government property.

Section 40 - : Declarations

(1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, or any uncured trophy derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorized officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorized officer.

Section 42 -: Certificate of ownership

The Chief Wild Life Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful

possession of any wild animal or any animal article, trophy, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification.

Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief Wild Life Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal."

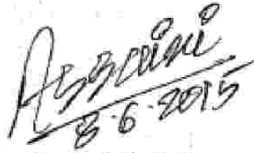
In view of above provisions, it is submitted that as per Section 39 of the said Act, every animal article, trophies or uncured trophies are the property of the Government. Under Section 40 of the said Act, 1972, every person having the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, or any uncured trophy derived from such animal shall make declaration to the Chief Wild Life Warden or any authorized officer to that effect. The Chief Wild Life Warden in exercise of powers given to him under Section 42 of the said Act, may issue a certificate of ownership to any person who, in his opinion is in lawful possession of any wild animal or any animal article, trophy, uncured trophy.

The aforementioned provisions signifies that the declaration under Section 40 to be made by a Person and certificate of ownership to be issued to a person. The term "Person" as defined under section 2(24) of the said Act, which specifically includes 'Firm'. This shows that the term 'Person' includes Human Being and Firm; it vividly appears that the Government has impliedly excluded from the definition of 'a person'. Also, there is no specific provision under the said Act or Maharashtra Wild Life Protection Rules, 2014, regarding declaration made by the forest offices for custody of such trophies or for issuing certificate of ownership in the name of the forest offices having such custody. Moreover, acquiring custody of such trophies and keeping them at rest house, colleges and other subordinate offices of Forest Department and Forest Development Board is

a part of regular process followed by these forest offices. Thus, it is clear that the Forest Department and Forest Development Board are executive authorities as well as a natural custodian of such trophies or uncured trophies.

Perusal of section 40 r/w. section 42 connotes that there is no need to issue ownership certificate to the rest house, transitive centers etc. under the Control of Forest Department. As such the view expressed by the Head of Forest force, M.S.Nagpur at 'A' appears to be correct.

P.S. and R.L.A. (Shri. Sayeed) has seen the papers and approved the above view.


(Ashwini Saini)
Under Secretary (Law)

U.O.R. to Revenue and Forest Department/ फ-१

No. 225/ /Civil/ Confl./ 2015/A' Br. , dated 3rd June, 2015

ANNEXURE 14.01

PESA,1996

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996No.40 OF 1996

(24th December, 1996)

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:-

Short title

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

Definition

2. In this Act, unless the context otherwise requires, “Scheduled Areas” means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution.

Extension of part IX of The Constitution

3. The provision of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.

Exceptions and modifications to part IX of The Constitution

4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

(a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;

(b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;

(c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;

(d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;

(e) every Gram Sabha shall-

i. approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;

ii. be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;

(f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause(e);

(g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution;

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;

Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;

(h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;

(i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;

(j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;

(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;

(l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;

(m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-

(i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;

(ii) the ownership of minor forest produce;

(iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;

(iv) the power to manage village markets by whatever name called;

(v) the power to exercise control over money lending to the Scheduled Tribes;

(vi) the power to exercise control over institutions and functionaries in all social sectors;

(vii) the power to control over local plans and resources for such plans including tribal sub-plans;

(n) the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;

(o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

Continuance of existing laws on panchayats:

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas, immediately before the date on which this Act receives the assent of the President, which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

K.L. MOHANPURIA,

Secy. To the Govt. of India

ANNEXURE 14.02

सं. 521 (नं. ए. 1)-73

REGISTERED No. D. (D.N.) 77



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 521
No. 521

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NEW DELHI, MONDAY, DECEMBER 2, 1985/AGRAHAYANA 11, 1907

इत भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलग संकलन में रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

विधि और न्याय मंत्रालय

(विधायी विभाग)

प्रधियुक्तता

नई दिल्ली, 2 दिसम्बर, 1985

*सा.का.वि. 376(घ) —राष्ट्रपति द्वारा किया गया निम्नलिखित
आदेश सम्बन्धित को जानकारी के लिए प्रकाशित किया जाता है।

"म. भा. 123"

अनुसूचित क्षेत्र (महाराष्ट्र), अक्टूबर 1985

राष्ट्रपति, भारत के संविधान की पाबसी अनुसूची के पैरा 6 के
उपपैरा (2) द्वारा प्रदान शक्तियों का प्रयोग करते हुए, अनुसूचित क्षेत्र
(भाग 6 राज्य) आदेश, 1950 और अनुसूचित क्षेत्र (भाग 6 राज्य)
आदेश, 1950 को, जहां तक वे महाराष्ट्र राज्य में अब सम्बन्धित क्षेत्रों
के सम्बन्धित हैं, विधायित करने हैं और उस राज्य के राज्यपाल से परामर्श
करके, निम्नलिखित आदेश करते हैं, यथातः —

1. (1) इस आदेश का संविधान नाम अनुसूचित क्षेत्र (महाराष्ट्र)
आदेश, 1985 है।

(2) यह मूल प्रकाश होता है।

1175 GJ/85

2. नीचे विनिर्दिष्ट क्षेत्र महाराष्ट्र राज्य के भीतर अनुसूचित क्षेत्र के
रूप में पुनः परिनिश्चित किए जाते हैं :—

1. भागा विभाग में निम्नलिखित :—(क) दहानु, लक्ष्मणे, मोन्हावा,
जोहर, भाडा और भाडपुर तहसील;

(ख) (i) भागाधर तहसील के नीचे उल्लिखित एक को चौकालीय
गांव :—

भागाधर तहसील :—(1) भागाधर, (2) कुडवा, (3) बहोबर-लक्ष्मण-भागाधर,
(4) चिनाली, (5) दावे, (6) चककराट्टी, (7) कुर्वाण, (8)
परमासी, (9) बंगली, (10) भागाधरवाली, (11) नेवले, (12)
विगांध, (13) हरयाण, (14) चिचारे, (15) धर्मगौडम, (16)
सागीवाली, (17) धर्मवे, (18) बरहाधर, (19) लक्ष्मण, (20)
कुडवा, (21) भागाधर, (22) भागाधर, (23) भागाधर, (24)
धर्मवे, (25) भागाधर, (26) भागाधर, (27) भागाधर, (28)
भागाधर, (29) भागाधर, (30) भागाधर, (31) भागाधर, (32) भागाधर,
(33) भागाधर, (34) भागाधर, (35) भागाधर, (36) भागाधर,
(37) भागाधर, (38) भागाधर, (39) भागाधर, (40) भागाधर, (41)
भागाधर, (42) भागाधर, (43) भागाधर, (44) भागाधर, (45) भागाधर,
(46) भागाधर, (47) भागाधर, (48) भागाधर, (49) भागाधर,
(50) भागाधर, (51) भागाधर, (52) भागाधर, (53) भागाधर

(1)

मधो भागी, (६४) पलीभागी, (६५) दावे, (७०) मागे, (७१)
दखभागे, (७२) विरुध्दभागा :

[illegible]

सुधारें तत्परीत :—(१) कवाण, (२) बिभाव, (३) बाडावाणी, (४) मखारे, (५) मुठलमोरावा, (६) धावनें खुदे, (७) मखाने, (८) दूने, (९) शेवाले (१०) तालवाणी-तर्फे-पोरते, (११) हकमहुरे, (१२) बावने-नाक-बुलाने, (१३) गिवापर, (१४) उडोवाण (१५) पट्टे, (१६) कडाणी, (१७) धमाई, (१८) बातावाणी, (१९) तापू, (२०) देवावर, (२१) मय (२२) सोमवाले, (२३) वेतुन, (२४) पयामे, (२५) कणने, (२६) मणुन, (२७) धीव, (२८) पनोरे, (२९) बाई, (३०) मेलागण, (३१) लिरोणी, (३२) मेलागण, (३३) लागाकाली, (३४) मेकोरी, (३५) बडोबावरे, (३६) नात, (३७) जवाई, (३८) धन्योवानी, (३९) दिपेकाल, (४०) पिवापणना (४१) मोखर खुदे, (४२) मोखर बुलाव (४३) पंचोली, (४४) मुनय मणवा, (४५) पाटुडी, (४६) मोरोमो, (४७) कंठुलमोराव (४८) मणवे, (४९) पितामो-तर्फे-वा, (५०) मुलतेद, (५१) कणने, (५२) खाली, (५३) देवाकनी, (५४) कापवीडे, (५५) कडवर, (५६) उजल रोडा (५७) मडोरांगे, (५८) रोकावाडे, (५९) हवेणवा, (६०) गालाकाली (बातावाण), (६१) बाईमाधवा, (६२) मासोरोली-तर्फे-बोडुन, (६३) वेगारे, (६४) जमनीली बुलाव, (६५) बोरोवाणे, (६६) मंडवात, (६७) महाज, (६८) पावने, (६९) बोमोरी, (७०) कणवाप, (७१) कतामवाड (भोंडोवने), (७२) वेकारे (७३) दुवाणी, (७४) धवणीली खुदे, (७५) बोरोकानी, (७६) मिलेट, (७७) सोप-

[illegible]

(iii) निम्नलिखित तथ्यों के साथे परिचित होकर :—

(क) (i) हिन्दोरी बहुमूल्य के साथ प्रमाणित कर में सह

(iii) निम्नोक्त तदुक्तानि - (1) भोवानी, (2) गणेशपुरी, (3) बडाबानी बख्खरी, (4) धनानी, (5) तगरानी, (6) खनीबानी, (7) जल बांध, (8) मोहताब, (9) केले, (10) बरडे, (11) बाने, (12) बगरोवाका दुवाक, (13) दुवाक, (14) नवीबानी, (15) बडाबानी-कुरा दुवाक, (16) मालबोरी, (17) मोहोली, (18) गन्दी-बाने, (19) दोषी, (20) गबरोनी, (21) मुणिया, (22) फिनांने खुदे, (23) फिनांने बुगबक, (24) धनखोबानी, (25) चिछोबाले (26) देवबोले, (27) भासाव, (28) बडवाण, (29) बिडाबानी-मार्क-बुडे, (30) डण, (31) बाये, (32) बाडाने, (33) बुडे, (34) बोलियाडे (35) मेंडे (36) नरवाक, (37) बगाली बख्खर, (38) केले, (39) कांडे, (40) डोरे (41) निवानी, (42) नेवाडे, (43) बडाबानी, (44) देवोरे (45) - अम्मीबानी-एक-भवाले, (46) उमरबोरी, (47) आठो (48) आठो (49) निडोड, (40) बडोबानी, (49) बरी, (50) बरडे, (51) पहाड, (52) मोहवा, (53) बगबुर, (54) मोहवाली, (55) अम्मीबानी-एक-बुडे (56) धनानी-एक-बुडे, (57) मिनेले, (58) बख (59), (60) मोहोबाले, (60) निवाण, (61) पिपल मोड मुहोड, (62) बडोनी खुदे (63) बडोनी बडक, (64) चिछोबाले (65) बुडे, (66) भागने, (67)

[illegible]

देववास (14) केशवसागर, (15) भगतापुर, (16) रायपुर, (17) जामोरी
 (18) पतियासाह, (19) बलान्ते (20) मुजहर, (21) बजुवले, (22)
 मीरले विहार, (23) बोधदाईवास, (24) भीमखेले (25) दायाम,
 (26) मुग, (27) सातहर, (28) बडारबेले, (29) बीरवाले,
 (30) मुजम, (31), दायबेले, (32), बाघाहा (33) म्याले
 (34) भाबान्ते, (35) बलान्ते, (36) मलमले भुई (37) भाबान्ते,
 (38) विगारे, (39) केरसावे, (40) बाबोड, (41) लावारीदेसाहा,
 (42) लावारावे विहार (43) भोरकुटे (44) भीमवारी
 भुई (45) केनवाहा, (46) डाटनी, (47) भीमवाहा (48) को
 कपारी बुद्धन, (49) जौलन (50) सातकोट, (51) कनकबहाद (52)
 धान मोनहाने, (53) निम्बवान, (54) अगले (55) दाहो कुले, (56)
 भाववाहा, (57) बाबोरीदेहा.

3. पञ्च द्विषः सं निघ्नन्तिष्ठितः—

[illegible]

(ii) सन्दुखों व सन्दुखीय के नीचे उल्लिखित व्यापारी मानकों पर सन्दुखों व सन्दुखीय का उपयोग

[illegible]

(००) रसायन सूची, (०१) आरसायन, (०२) कपायन, (०३) वाहकाने,
(०४) अन्तर्वाहकाने, (०५) हरी जल इतरी, (०६) गजाली, (०७)
सूती, (०८) रसायनवाहक, (०९) वाहकाने, (१०) पायोनवे, (११)
हल-वाहक-हलकी, (१२) आरसायन, (१३) वाहकाने, (१४) गजाली

बागवत लक्ष्मीन — (1) बोरगुहे, (2) मोहामोरी (3) कैलाश,
(4) मोलवार, (5) हनुमन्, (6) माडीवार, (7) धम्मगुण, (8) जाट,
(9) विनायक, (10) मोरार, (11) धनद, (12) मने दिवाण, (13)

[illegible]

(२४) विहरकाने, (३०) उडाडावाकाने, (३१) कांढानो, (३२) भाटभर, (३३) सिमनबाडो रावुर (३४) धरसीद, (३५) वेदी, (३६) सप्तगड, (३७) भंडारवाडा, (३८) रणना बुद्धक, (३९) राणावा लुई, (४०) सांसोवा, (४१) काठोरी, (४२) विमलपुर, (४३) मुसिई, (४४) कटनपुर, (४५) रणवाडी, (४६) घुडको, (४७) बैराज, (४८) रावुर, (४९) विक, (५०) कंभेदेने, (५१) केतुपन, (५२) जाभावा, (५३) शिल्पीने बुद्धन, (५४) सावरपुर, (५५) कुमोट, (५६) सिमुरे खुई, (५७) प्रसन्नमान, (५८) भाईद, (५९) बालन, (६०) सांसिक भोडार, (६१) तुपुकाडो, (६२) मकोरी, (६३) सिमराक, (६४) सांडुलको, (६५) बांढोरी, (६६) खाडकी, (६७) नाकरवाडी, (६८) रावरी, (६९) सिमारावे, (७०) भाडाने, (७१) सिमराक, (७२) सिमरी, (७३) बांढी, (७४) रौटल, (७५) लावानी, कोटन, (७६) कापडारी, (७७) सिमबाडी, (७८) कोढोरी, (७९) लावनी बांडुव, (८०) दागे, (८१) कोठावे, (८२) सोमपकाडे, (८३) मिहिर, (८४) सिजा, (८५) बाईद खुद (८६) पामसुई, (८७) सिमराडी, (८८) मोलभंडी, (८९) मटेवाडी, (९०) केवी बांडुव, (९१) केवी कोटन, (९२) वेदेवाडी, (९३) इमरदाव, (९४) बरडी ।

६-पुष्पे जिते ये निम्नलिखिताः—

(क) (i) धर्मप्राप्त तहसील के नीचे उल्लिखित स्थान प्रा. —
 धर्मप्राप्त तहसील — (1) डोय, (2) गिराजगाने, (3) ब्रधाने,
 (4) बाटुगे, (5) जिराव, (6) सावेय, (7) धामने, (8) मानिने,
 (9) नागाबाजे, (10) बन्नादे, (11) बागजगाने, (12) कुंझारे,
 (13) बडिधाने, (14) गोवरर, (15) बावले, (16) कुमारे, (17)
 पांखाने बुदक, (18) कुमारे बुदक, (19) विनाथ, (20)
 पाखाने बुदे, (21) महाभुने-रक-धर्मप्राप्त, (22) सावराणी (23)
 मेणाली, (24) बावने, (25) सावेरी, (26) गिरा, (27) धर्मप्राप्त,
 (28) जाम भोरी, (29) कलम साई, (30) बांदाधाने, (31)
 धुमबाजे, (32) फातने, (33) कालाबाजे, (34) वेर मगाव, (35)
 हिंके बुदक, (36) महाभुने-रक भोरा, (37) राजपुर, (38) निजाली,
 (39) राजेकोटी, (40) सुभर, (41) लावेर, (42) बावली,
 (43) हिंके बुदे, (44) बंधारी, (45) मोडे बुदक, (46) गिराडावे,
 (47) मोडे बुदे, (48) माणारी, (49) धुमपुर बुदे, (50) सावानी, (51)
 कावने, (52) बंधार बुदक, (53) गिवाणी, (34) गिरल प्रा. रक-
 भोरा, (55) गिरा, (56) डालने

(iii) अनुसूचित जातों के बीचों में अतिरिक्त सीटें राखें —

[illegible]

१. गांधी जिले में विद्युत्प्रसारण है—

(क) चित्तवाट तहसील के नीचे उल्लिखित एक ही भाग में गांव
की संख्या चित्तवाट है:—

विन्यास तद्विधौ : (1) टाकणे, (2) वाडणा, (3) संवधान, (4) नुकी, (5) कावडा, (6) कोणी, (7) घाण्या, (8) मोंडेणा, (9) मण्डणान (महोले), (10) बोलवण, (11) उमरा, (12) मवरा पाठी, (13) कवणवण, (14) मावणखेर, (15) दिगडी कुटे-पात्र, (16) ताम, (17) हारवण, (18) कावडवणी, (19) दिवण, (20) बावण, (21) सुनमी, (22) मोंडवण्णा, (23) धनमोड, (24) मोंडण, (25) मोंडवण, (26) मोंडण, (मिण्डेण), (27) रामपुर, (28) पडरी, (29) मोंडणा, (30) पावडी, (31) मिळणे, (32) मिण्डेण, (33) हरोवण, (34) मोंडणी, (35) इतर, (36) मोंडी, (37) मोंड, (38) मोंड, (39) मरवी, (मिण्डेण), (40) मणवडी (41) मणवडा वडावण, (42) उमरा, (43) मोंडवण, (44) मोंड, (45) मिण्डेण, (46) मणवडी, (47) वेहरी, (48) मिण्डा, (49) मुण्डाण, (50) दिवणी, (51) मिणी, (52) मणपुर, (53) नुकी, (54) मोंडवणवडा, (55) हारवणमी (मिण्डेण), (56) मिण्डा (57) मोंडपुर, (58) मोंडी, (59) मोंडवडा वडावण, (60) मोंडणी, (61) बावण, (62) पली, (63) मोंडवण, (64) मोंडी, (65) मोंडणी (मिण्डेण), (66) मणवडा (मिण्डेण), (67) मोंडवण (मिण्डेण), (68) मणवडा, (69) मिणी, (70) पावडा, (71) मोंडा (72) मणपुर, (73) मोंडी, (74) मिणी (मोंडपुर), (75) मोंडवण (मिण्डेण), (76) मोंडपुर, (77) मणणी, (78) मिणी (मिण्डा), (79) मणवडावण, (80) मोंड, (81) मणवडा, (82) मोंडणी (83) मोंडी, (84) मणवडावडी, (85) मोंडी, (86) मणवडावडी, (87) मणवडा, (88) मोंडी, (मिण्डा), (89) मणवडा, (90) मणवडावडा, (91) मणवडा, (92) मणवडा, (93) मणवडावडा, (94) मोंडी, (95) मिण्डेण, (96) मणवडा, (97) मणवडावण, (मिण्डा), (98) मणवडावण, (99) मणवडा, (100) मणवडा, (101) मणवडा (मणवडावण), (102) मणवडावण, (103) मणवडा (मिण्डा), (104) मणवडा मणवडी, (105) मोंडी, (106) मणवडी, (107) मणवडावण, (मिण्डा), (108) मणवडावण, (109) मणवडी, (110) मणवडा, (मिण्डा), (111) मणवडी, (मिण्डा), (112) मणवडा, (113) मणवडा, (114) मणवडावण, (मिण्डा), (115) मणवडावण, (116) मणवडा, (117) मणवडी वडा, (118) मणवडा, (119) मणवडा, (120) मिण्डावण, (121) मणवडी वडा, (122) मणवडी वडा, (123) मणवडी वडावण, (124) मिण्डा, (मिण्डा), (125) मणवडी, (मणवडा), (126) मणवडा, (127) मणवडावण, (128) मणवडा (मिण्डा), (129) मिणी, (130) मणवडी (मिण्डा), (131) मणवडी, (132) मणवडा, (133) मणवडी वडा, (134) मिण्डावण, (135) मणवडावण, (136) मणवडावण, (137) मणवडा, (मणवडा), (138) मणवडी, (मिण्डा), (139) मणवडावण, (140) मिण्डा, (141) मणवडावण, (मिण्डा), (142) मिण्डा (मिण्डा), (143) मणवडी, (144) मणवडावण, (145) मणवडा (मणवडा), (146) मणवडी, (147) मणवडावण, (148) मणवडी, (149) मणवडी वडा, (150) मणवडावण, (151) मणवडा, (152) मणवडी, (153) मणवडी वडा, (154) मणवडावण, (155) मणवडी वडा, (156) मणवडावण, (157) मणवडी वडा, (158) मणवडावण, (159) मणवडी वडा, (160) मणवडावण, (161) मणवडी वडा, (162) मणवडावण, (163) मणवडी वडा, (164) मणवडावण, (165) मणवडी वडा, (166) मणवडावण, (167) मणवडी वडा, (168) मणवडावण, (169) मणवडी वडा, (170) मणवडावण, (171) मणवडी वडा, (172) मणवडावण, (173) मणवडी वडा, (174) मणवडावण, (175) मणवडी वडा, (176) मणवडावण, (177) मणवडी वडा, (178) मणवडावण, (179) मणवडी वडा, (180) मणवडावण, (181) मणवडी वडा, (182) मणवडावण, (183) मणवडी वडा, (184) मणवडावण, (185) मणवडी वडा, (186) मणवडावण, (187) मणवडी वडा, (188) मणवडावण, (189) मणवडी वडा, (190) मणवडावण, (191) मणवडी वडा, (192) मणवडावण, (193) मणवडी वडा, (194) मणवडावण, (195) मणवडी वडा, (196) मणवडावण, (197) मणवडी वडा, (198) मणवडावण, (199) मणवडी वडा, (200) मणवडावण, (201) मणवडी वडा, (202) मणवडावण, (203) मणवडी वडा, (204) मणवडावण, (205) मणवडी वडा, (206) मणवडावण, (207) मणवडी वडा, (208) मणवडावण, (209) मणवडी वडा, (210) मणवडावण, (211) मणवडी वडा, (212) मणवडावण, (213) मणवडी वडा, (214) मणवडावण, (215) मणवडी वडा, (216) मणवडावण, (217) मणवडी वडा, (218) मणवडावण, (219) मणवडी वडा, (220) मणवडावण, (221) मणवडी वडा, (222) मणवडावण, (223) मणवडी वडा, (224) मणवडावण, (225) मणवडी वडा, (226) मणवडावण, (227) मणवडी वडा, (228) मणवडावण, (229) मणवडी वडा, (230) मणवडावण, (231) मणवडी वडा, (232) मणवडावण, (233) मणवडी वडा, (234) मणवडावण, (235) मणवडी वडा, (236) मणवडावण, (237) मणवडी वडा, (238) मणवडावण, (239) मणवडी वडा, (240) मणवडावण, (241) मणवडी वडा, (242) मणवडावण, (243) मणवडी वडा, (244) मणवडावण, (245) मणवडी वडा, (246) मणवडावण, (247) मणवडी वडा, (248) मणवडावण, (249) मणवडी वडा, (250) मणवडावण, (251) मणवडी वडा, (252) मणवडावण, (253) मणवडी वडा, (254) मणवडावण, (255) मणवडी वडा, (256) मणवडावण, (257) मणवडी वडा, (258) मणवडावण, (259) मणवडी वडा, (260) मणवडावण, (261) मणवडी वडा, (262) मणवडावण, (263) मणवडी वडा, (264) मणवडावण, (265) मणवडी वडा, (266) मणवडावण, (267) मणवडी वडा, (268) मणवडावण, (269) मणवडी वडा, (270) मणवडावण, (271) मणवडी वडा, (272) मणवडावण, (273) मणवडी वडा, (274) मणवडावण, (275) मणवडी वडा, (276) मणवडावण, (277) मणवडी वडा, (278) मणवडावण, (279) मणवडी वडा, (280) मणवडावण, (281) मणवडी वडा, (282) मणवडावण, (283) मणवडी वडा, (284) मणवडावण, (285) मणवडी वडा, (286) मणवडावण, (287) मणवडी वडा, (288) मणवडावण, (289) मणवडी वडा, (290) मणवडावण, (291) मणवडी वडा, (292) मणवडावण, (293) मणवडी वडा, (294) मणवडावण, (295) मणवडी वडा, (296) मणवडावण, (297) मणवडी वडा, (298) मणवडावण, (299) मणवडी वडा, (300) मणवडावण, (301) मणवडी वडा, (302) मणवडावण, (303) मणवडी वडा, (304) मणवडावण, (305) मणवडी वडा, (306) मणवडावण, (307) मणवडी वडा, (308) मणवडावण, (309) मणवडी वडा, (310) मणवडावण, (311) मणवडी वडा, (312) मणवडावण, (313) मणवडी वडा, (314) मणवडावण, (315) मणवडी वडा, (316) मणवडावण, (317) मणवडी वडा, (318) मणवडावण, (319) मणवडी वडा, (320) मणवडावण, (321) मणवडी वडा, (322) मणवडावण, (323) मणवडी वडा, (324) मणवडावण, (325) मणवडी वडा, (326) मणवडावण, (327) मणवडी वडा, (328) मणवडावण, (329) मणवडी वडा, (330) मणवडावण, (331) मणवडी वडा, (332) मणवडावण, (333) मणवडी वडा, (334) मणवडावण, (335) मणवडी वडा, (336) मणवडावण, (337) मणवडी वडा, (338) मणवडावण, (339) मणवडी वडा, (340) मणवडावण, (341) मणवडी वडा, (342) मणवडावण, (343) मणवडी वडा, (344) मणवडावण, (345) मणवडी वडा, (346) मणवडावण, (347) मणवडी वडा, (348) मणवडावण, (349) मणवडी वडा, (350) मणवडावण, (351) मणवडी वडा, (352) मणवडावण, (353) मणवडी वडा, (354) मणवडावण, (355) मणवडी वडा, (356) मणवडावण, (357) मणव

७. अमरावती जिले में निम्नलिखित :-

(क) विश्वनाथन और धारणी की लड़की।

७. यकोतनाम जिले में निम्नलिखित :—

(क) (i) सूर्यपाथ लहरीयों के बीच प्रतिबिम्बित एक-दो-लहरीयों
मात्र —

[illegible]

[illegible]

बनौली लहसुन—(1) बनसपुर (788), (2) बनौला (761), (3) मितासरा (765), (4) भैंसी कपहल (771), (5) चट्याही, (6) चोले कनहारा, (7) कलमपुर (8), दुमरा, (9) खैरद, (10) कुमेलार, (11) मानसपुर (12) बरसी (788), (13) लखवाड़ा (14) बालाबोधापुर (15) जोसला (16) मुरखुर (17) रायबल्लारी (18) बीसपुर, (19) इरणी, (20) मछासावा, (21) गैडनूट (22) गिरगाव रैड, (23) पहरौ बालन, (24) पावनीपुर, (25) बाक भागवती सं = 1 (800), (26) मूलन, (27) मंझौर, (28) मुरवा गाँव (29) नैनमुंडा, (30) घासल, (31) कलकण्ठाली, (32) बाक कलकण्ठाली, (33) मेलकपुरवा, (34) कुमन, (35) गैडनी, (36) बाक मूझी सं = 2 (37) लखवाड़ा, (38) मानसपुर (820), (39) बालगौरी (40) मूझौर, (41) बाक मुरखुरापुर सं = 1, (42) बाक मुरखुरापुर सं = 1, (43) उलुन बुरडा, (44) प्रखिया (825), (45) मानस, (46) बिचपल्ली, (47) मानसपुर, (48) उदगापुर, (49) बीगाव (50) नारायणपुर, (51) उलुन बुरडा, (52) लखवाड़ा, (53) मूझौर (54) कोझीर (845), (55) बालगौरी डेब, (56) मानसपुर, (57) बालगौरी (848), (58) मिशनीर, (59) मानसपुर, (60) गैडनूट (61) मानसपुर सं = 1 (62) पुरौरी डेब, (63) भागवतली, (64) इरखुर (880), (65) उदगापुर रैड, (66) मेलीपुरा, (67) बाक बालगौरी, (68) बरसी, (69) उदगापुर, (70) बाक मानसपुर सं = 4, (71) उदगापुर (72) बाक मानसपुर सं = 2, (73) बाक मानसपुर सं = 3 (74) पुरौरी, (75) बालगौरी लखवाड़ा (76) मानसपुर भागवती सं = 1, (77) मानसपुर घासवाड़ा सं = 2, (78) मुरौरी (79) मिशनीर (80) मानसपुर मानसपुर, (81) मानसपुर, (82) बरसी नौबेबाड़ा, (83) मानसपुर, (84) बेलनूर, (85) नौबेबाड़ा, (86)

[illegible][illegible]

महाराष्ट्र, (148) मन्तोरी बुद्रुक, (149) वावेगाव, (150) हरदोला बुद्रुक, (151) हरदोला, बुद्रुक, (152) विनिगाव (224) (153) मागी (154) वासगाव, (155) पन्हाणोली (227), (156) पहेरी, (157) कोचो, (158) गोंयज, (159) वाकर, (160) रानोलेली, (161) भेदोडा, (162) उमभुनगाही (163) विरड, (164) विचगाव, (165) कावपाडा (166) (168) गानुली, (167) मिर्गो, (168) बटो (169) मेन्हाता, (170) खेनगाही, (171) मेन्हाव (265) (172) विवाता, (173) विरड, (174) विडेगव, (175) पोट, (176) दीर्घागाव (269), (177) मुर्वी, (178) कावपाडा, (179) वाकर-कोट, (180) भवेगाव, (181) अमराव (277), (182) घुमूर

3. पुर्वानामो वीस 3 मे किती प्रादेशिक खण्ड के प्रति किती निर्देश का बाहेर वही किती नो नाम मे उपस्थित हो, यह सर्व मर्यादा जायत कि वह इन प्रदेश के राज्य पर एकाधिकमान उस नाम के प्रादेशिक खण्ड के प्रतिनिर्देश है।

जैन सिंह,

राज्यपाल

[सं. का. 19(2)/83-वि.—1]

३० वें मूल वेरिगावरी,
मन्वि

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 2nd December, 1983

G.S.R. 876 (E).—The following Order made by the President is published for general information:—

"C.O. 123

THE SCHEDULED AREAS (MAHARASHTRA) ORDER, 1985

In exercise of the powers conferred by sub-paragraph (2) of paragraph 6 of the Fifth Schedule to the Constitution of India, the President hereby rescinds the Scheduled Areas (Part A States) Order, 1950, and the Scheduled Areas (Part B States) Order, 1950, in so far as they relate to the areas now comprised in the state of Maharashtra, and in consultation with the Governor of that state, is pleased to make the following Order, namely:—

1. (1) This Order may be called the Scheduled Areas (Maharashtra) Order, 1985.

(2) It shall come into force at once.

2. The areas specified below are hereby redefined to be the Scheduled Areas within the State of Maharashtra:—

1. The following in Thane District:—

(a) Tahsils of Dahana, Talasari, Mokhanda, Jawhar, Wada and Shahapur;

(b) (i) The one hundred forty-four village of Palghar tahsil as mentioned below:—

Palghar tahsil:—

(1) Tarapur, (2) Kurla, (3) Dahisar-tarf-Tarapur, (4) Ghuwli, (5) Wawa, (6) Akkarpati, (7) Kurgaon, (8) Parnali, (9) Vengani, (10) Patharwali, (11) Nowale, (12) Shigaon, (13) Gargaon, (14) Chinchare,

(15) Akegawhan, (16) Naniwali, (17) Ambedha, (18) Barhanpur, (19) Salgaon, (20) Khutad, (21) Khaniwade, (22) Rawate, (23) Akoli, (24) Asheri, (25) Sonutte, (26) Pashilal, (27) Boinar, (28) Borheti, (29) Mahagaon, (30) Kirai, (31) Wade, (32) Khadkawane, (33) Mendhwan, (34) Vilshet, (35) Kondgaon, (36) Karsood, (37) Betegaon, (38) Warangade, (39) Lalonde, (40) Ghanede, (41) Kambalgaon, (42) Man, (43) Ghaneghar, (44) Wedhe, (45) Chari Budruk, (46) Birwadi, (47) Kallale, (48) Padghe, (49) Pole, (50) Nandore, (51) Girnoli, (52) Borande, (53) Derkhope, (54) Sagawe, (55) Kosbad, (56) Kokaner, (57) Nagzari, (58) Chari Khurd, (59) Velgaon, (60) Khutal, (61) Chiltar, (62) Bhopoli, (63) Nihe, (64) Damkhand, (65) Kondhan, (66) Awandhan, (67) Bangarchole, (68) Shil, (69) Loware, (70) Bandhan, (71) Nandgaon-tarf-Manor, (72) Shilshet, (73) Katala, (74) Ambhan, (75) Wasaroli, (76) Kharshet, (77) Manor, (78) Takwahal, (79) Sawarkhand, (80) Nalshet, (81) Kev, (82) Wakadi, (83) Maswan, (84) Wandiwali, (85) Netaji, (86) Saye, (87) Ten, (88) Kuralgaon, (89) Gowade, (90) Tamsai, (91) Durves, (92) Dhuktan, (93) Pochade, (94) Haloli, (95) Khamlioli, (96) Bahadoli, (97) Bor, (98) Embur (rambi), (99) Danisari-tarf-Manor, (100) Kude, (101) Gunlave, (102) Sariwali, (103) Vehaloli, (104) Saware, (105) Warai, (106) Jansai, (107) Khaire, (108) Dhokale, (109) Ganje, (110) Jayshtet, (111) Shelwado, (112) Veur, (113) Ambadi, (114) Nawali, (115) Morawali, (116) Varkhunri, (117) Kamare, (118) Tokrale, (119) Bandate, (120) Zanjareli, (121) Chahade, (122) Wasare, (123) Khadkoli, (124) Sakhare, (125) Rotho, (126) Lalihane, (127) Navaze, (128) Tandulwadi, (129) Girale, (130) Pargaon, (131) Nagawe-tarf-Manor, (132) Umbarpada Nandade, (133) Uchavali, (134) Salale, (135) Sonawe, (136) Makane Kapse, (137) Karwale, (138) Wadhiv Sarawali, (139) Pegand, (140) Kandawan, (141) Dahiwal, (142) Darshet, (143) Navghar (Ghatim), (144) Umbarpada-tarf-Manor.

(ii) The forty-five villages of Vasai (Bassein) tahsil as mentioned below:—

Vasai (Bassein) tahsil:—

(1) Dahisar, (2) Koshimbe, (3) Tulinj, (4) Sakawar, (5) Chimane, (6) Hedavade, (7) Kashidkopar, (8) Khaniwade, (9) Bhatiwaji, (10) Kavher, (11) Shirsad, (12) Mandvi, (13) Chandip, (14) Bhatane, (15) Shivansai, (16) Usgaon, (17) Medhe, (18) Vadghar, (19) Bhiner, (20) Ambode, (21) Kalbhon, (22) Adne, (23) Sayawan, (24) Parol, (25) Shirvili, (26) Majivali, (27) Karanjon, (28) Tilher, (29) Dhavji, (30) Pelhar, (31) Achole, (32) Valiv, (33) Sativali, (34) Rajavali, (35) Kofhi, (36) Chinchori, (37) Juchandra, (38) Bapane, (39) Deodai, (40) Kamam, (41) Sarjamori, (42) Poman, (43) Shilotar, (44) Sasunavghar, (45) Nagle.

(iii) The seventy-two villages of Bhiwandi tahsil as mentioned below:—

Bhiwandi tahsil:—

(1) Bhiwadi, (2) Ganeshpuri, (3) Vadavali Vajreshwari, (4) Akoli, (5) Savaroli, (6) Khativali, (7) Usgaon, (8) Chhotgaon, (9) Vadhe, (10) Varghe, (11) Chane, (12) Asoli-tarf-Dugad, (13) Dugad, (14) Manivali, (15) Vadavali-tarf-Dugad, (16) Malibidi, (17) Mohili, (18) Nandehane, (19) Depoli, (20) Sakharoli, (21) Supergaon, (22) Pitante Khurd, (23) Pitante Budruk, (24)

Alkhiwadi, (25) Vaghivale, (26) Devchale, (27) Sagoan, (28) Eksal, (29) Chinchavali-tarf-Kunde, (30) Dudhani, (31) Vape, (32) Ghadane, (33) Kunde, (34) Ghotavade, (35) Mainde, (36) Karmale, (37) Kandali Budruk, (38) Kelhe, (39) Kandali Khurd, (40) Dighasli, (41) Newade, (42) Ambadi, (43) Dalonde, (44) Jambhivali-tarf-Khambale, (45) Umberkhanda, (46) Ashivali, (47) Zidake, (48) Kharivali, (49) Base, (50) Gondade, (51) Pahare, (52) Shetgaon, (53) Pachhapur, (54) Gondravali, (55) Jambhivali-tarf-Kunde, (56) Asnoli-tarf-Kunde, (57) Shirole, (58) Dabhad, (59) Mohandul, (60) Shirgaon, (61) Pimpal Sahi Bhusheth, (62) Khadki Khurd, (63) Khadki Budruk, (64) Chimbipade, (65) Kuhe, (66) Dhamne, (67) Lakhiwadi, (68) Palivadi, (69) Paye, (70) Gane, (71) Dahyale, (72) Firangpada,

(iv) The seventy-seven villages of Murbad tahsil as mentioned below:—

Murbad tahsil:—

(1) Kasgaon, (2) Kisai, (3) Wadawali, (4) Sakhare, (5) Khutalborgaon, (6) Ambele Khurd, (7) Sayalo, (8) Inde, (9) Khedale, (10) Talawali-tarf-Ghorat, (11) Eklahare, (12) Chafe-tarf-Khedul, (13) Pimpalghar, (14) Dahigaon, (15) Parhe, (16) Kandali, (17) Dhasai, (18) Alyani, (19) Palu, (20) Deoghar, (21) Madh, (22) Sonawale, (23) Veluk, (24) Alawe, (25) Bursunge, (26) Mandus, (27) Khed, (28) Wanote, (29) Shai, (30) Shelgaon, (31) Shiroshi, (32) Talegaon, (33) Fangalkoshi, (34) Merdi, (35) Walhivare, (36) Mal, (37) Jadai, (38) Ambiwali, (39) Dighephal, (40) Diwanpada, (41) Kochare Khurd, (42) Kochare Budruk, (43) Chosale, (44) Khutal Bungalow, (45) Nayahadi, (46) Moroshi, (47) Fangulgawhan, (48) Sawarne, (49) Thitabi-tarf-Vaishakahre, (50) Kudshet, (51) Fangane, (52) Khapari, (53) Hedawali, (54) Karchonde, (55) Zadhgar, (56) Udadoda, (57) Mhorande, (58) Tokawade, (59) Bolegaon, (60) Talawali (Baragaon), (61) Waishakhare, (62) Maniwali-tarf-Khedul, (63) Pendhari, (64) Umaroli Budruk, (65) Ojivale, (66) Mandwat, (67) Mahaj, (68) Padale, (69) Koloshi, (70) Jai-gaon, (71) Kalambad (Bhondivale), (72) Kheware, (73) Dudhanoli, (74) Umaroli Khurd, (75) Khopiwali, (76) Milhe, (77) Gorakhgad.

2. The following in Nasik District:—

(a) The tahsils of Peint, Sargana and Kalwan;

(b) (i) The one hundred six villages of Dindori tahsil as mentioned below:—

Dindori tahsil:—

(1) Mokhanal, (2) Bhanwad, (3) Dehare, (4) Karanjali, (5) Gandole, (6) Palasvihar, (7) Vate, (8) Vanjole, (9) Ambad, (10) Vanare, (11) Titve, (12) Deothan, (13) Nanashi, (14) Charose, (15) Deoghar, (16) Kaudasari, (17) Vani Khurd, (18) Pimpalgaon Dhum, (19) Joran, (20) Mahaje, (21) Sadrale, (22) Nalwadi, (23) Oje, (24) Golsi, (25) Jalched, (26) Nigdol, (27) Kokangaon Budruk, (28) Umbrale Khurd, (29) Ambegan, (30) Chachadgaon, (31) Vaghad, (32) Pophal Wade, (33) Dhaur, (34) Umbale Budruk, (35) Jambutke, (36) Pimpri, (37) Nalegaon, (38) Vilwandi, (39) Rasegaon, (40) Kachargaon, (41) Tilholi, (42) Ravatgaon, (43) Deher Wadi, (44) Dhagur, (45) Deosane, (46) Sarsale, (47) Karanjkhed, (48) Pingatwadi, (49) Eklahare, (50) Chausale, (51) Pimpri Anchla, (52)

Ahiwantwadi, (53) Goldari, (54) Haste, (55) Kolher, (56) Jirwade, (57) Chamdari, (58) Maledumala, (59) Mandane, (60) Koshimbe, (61) Punegaon, (62) Pandane, (63) Ambaner, (64) Chandikapur, (65) Bhatode, (66) Dahivi, (67) Mulane, (68) Kokangaon Khurd, (69) Malegaon, (70) Pimparkhed, (71) Phopasi, (72) Vani Kasba, (73) Sangamner, (74) Khedla, (75) Mavadi, (76) Karanjwan, (77) Dahegaon, (78) Vaglad, (79) Krishnagaon, (80) Varkhed, (81) Kadvarahalungi, (82) Gaondegaon, (83) Hatnore, (84) Nilwandi, (85) Pimpalgaon Ketki, (86) Rajapur, (87) Dindori, (88) Jopul, (89) Madki Jamb, (90) Palkhed, (91) Indore, (92) Korhate, (93) Chinchkhed, (94) Talegaon Dindori, (95) Akrale, (96) Mohadi, (97) Pimpalananare, (98) Khatwad, (99) Ramsej, (100) Ambe Dindori, (101) Dhakambe, (102) Janori, (103) Manori, (104) Shivanai, (105) Varwandi, (106) Jaulke Dindori,

(ii) The ninety-three villages of Igatpuri tahsil as mentioned below and one town Igatpuri:—

Igatpuri tahsil:—

(1) Dhafoshi, (2) B'ilmul, (3) Pahin, (4) Zarwal Khurd, (5) Takharsha, (6) Awwali Harsha, (7) Samrili, (8) Kharoli, (9) K'joli, (10) Avhat, (11) Kishgaon, (12) M'ichandryahi, (13) A'ward, (14) Dapur, (15) Met Humba-hi, (16) Zarwad Budruk, (17) Mhasurli, (18) Sh'vg'dang, (19) Wajjoli, (20) Deogaon, (21) Ahurli, (22) Nantagaon, (23) Vavi Harsha, (24) Nagosali, (25) Dhargaon, (26) On'ili, (27) Saturli, (28) Awallidumala, (29) Karhal, (30) Rayamba, (31) Taked-sagaon, (32) M'ity'lyahi, (33) B'urli, (34) Walvihir, (35) Bhavli Budruk, (36) Pimpalgaon Bhata-ta, (37) K'pargaon, (38) K'uruli, (39) Dharoli, (40) Waki, (41) Chinchal (K'air), (42) Tringa'wali, (43) Adwan, (44) Awa'hd de, (45) Paderi, (46) Balayluri, (47) Khambala, (48) Tak: Ghoti, (49) Ghoti Budruk, (50) Talgaon, (51) Girnare, (52) Titoli, (53) B'urt'mbha, (54) Taloshi, (55) Nandgaon Sade, (56) Pimori Sadaroddin, (57) Tal'gha, (58) K'ichargaon, (59) Sh'nowad Budruk, (60) Fangulgavai, (61) B'urli, (62) Maow: h., (63) Bhavli Khurd, (64) K'ulusta, (65) Jamunde, (66) Gahunde, (67) Bhavaj, (68) K'urugwali, (69) Nirpan, (70) Maniargaon, (71) Ambawali, (72) Kh'ikad, (73) Indore, (74) Umbarkon, (75) Somaj Ghadga, (76) Ubhade (Van-julwadi), (77) Megare, (78) B'igaon Tarhale, (79) Dhamangaon, (80) Deole, (81) Khairgaon, (82) Pimpalgaon Mor, (83) Dhamai, (84) A'lasar: Khurd, (85) Adasar: Budruk, (86) A'harwad, (87) Takad Khurd, (88) Takad Budruk, (89) Kh'd, (90) Barshingve, (91) Sonoshi, (92) Maidara Dhanoshi, (93) Wasali,

(iii) The seventy villages in Nasik tahsil as mentioned below and one town Trimbak:—

Nasik tahsil:—

(1) Sapte, (2) Kone, (3) Kharwal, (4) Varasvihar, (5) Vaghera, (6) Rohis, (7) Nandgaon, (8) Gorthan, (9) Hirdi, (10) Malegaon, (11) Wajjoli, (12) Gan'shgaon Waghera, (13) Pimpri Trimbak, (14) Met Kawara, (15) Brahmanwade Trimbak, (16) Toanangan, (17) Dhumadi, (18) Bose, (19) Chakore, (20) Amboli, (21) Ambai, (22) Shirasgaon, (23) Talwade Trimbak, (24) Pimpalad Trimbak, (25) Khambale, (26) Sappaon, (27) Kachurli, (28) Anan'ri, (29) Talgaon Trimbak, (30) P'galwad Trimbak, (31) Vacholi, (32) Ub'rande, (33) Kalmuste, (34) Trimbak (Rural), (35) Harshewadi,

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(102) Mohide-tarf-Haveli, (103) Junwane, (104) Lonkhede, (105) Tembhai, (106) Holgajari, (107) Asut, (108) Bupkari, (109) Maloni, (110) Dongargaon, (111) Kothal-tarf-Shahajale, (112) Matkut, (113) Borale, (114) Kamravad, (115) Kahatul, (116) Vadchhil, (117) Londhare, (118) Udhalod, (119) Nimbhore, (120) Dhandre Budruk, (121) Chirkhan (Forest Village), (122) Asalod (New) (Forest Village), (123) Jainagar, (124) Dhandre Khurd (Forest Village), (125) Marumsdya (Forest Village), (126) Dutkhede (Forest Village), (127) Bhongara (Forest Village), (128) Vadali, (129) Kondhawal, (130) Bhulane (Forest Village), (131) Chandnoli (Forest Village), (132) Ubhadgaon (Forest Village), (133) Kakarde Khurd, (134) Khasarkhede (Forest Village), (135) Malgaon (Forest Village), (136) Langadi Bhavani (Forest Village), (137) Shahana (Forest Village), (138) Kakarde Budruk, (139) Abhanpur Budruk, (140) Katghar, (141) Nimbardi (Forest Village).

(iv) The sixty-two villages in Shirpur tahsil as mentioned below:—

Shirpur tahsil:—

(1) Borpani (Forest Village), (2) Malkatar (Forest Village), (3) Fattepur (Forest Village), (4) Gadhad Deo (Forest Village), (5) Kodid (Forest Village), (6) Gurhadpani (Forest Village), (7) Bhudaki (Forest Village), (8) Waghade (Forest Village), (9) Saigarpada (Forest Village), (10) Manjriburdi (Forest Village), (11) Chondi (Forest Village), (12) Bhudaki (Forest Village), (13) Chandsurya (Forest Village), (14) Boradi (New) (Forest Village), (15) Kakadmal (Forest Village), (16) Vakawad (Forest Village), (17) Umarca (Forest Village), (18) Durabadya (Forest Village), (19) Mohide (Forest Village), (20) Dondwade (Forest Village), (21) Tembha (Forest Village), (22) Kharikhan (Forest Village), (23) Boradi, (24) Wasardi, (25) Nandarde, (26) Chandase, (27) Wadi Budruk, (28) Wadi Khurd, (29) Jalod, (30) Abhanpur Khurd, (31) Tarhad, (32) Ukhawadi, (33) Mukhed, (34) Nimzari, (35) Varzadi, (36) Waghbarca, (37) Samrnyapada, (38) Lauki, (39) Sule (61), (40) Fattepur, (41) Hedakhed, (42) Arunapuri Dam (Deforested), (43) Sangavi, (44) Hated, (45) Zenuya Anjan, (46) Palaner, (47) Khambale, (48) Paskhed (Forest Village), (49) Kharkhuti (Forest Village), (50) Joyada (Forest Village), (51) Chitare (Forest Village), (52) Lakya Hanuman (Forest Village), (53) Mahadeo Dondwade (Forest Village), (54) Malapur (Forest Village), (55) Rohini, (56) Bhoiti, (57) Ambe, (58) Khamkhede Pargane Ambe, (59) Hiwarkhede, (Forest Village), (60) Higaon, (61) Vadel Khurd, (62) Kalapani (Forest Village).

4. The following in Jalgaon District —

(a) (i) The twenty-five villages in Chopda tahsil as mentioned below:—

Chopda tahsil:—

(1) Maratha (Forest Village), (2) Mordhida (Forest Village), (3) Umarti (Forest Village), (4) Satrasni (Forest Village), (5) Krishnapur (Forest Village), (6) Angurhe, (7) Kharya Pachi (Forest Village), (8) Vajapur (Revenue), (9) Mulyautar (Forest Village), (10) Vajapur (Forest Village), (11) Borajanti (Forest Village), (12) Malapur (Forest Village), (13) Bormali (Forest Village), (14) Karajane (Forest Village), (15) Melane (Forest Village), (16) Vishnapur (Forest Village), (17) Devhari (Forest Village), (18) Deoziri (Forest Village),

(19) Kundyapani (Forest Village), (20) Chapur Pargane A-tawad, (21) Badhawani, (22) Badhai, (23) Kangane, (24) Moharadi, (25) Asalwadi (Forest Village).

(ii) The thirteen villages in Yaval tahsil as mentioned below:—

Yaval tahsil:—

(1) Manapuri, (2) Tolane, (3) Khalkot, (4) Ichakhede, (5) Malod, (6) Haripura (Forest Village), (7) Vaghazira (Forest Village), (8) Parasade Budruk, (9) Borkhede Khurd, (10) Langd. Amba, (11) Jamnya (Forest Village), (12) Gadrya (Forest Village), (13) Usmali (Forest Village).

(iii) The twenty-one villages in Raver tahsil as mentioned below:—

Raver tahsil:—

(1) Mahumandali (Forest Village), (2) Pimparkund (Forest Village), (3) Andharmali (Forest Village), (4) Titya (Forest Village), (5) Nimdyia (Forest Village), (6) Garbardi (Forest Village), (7) Janori, (8) Chinchali, (9) Pal, (10) Marwahl, (11) Jinsi, (12) Sahasraing (Forest Village), (13) Lahnati (Forest Village), (14) Abhode Budruk, (15) Lohare, (16) Kusumbhe Budruk, (17) Kusumbhe Khurd, (18) Pimpri, (19) Mahagan Budruk, (20) Padale Budruk, (21) Mahumandali (old) (Deserted).

5. The following in Ahmednagar District:—

(a) The ninety-four villages in Akole tahsil as mentioned below:—

Akole tahsil:—

(1) Tirdhe, (2) Padoshi, (3) Mhalungi, (4) Ekdare, (5) Sangavi, (6) Keli Rumhanwadi, (7) Bhaka, (8) Khirvire, (9) Kombhalne, (10) Tahakari, (11) Sansherpur, (12) Savargaon Pat, (13) Muthalane, (14) Bari, (15) Waranghushi, (16) Ladagaon, (17) Shenit, (18) Pabulwandi, (19) Babulwandi, (20) Ambevangan, (21) Deogaon, (22) Pendshet, (23) Manhere, (24) Shelvihire, (25) Panjare, (26) Chinchond, (27) Waki, (28) Titavi, (29) Pimparkane, (30) Udadawane, (31) Kodari, (32) Ghatghar, (33) Shinganwadi Rajur, (34) Murshet, (35) Shendi, (36) Samrad, (37) Bhandadara, (38) Ranad Budruk, (39) Ranad Khurd, (40) Malegaon, (41) Kohondi, (42) Digambar, (43) Guhire, (44) Katalapur, (45) Ratanwadi, (46) Murkhel, (47) Terungan, (48) Rajur, (49) Vithe, (50) Koltembhe, (51) Kelangan, (52) Jamgaon, (53) Shirpunje Budruk, (54) Savarkute, (55) Kumshtet, (56) Shirpunje Khurd, (57) Dhamanvan, (58) Ambit, (59) Balthan, (60) Manik Ozar, (61) Puruchawadi, (62) Maveshi, (63) Shirwad, (64) Warjushet, (65) Gondoshi, (66) Khadki, (67) Sakirwadi, (68) Pachanai, (69) Chinchavane, (70) Padaloe, (71) Sheldad, (72) Pimpri, (73) Ghoti, (74) Pajthan, (75) Lavali Kotul, (76) Wagh-dari, (77) Shilvandi, (78) Kohone, (79) Lavali Otur, (80) Tale, (81) Kothale, (82) Somalwadi, (83) Vahir, (84) Shinda, (85) Ambit Khind, (86) Palsunde, (87) Pisewadi, (88) Phopsandi, (89) Savewadi, (90) Keli Otur, (91) Keli Kotul, (92) Khetewadi, (93) Esarthav, (94) Karandi.

6. The following in Pune District:—

(a) (i) The fifty-six villages in Ambegaon tahsil as mentioned below:—

Ambegaon tahsil:—

(1) Don, (2) Pimpargane, (3) Aghane, (4) Ahupe, (5) Tirpad, (6) Nhaved, (7) Asane, (8) Malin, (9) Nanawade,

(10) Amade, (11) Warsawane, (12) Konchare, (13) Adivare, (14) Borghar, (15) Patan, (16) Kushire Khurd, (17) Panchale Budruk, (18) Kushire Budruk, (19) Digad, (20) Panchale Khurd, (21) Mahelunge-tarf-Ambegaon, (22) Savaraji, (23) Megholi, (24) Vachape, (25) Sakeri, (26) Pimpri, (27) Ambegaon, (28) Jambhori, (29) Kalambai, (30) Konchawal, (31) Phulavade, (32) Phalode, (33) Koltavade, (34) Terungaon, (35) Dimbhe Budruk, (36) Mahalunge-tarf-Ghoda, (37) Rajpur, (38) Chikhali, (39) Rajwadi, (40) Supreghar, (41) Taleghar, (42) Mapoli, (43) Dimbhe Khurd, (44) Pokhari, (45) Gohe Budruk, (46) Nigadale, (47) Gohe Khurd, (48) Apatli, (49) Gangapur Khurd, (50) Amondli, (51) Kanase, (52) Gangapur Budruk, (53) Shinoli, (54) Pimpalgaon-tarf-Ghoda, (55) Sal, (56) Dhakale.

(ii) The sixty-five villages in Junnar tahsil as mentioned below :—

Junnar tahsil :—

(1) Chilhewadi, (2) Ambgaon, (3) Jambhulhi, (4) Kairshwar, (5) Mathlang, (6) Kolligwadi, (7) Kopara, (8) M. n. v. v., (9) Sangar, (10) Adu, (11) Khubi, (12) Pimpalgaon J. g., (13) Karanjak, (14) M. h., (15) Pangri-tarf-M. h., (16) Kolwadi, (17) Pergaon-tarf-M. h., (18) Tuleran, (19) Sitewadi, (20) W. khak, (21) Nimgir, (22) Anjanwale, (23) Harsar, (24) L. v. v., (25) Khirise, (26) Ghughur, (27) Jalwandi, (28) Hirsi, (29) Undekhdak, (30) Rajpur, (31) Khakale, (32) Manikohi, (33) K. v. kumb., (34) Usran, (35) Vevadi, (36) Tejpur, (37) Ph. ng. ghavan, (38) Ch. v. v., (39) Pur, (40) Kh. n. g. v., (41) Mankeshwar, (42) Surale, (43) Amboli, (44) Shiroli-tarf-Kulkarni, (45) W. k. w. v., (46) Aptale, (47) K. h., (48) Shivoli, (49) Uchil, (50) E. v. v., (51) Dhulewadi-tarf-Minh., (52) Bhivade Budruk, (53) Ingdon, (54) Bhivade Khurd, (55) Ghangalare, (56) S. n. v. v., (57) Tambe, (58) Hivare-tarf-Minh., (59) H. v. v., (60) An. v., (61) Pimpurwadi, (62) Sakalewche, (63) G. d. re, (64) Khumgaon, (65) S. matwadi.

7. The following in Nanded District :—

(a) The one hundred fifty-two villages and town Kinwat in Kinwat tahsil as mentioned below :—

Kinwat Tahsil :—

(1) Takli, (2) Padga, (3) Sayepal, (4) Murl, (5) Wadsa, (6) Koli, (7) Ashta, (8) Gondgaon, (9) Madnapur (Mahore), (10) Bondgaon, (11) Umra, (12) Machandra Pard, (13) Karalgaon, (14) Sawarkhed, (15) Digdi (Kutemari), (16) Wai, (17) Hardap, (18) Naikwadi, (19) Hingani, (20) Wazra, (21) Tulshi, (22) Gondwadga, (23) Anjanke, (24) Bhorad, (25) Chorad, (26) Dhanora (Sindkhed), (27) Rampur, (28) Pathri, (29) Khambala, (30) Pardi, (31) Sindkhed, (32) Cinchkhed, (33) Hatola, (34) Wafani, (35) Dhundra, (36) Gouri, (37) Both, (38) Sailu, (39) Karanji (Sindkhed), (40) Bhagwati, (41) Wazra Budruk, (42) Umri, (43) Unakdeo, (44) Chais, (45) Pimpalsenda, (46) Sarkhani, (47) Delhi, (48) Nirala, (49) Noorgaon, (50) Titvi, (51) Lingi, (52) Nagapur, (53) Jununi, (54) Digadwazra, (55) Darsangvi (Sindkhed), (56) Singoda, (57) Sirpur, (58) Tembhi, (59) Patoda Budruk, (60) Mandvi, (61) Jawarala, (62) Palsi, (63) Beigan, (64) Kanki, (65) Kothari, (Sindkhed), (66) Pimpalgaon (Sindkhed), (67) Dongargaon (Sindkhed), (68) Jarur, (69) Minki, (70) Pachunda, (71) Wanola, (72) Sakur, (73) Mendki, (74) Digdi (Mohanpur), (75) Dhanora (Digdi), (76) Mohapur, (77) Mungshi, (78) Singdi (Kinwat), (79) Malbargaon, (80) Neipur

(81) Rajgad, (82) Wadoli, (83) Anji, (84) Kanakwadi, (85) Loni, (86) Dhamandhari, (87) Pandhara, (88) Belori (Kinwat), (89) Maregaon, (90) Kamthala, (91) Ambadi, (92) Kherda, (93) Malkapur, (94) Ghoti, (95) Sirmetri, (96) Bhimpur, (97) Pimpalgaon (Kinwat), (98) Ghogurwadi, (99) Gokunda, (100) Mandva, (101) Digdi (Mangubodi), (102) Nagzari, (103) Kothari (Chikhli), (104) Pradhan Sangvi, (105) Bendi, (106) Amadi, (107) Madnapur (Chikhli), (108) Shaniwar Peth, (109) Dabhadli, (110) Chikhli, (111) Hudi (Chikhli), (112) Endha, (113) Bhulja, (114) Darsangvi (Chikhli), (115) Malakwadi, (116) Penda, (117) Pardi Khurd, (118) Karia, (119) Deggaon, (120) Lingehari, (121) Pardi Budruk, (122) Bodhadi Khurd, (123) Bodhadi Budruk, (124) Sindgi (Chikhli), (125) Andbori (Chikhli), (126) Kopara, (127) Piperphodi, (128) Patoda (Chikhli), (129) Pipri, (130) Dhanora (Chikhli), (131) Sawari, (132) Thara, (133) Poth Reddy, (134) Singarwadi, (135) Anjegaon, (136) Bhandarwadi, (137) Jaldhara (Chandrapur), (138) Belori (Chikhli), (139) Malkolari, (140) Digas, (141) Dongargaon (Chikhli), (142) Shivoni (Chikhli), (143) Paroli, (144) Sawargaon, (145) Jaldhara (Islapur), (146) Kothari, (147) Hudi (Islapur), (148) Karanji (Islapur), (149) Kupti Khurd, (150) Kupti Budruk, (151) Wapthari, (152) Talari.

8. The following in Amravati District :—

(a) The tahsils of Chikhaldara and Dhargi.

9. The following in Yavatmal District :—

(a) (i) The one hundred thirty villages in Maregaon tahsil as mentioned below :—

Maregaon Tahsil :—

(1) Ghugul'ara, (2) Shionala, (3) Buran'ia, (4), (5), Phagal, (6) K. h. v. g. v., (7) Kh. k. w. v., (8) Gh. v. v., (9) Nariala, (10) Dhamani, (11) Beri Khurji, (12) P. g. v., (13) Wa'gaon, (14), (15) Ph'ski (Forest Village), (16) Bhalkwadi, (17) Pathari, (18), (19) Ch. v. v., (20) Pa. h. k. w. v., (21), (22) Kharda (Forest Village), (23), (24) Pimrad (Forest Village), (25) Ph. parwa'ia, (26) Sal bhatti (Forest Village), (27) D. d. g. v., (28) Ma. hindra, (29) Pan. w. h. v., (30) Jalka, (31) P. v. h. v., (32) Forest Village, (33) Ambora (Forest Village), (34) Ch. n. v., (35) Awa'gaon (Forest Village), (36) Ka. h. v., (37) Kh. v. g., (38), (39) Sarati, (40) Buran'ia, (41), (42) Durga'ia, (43) Wajdhar, (44) Marichani, (45) Ghampur, (46) Hatwari, (47) Khapri, (48) Uchadevi (Forest Village), (49) Maregaon (Forest Village), (50) Kh. v. v., (51) M. h. v., (52) Palgaon, (53) Botoni, (54) Girapur (Forest Village), (55) Pachphar, (56) Ambari, (57) Rohapat, (58) Raipur, (59) Sagnapur, (60) Hiwara Bursa, (61) Rampur (55) Kaili Bargaon, (62) Pardi, (63) Shiba, (64) Chiali (Forest Village), (65) Bargaon (Forest Village), (66) Pendi, (67) Arjari, (68) K. g. v., (69) Rajani, (70) Majara, (71) Gangapur (Forest Village), (72) B. v. v., (73) Wa. h. v., (74) Susari, (75) Surla, (76), (77) G. v., (78) Nimani, (79) Darara, (80) Asan, (81) Jaglon, (82) Zamkolia, (83) Isapur, (84) K. v., (85) Umarghar, (86) Watlala, (87) Junoni (Forest Village), (88) L. v. v., (89) Chinchhar, (90) Amb. z. v., (91) Amb. z. v. Budruk, (92) Kar. g. v., (93) Nimbadi, (94) Tumbhi, (95) Kandi, (96) Mandvi, (97) Junoni, (98) P. v. v., (99) P. v. v., (100) P. v. v., (101) P. v. v., (102) P. v. v., (103) P. v. v., (104) P. v. v., (105) P. v. v., (106) P. v. v., (107) P. v. v., (108) P. v. v., (109) P. v. v., (110) P. v. v., (111) P. v. v., (112) P. v. v., (113) P. v. v., (114) P. v. v., (115) P. v. v., (116) P. v. v., (117) P. v. v., (118) P. v. v., (119) P. v. v., (120) P. v. v., (121) P. v. v., (122) P. v. v., (123) P. v. v., (124) P. v. v., (125) P. v. v., (126) P. v. v., (127) P. v. v., (128) P. v. v., (129) P. v. v., (130) P. v. v., (131) P. v. v., (132) P. v. v., (133) P. v. v., (134) P. v. v., (135) P. v. v., (136) P. v. v., (137) P. v. v., (138) P. v. v., (139) P. v. v., (140) P. v. v., (141) P. v. v., (142) P. v. v., (143) P. v. v., (144) P. v. v., (145) P. v. v., (146) P. v. v., (147) P. v. v., (148) P. v. v., (149) P. v. v., (150) P. v. v., (151) P. v. v., (152) P. v. v., (153) P. v. v., (154) P. v. v., 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(Forest Village), (95) Ch'khaldeh, (96) Mulgawaan, (97) Bh'mala, (98) Chatwan, (99) Arakwad, (100) Gawara, (101) Matharjun, (102) Mahadapur, (103) Pandharwan, (104) Demaji Devi, (105) Mandwa, (106) Dongargaon (Forest Village), (107) Dabhai, (108) Umari, (109) Mulhati, (110) Parsodi, (111) Kulpakhindi, (112) Mangrul Khurd, (113) Mangrul Badruk, (114) Gopalpur, (115) Rampeth, (116) Chalbardi, (117) Jaman, (118) Shirola, (119) A'koli, (120) Katakloh, (121) Birsapeth, (122) Muchi, (123) Marki Badruk, (124) Marki Khurd, (125) Ganeshpur, (126) Pawlar (Forest Village), (127) Krishnapur (Forest Village), (128) Khadi (Forest Village), (129) Shekapur, (130) Yeoti.

(ii) The forty-three villages in Ralegaon tahsil as mentioned below :—

Ralegaon Tahsil:—

(1) Lchara, (2) Eklara, (3) Sonardi, (4) Wairhad, (5) Jalra, (6) Wara, (7) Pimpali Durga, (8) Manawa, (9) Kolwa, (10) Soli, (11) Varud, (12) Barai, (13) Zarga, (14) Khatki Sukli, (15) Dongargaon, (16) Tani, (17) Aji, (18) Loni, (19) Bvati (Forest Village), (20) Sarati, (21) Khairgaon Kasar, (22) Warha, (23) Bhulga, (24) Pimpalshinda, (25) Amurdi, (26) Sawarkhi, (27) Chanchi, (28) Wadhwa, (29) Khakundi, (30) Pardi (Forest Village), (31) Umarvihar, (32) Anni, (33) Khatarra, (34) Munzala, (35) Patankun, (36) Vihargaon, (37) Kairgaon, (38) Dandhari, (39) Singalip, (40) Sonurli, (41) Shindola, (42) Zotingara, (43) Sakhi Khurd.

(iii) The one hundred three villages in Kelapur tahsil as mentioned below and town Pancharakawa:—

Kelapur tahsil:—

(1) Mohlari, (2) Jogin Kohla, (3) Mira, (4) Jira, (5) Ghoddara (Forest Village), (6) Sakhi Badruk, (7) Wadhwa Khurd, (8) Zolapur (Forest Village), (9) Kurati, (10) Wadhwa Badruk, (11) Tiwala (Forest Village), (12) Kothada, (13) Surdevi, (14) Chanai, (15) Asoli, (16) Mohla, (17) Karagaon, (18) Ch'khaldeh, (19) Krishnapur, (20) Dabha, (21) Morwa, (22) Khairgaon, (23) Wagholi, (24) Kusai, (25) Chapan, (26) Malapur (Forest Village), (27) Kgaon, (28) Vaidar, (29) Zuli, (30) Bhad Umari, (31) Patoda, (32) Pahapal, (33) Nagzari Khurd, (34) Bhattar, (35) Susari, (36) Narasukali, (Forest Village), (37) Pichuri, (38) Pildali, (39) Dongargaon, (40) Boli, (41) Malgaon Khurd (Forest Village), (42) Hiwardari (Forest Village), (43) Malgaon Badruk (Forest Village), (44) Daryapur, (45) Pildhari, (46) Arli, (47) Hiwari, (48) Pimpalshinda, (49) Karagaon, (50) Wadwai, (51) Khairi, (52) Ghubali, (53) Koghara, (54) Sakha Badruk, (55) Dharna, (56) Mangi, (57) Dhaki, (58) Wai, (59) Pimpapur, (60) Ganeshpur, (61) Khairgaon, (62) Pahi, (63) Niljai, (64) Margaon, (65) Ambhora, (66) Dongargaon, (67) Pimpali, (68) Khairgaon, (69) Muchi, (70) Mangurda, (71) Pandharwan Badruk (Forest Village), (72) Kondhi, (73) Wadai, (74) Baggi, (75) Ghanmodi, (76) Nandgaon, (77) Ganeshpur, (78) Tatapur, (79) Zunapur, (80) Gondwakadi, (81) Chalbardi, (82) Bolari, (83) Tadumari, (84) Birgaon, (85) A'oli

Badruk, (86) Mahandoli, (87) Sakha, (88) Marathwakali, (89) Dhoki, (90) Ballapur, (91) Tokwanjari, (92) Wanjari, (93) Khairgaon Badruk, (94) Tambli, (95) Rajapur (Forest Village), (96) Pikhana (Forest Village), (97) Wasari, (98) Ancharwati, (99) Yalapur (Forest Village), (100) Chana-kha, (101) Nimiholi, (102) Rucha, (103) Sukli.

(iv) The fifty-five villages in Ghatanji tahsil as mentioned below :—

Ghatanji Tahsil:—

(1) Marwli, (2) Rajurwati, (3) Lingi, (4) Koli Khurd, (5) Koli Badruk, (6) Rampur Uncharni, (7) Kapshi, (8) Datodi, (9) Gutia, (10) Warud, (11) Zapurwati, (12) Umri, (13) Palodi, (14) Kopri, (15) Ghoti, (16) Bodadi, (17) Muchati (Forest Village), (18) Jalandri, (19) Manuschari, (20) Ayare, (21) Kap, (22) Kavatha Badruk, (23) Bilayat, (24) Kachki, (25) Ch'nta, (26) K'pri Khurd, (27) Chincholi, (28) Kinchi (Forest Village), (29) Gawara (Forest Village), (30) Titwi, (31) Muradgavhan (Forest Village), (32) Pimpal Khuti (Forest Village), (33) Khairni (Forest Village), (34) Wadhwa, (35) Derli, (36) Rahat, (37) Rasa (Forest Village), (38) Zatala, (39) Ch'khalwardha, (40) Tawalli, (41) Saifal, (42) Nagzari Badruk, (43) Kawatha (Forest Village), (44) Parwa, (45) M'jhada, (46) Pardi, (47) Jamb, (48) Kalswar, (49) Shrad, (50) Dhunki (Forest Village), (51) Mathani (Forest Village), (52) Rajgaon (Forest Village), (53) Khapri (Forest Village), (54) Hongaon, (55) Ganeri.

(10) The following in Gadchiroli District :

(a) The tahsils of Ettapalli, Sironcha, Ahari, Dhancra, Kurkheda.

(b) (i) The sixty-two villages in Gadchiroli tahsil as mentioned below :—

Gadchiroli tahsil:—

(1) Nawgaon, (2) Chak Churhura, (3) Kurhadi, (4) Chak Maushi, (5) Murmadi, (6) Borheda, (7) Palanpur, (8) Gilgaon, (9) Chak Kharpuri, (10) Jipra, (11) Chak Dhibhara, (12) Marumbodi, (13) Kurkheda, (14) Khursa, (15) Visapur, (16) Sonapur, (17) Mohla, (18) Sawrgaon, (19) Kanari, (20) Pulkhal, (21) Mudza Badruk, (22) Mudza Tukum, (23) Krupala, (24) Masli, (25) Rambhum, (26) Chanchala, (27) Ranmul, (28) Kumbhi Patch, (29) Kumbhi Mekasa, (30) Made Mul, (31) Maroda, (32) Kosanghat, (33) Raipur, (34) Rawangra, (35) Perinkasa, (36) Sawla, (37) Suimara, (38) Sakhera, (39) Karkazara, (40) Kanchalgaon, (41) Keligatta, (42) Tohagaon, (43) Gajanguda, (44) Boli, (45) Suryaongri, (46) Salaitla, (47) Bitantla, (48) Potgaon, (49) Rajoli, (50) Madras, (51) Jalri, (52) Dvapuri, (53) Rangad, (54) Gavalheli, (55) Doda, (56) Kharadga, (57) Talguda, (58) Jangaon, (59) Kadai, (60) Korkuti, (61) Nagwli, (62) Jalgaon.

(ii) The seventy-four villages in Armori tahsil as mentioned below :

Armori tahsil :—

- (1) Koregaon, (2) Kalamgaon, (3) Kural, (4) Sel'a Tukum, (5) S. I. a Lamb, (6) Kasari Tukum, (7) Kasarigaon, (8) Shivrajpur, (29), (9) Potegaon, (30), (10) Vihirgaon, (33), (11) Pimpalgaon, (12) Arat-tondi, (13) Dongargaon (Halbi), (14) Palasgaon, (43), (15) Navargaon, (16) Pathargota, (49), (17) Mangewada, (18) Armori, (19) Salmara, (20) Thanegaon, (21) Patanwada, (22) Puranawairagad, (23) Deulgaon, (69), (24) Sukala, (25) Mohazari alias Sakharbodi, (26) Chak Kernada, (27) Lohara, (78), (28) Chak Sonpur, (29) Hirapur, (80), (30) Dongartamsi, (31) Shiani Khurd, (32) Chavhela, (33) Mohataja Chak Kukodi, (34) Mendha, (89), (35) Dongartamsi Patch, (36) Nagarwadi, (37) Chak Naroti, (38) Chak Kurandi (39) Wadegaon, (40) Thotebodi (41) Dellinwadi, (42), Manapur, (43) Kosari, (44) Mangoda, (45) Tultuli, (46) Chaknagarwahi, (47) (Vihirgaon, (48) Kurandi, (49) Umari, (50) Yengada, (51) Pisewadadha, (52) Paraswadi, (113), (53) Dawandi, (54) Khadaki (115), (55) Bhakarandi, (56) Naroti Malgujar, (57) Koregaon, (119), (58) Warkheda, (59) Kharadi, (60) Bhansi, (61) Dorli, (62) Wanarchuwa, (63) Jambhali, (127), (64) Mendha, (128), (65) Narchuli, (66) Khairi, (67) Muregaon Patch, (68) Maregaon (140), (69) Chak Maregaon (70) Chak Chicholi, (71) Mousi Khamb, (72) Belgao, (144), (73) Chicholi, (145), (74) Wankheda.

(iii) The one hundred thirty-two villages in Chamorshi tahsil as mentioned below :—

Chamorshi tahsil:—

- (1) Saganpur, (758), (2) Bandhona, (764), (3) Gilgaon, (765), (4) Bhendi Kanhal, (771), (5) Thatari, (6) Chite Kanhar, (7) Kalamgaon, (8) Kurud, (9) Maler, (10) Kulegaon, (11) Nachangaon, (12) Bhadbhid, (788), (13) Walsara, (14) Chak Visapur, (15) Jogana, (16) Murmuri, (17) Rawanpalli, (18) Sonapur, (19) Darli, (20) Rekhaogaon, (21) Yedanur, (22) Pailsanpeth, (23) Pandhri Bhatal, (24) Rajangatta, (25) Chak Amagaon No. 1, (809), (26) Mutnur, (27) Abapur, (28) Murandapai, (29) Lenguda, (30) Adyal, (31) Karkapalli, (32) Chak Karakapalli, (33) Jangamkurul, (34) Fuser, (35) Dhekani, (36) Chak Mudholi No. 2, (37) Lakshmanpur, (38) Saganapur, (829), (39) Ambeli, (40) Gahubodi, (41) Chak Narayanpur No. 2, (42) Chak Narayanpur No. 1, (43) Rajur Budruk, (44) Bhadbhid, (835), (45) Manger, (46) Chichpally, (47) Wanarchuwa, (48) Jairampur, (49) Waigaon, (50) Narayanpur, (51) Rajur Khurd, (52) Haladwahi, (53) Mudholi, (54) Kothari, (845), (55) Bamhani Deo, (56) Somanpalli, (57) Kanhaigaon, (848), (58) Singela, (59) Belgatta, (60) Pehtala, (61) Chak Pehtala No. 1, (62) Pardideo, (63) Yadavpalli, (64) Rajpur, (856), (65) Jambhali Rith, (66) Meteguda, (67) Chak Belgatta, (68) Manjigaon, (69) Machhali ghot, (70) Chak Makepalli No. 4, (71) Darpanguda, (72) Chak Makepalli No. 2, (73) Chak Makepalli No. 3, (74) Garauji, (75) Chak Madga Amgaon, (76) Chak Madga Amgaon No. 1, (77) Chak made Amgaon No. 2, (78) Temdi, (79) Regadi, (80) Makepalli Malgujari, (81) Borghat, (82) Ashti

- Nokewada, (83) Bramhanpeth, (84) Vengamur, (85) Nokewada, (86) Allapalli, (87) Rengowahi, (88) Kolpalli (89) Ambela (Forest Village), (90) Gatta (Forest Village), (91) Adgepalli, (92) Surgaon (Forest Village) (93) Yellur, (94) Thakari, (95) Rajgatta, (908), (96) Lohara, (97) Mukaritoja, (98) Bhoikhandi (Forest Village), (99) Hetaikasa, (100) Bolepalli, (101) Pulligudam, (102) Kunghada, (103) Kolapur, (104) Gangapur, (105) Chandankhedi (106) Makara, (107) Basarwada, (108) Chaprala, (109) Chaidampatti, (110) Mukadi (Forest Village), (111) Futki, (112) Singanpalli, (113) Dhananur, (114) Kothari, (930), (115) Ambatpalli, (116) Gomani, (117) Lagamhetri, (118) Damapur, (119) Bandukpalli, (120) Kodigaon, (121) Chichela, (122) Nagulwahi, (123), Chintugunha, (124) Tumurgunda, (125) Machingatta, (126) Yella, (127) Takepalli, (128) Marpalli, (129) Janggaon, (130) Kulha, (131) Rampur, (132) Lagam Chak.

(11) The following in Chandrapur District:—

The one hundred eighty-two villages in Rajura tahsil as mentioned below:—

Rajura tahsil:—

- (1) Pirasoda, (2) Raipur, (3) Kothoda Khurd, (4) Govindpur, (5) Kothoda Budruk, (6) Mehandi, (7) Pardi, (8) Jewra, (8), (9) Chanai Khurd, (10) Akola, (11) Korpana, (12) Durgadi, (13) Rupapeth, (14) Chanai Budruk, (15) Mandwa, (16) Kanergaon Budruk, (17) Karlabodi, (18) Shivapur, (19) Chopan, (20) Kerambodi, (21) Kukulbodi, (22) Tippa, (23) Mangulhira, (24) Khadki, (27), (25) Jamuldihara, (28), (26) Borgaon Budruk, (27) Borgaon Khurd, (28) Asapur, (29) Tangala, (30) Khairgaon, (33), (31) Hatloni (32) Yergaon, (33) Umarzara, (34) Yellapur, (35) Singar Pathar, (36) Lambori, (37) Shedwai, (38) Narpathar, (39) Kodapur, (40) Gharpana, (41) Nokewada, (42) Gudsela, (43) Wani, (44) Kekazari, (45) Mohda, (46) Pudiyal Mohda, (47) Kamalapur, (48) Chickkhod, (49) Wansadi, (50) Paramba, (51) Devghat, (52) Kusal, (53) Dahegaon, (54) Sonurlo, (70) (55) Kargaon Khurd, (71), (56) Dhanoli, (57) Piparda, (58) Chincholi, (59) Kargaon Budruk, (60) Markagondi, (76), (61) Belgao, (62) Zolbardi, (63) Sawalhora, (64) Khirgaon, (80), (65) Pandharwani, (81), (66) Jambuldihara, (67) Dhanak Devi, (68) Yermi Isapur, (69) Sarangapur, (70) Jiwati, (71) Nagapur, (72) Markalmetta, (73) Dhonda Arjuni, (74) Dhondha Mandwa, (75) Teka Arjuni, (76) Teka Mandwa, (77) Rahpalli, Budruk, (78) Chikhli, (94), (79) Patan, (95), (80), Hirapur, (96), (81) Isapur, (82) Asan Khurd, (83) Asan Budruk, (84) Pipalgaon, (85) Palezari, (86) Borinavegaon, (87) Nanda, (88) Bibi (89) Dhunki, (90) Dhamangaon, (91) Kakhampur, (92) Wadgaon, (93) Injapur, (94) Chandur, (95) Kuka-dsat, (96) Khirdi, (97) Thutra, (98) Behlampur, (99) Manoli Khurd, (100) Jamani, (101) Nokari Budruk, (102) Sonapur, (103) Upparwai, (104) Bhurkunda Khurd, (105) Kaadki, (150), (106) Nokari Khurd, (107) Nagrara, (108) Palezari, (109) Kakban, (110) Dongargaon, (155), (111) Chikhali, (156), (112) Bhurkhunda Budruk, (113) Pachgaon, (114) Sangaon, (159), (115) Tarakhadi, (116) Bhendvi, (117) Sukaipalli, (118) Markagondi, (119) Tivvi, (120) Nadpa, (121) Yorgavan, (122) Kawadgondi, (123) Sorakasa, (124) Kusumbi, (125) Jankapur, (126) Punaguda (Navegaon), (127) Dawada, (128) Khadki Raipur, (129) Govindpur, (130) Maraipatan, (131) Umarzara, (176), (132) Rahpalli Khurd,

(133) Dharmaram, (134) Bhoksapur, (135) Bambezari, (136) Bhari, (137) Pandarwani, (138) (138) Sindola, (139) Sondo, (140) Belgaon, (141) Kakadghai, (142) Ganeri, (143) Khirdi, (144) Sedwai, (145) Bahapur, (146) Hirapur, (200) (147) Sakhari, (148) Manoli Budruk, (149) Goyegaon, (150) Hardona Khurd, (151) Hardona Budruk, (152) Waringaon, (224) (153) Magi, (154) Wangi, (155) Pandharpouni, (227), (156) Aheri, (157) Kochi, (158) Goraj, (159) Warur, (160) Raniweli, (161) Bhodola, (162) Tesabthurwahi (163) Chirud, (164) Chinchbodi, (165) Kawthala, (166) Sonurli, (167) Sirsi, (168) Berdi, (169) Bhenbala, (249), (166) Sonurli, (167) Sirsi, (168) Berdi, (169) Bhendala, (170) Kelzari, (171) Navegaon, (265), (172) Chinchala, (173) Wirur, (174)

Siddheshwar, (175) Ghotia, (176) Dongargaon, (269), (177) Subai, (178) Kostala, (179) Lakkadkot (180) Ambezari, (181) Antargaon, (277) (182) Annur.

3. Any reference in the preceding paragraph 2 to a territorial division by whatever name indicated shall be construed as a reference to the territorial division of that name as existing at the commencement of this Order.

ZAIL SINGH,

President.

[No. P. 19(2)/85-L.1]

R.V.S. PERI SASTRI, Secy.

ANNEXURE 14.03

सं. ७, ११३

रजिस्ट्रार सं. एमएच/एमपीओए-साअच/१०



महाराष्ट्र शासनाचा राजपत्र

असाधारण
मासिक प्रकाशन

गोमनाद, डिसेंबर २९, १९९७/पीए ८, सके १९९९

स्थान, संकल्प, अनुसूच कांसि करम्यामध्ये या सादाला बेगळे गुळ कमाई दिने माहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व त्याच विभागाकडून आलेली विधेयके (इपची अनुबाह)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English 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 (Mah. Act No. XLV of 1997), is hereby published under the authority of the Governor.

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

PRATIMA UMARJI,
Secretary to Government.

MAHARASHTRA ACT-NO. XLV-OF 1997.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 29th December 1997.

An Act to make provisions for transfer of ownership of Minor Forest Produce in the Scheduled Areas, and to amend the Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make provisions for transfer of ownership of Minor Forest Produce in the Scheduled Areas and to amend to Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969, for the purposes hereinafter appearing ; and therefore, promulgated the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Ordinance, 1997 on the 10th day of December 1997 ;

Mah.
LVI
of
1969
Mah.
Ord.
XIX
of
1997.

भाग-आठ २१७

(११३८)

१९९७ : महाराष्ट्र विधान सभेचा, अधिनियम क्र. १९९७/१५ अ. १९९७ [विधान सभा]

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature : It is hereby enacted (in the Forty-eighth Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement. 1. (1) This Act may be called 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.

(2) It shall be deemed to have come into force on the 10th December 1997.

CHAPTER II

TRANSFER OF OWNERSHIP OF MINOR FOREST PRODUCE TO PANCHAYATS IN SCHEDULED AREAS

Application. 2. This Chapter shall apply to the Panchayats in the Scheduled Areas in the State of Maharashtra, referred to in clause (1) of Article 244 of the Constitution of India.

Definitions. 3. In this Chapter, unless the context otherwise requires,—

(a) "minor forest produce" means forest produce specified in the Schedule appended to this Chapter ;

(b) "Public servant" means a person as defined in section 21 of the Indian Penal Code ; 45 of 1860.

(c) "Schedule" means the Schedule to this Chapter, and the State Government may, by notification in the Official Gazette, add to or modify the same, after considering the necessity for such addition or modification in the public interest. Every such notification shall be laid before each House of the State Legislature, as soon as may be, after it is issued and shall be subject to such modifications as the State Legislature may, make during the session in which it is so laid, and published in the Official Gazette as, modified by the State Legislature ;

(d) "Working Plan" or "Management Plan" or "Working Scheme" means a document of technical nature approved by a competent authority appointed by the State Government or the Central Government, as the case may be, laying the prescriptions for scientific management of specified forest area ;

(e) all words and expressions used in this Chapter but not defined herein shall have the meanings, respectively, as assigned to them in the Bombay Village Panchayats Act, 1958. 100 of 1959.

Ownership of Minor Forest Produce to vest in Panchayat. 4. (1) The ownership of Minor Forest Produce found in the Government lands in the Scheduled Areas, excluding the National Parks and Sanctuaries, shall vest in the Panchayat within whose jurisdiction such area falls.

Explanation.—The expressions "National Parks" and "Sanctuaries" used in this section shall have the same meanings respectively, assigned to them under the Wild-life (Protection) Act, 1972. 53 of 1972.

(2) For removal of doubts, it is declared that the ownership of minor forest produce shall not include the ownership of land or trees in that Panchayat area and the same shall be governed by the provisions of the Indian Forests Act 1927. 16 of 1927.

(3) If any dispute arises regarding the ownership of minor forest produce among the Panchayats, the decision of the State Government shall be final.

5. (1) The Panchayats shall strictly adhere to the prescriptions contained in the Working Plan, Management Plan or Working Scheme with regards to the harvest of minor forest produce. However, in the areas not covered under the Working Plan, Management Plan or Working Scheme, the Panchayats shall adhere to the rules made, with regard to the harvesting of minor forest produce, under this Chapter, by the Conservator of Forests of the concerned Circle.

Panchayats to adhere strictly to the Silvicultural prescriptions of Working Plan, Management Plan or Working Scheme.

(2) Whoever contravenes or violates the prescriptions contained in the Working Plan or the Management Plan or the Working Scheme or the rules made by the Conservator of Forests of the concerned Circle shall, on conviction, be punished with fine which may extend to rupees five thousand or with imprisonment which may extend to one year or with both.

6. (1) No suit, prosecution or other legal proceedings shall lie against any public servant for anything which is in good faith done or intended to be so done in pursuance of the provisions of this Chapter.

Savings in respect of acts done in good faith.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered, by virtue of the provisions of this Chapter or by anything which is done in good faith or intended to be so done in pursuance of the provisions of this Chapter.

XVI 1927 53 of 1972. 7. (1) The provisions of this Chapter shall be in addition to and shall not be in derogation of, the provisions of the Indian Forests Act, 1927, and the Wildlife (Protection) Act, 1972; and all the penal provisions obtaining in the said Act shall also apply to all the Panchayats to which this Chapter applies.

Offences by Panchayats, and provisions of Indian Forests Act, 1927 and Wildlife (Protection) Act, 1972, to apply.

(2) If the person committing an offence under this Chapter is a Panchayat, every person who, at the time the offence was committed, was in charge of, and was responsible to, the Panchayat for the exercise of the powers and conduct of the functions and duties of the Panchayat shall also be liable to be proceeded against and punished accordingly.

SCHEDULE

[See section 3 (a)]

1. Mahuwa flower.
2. Mahuwa fruits.
3. Gum.
4. *Terminalia chebula* (Hirda).
5. *Buchanania Lanzani* (Charoli).
6. *Emblica officinalis* (Awala).
7. *Terminalia bellerica* (Baheda).
8. Seeds of *Azadirachta indica* (Neem).
9. Seeds of *Pongamia pinnata* (Karanj).
10. Seeds of *Cassia fistula* (Amaltas).
11. *Tamarindus indica* (Lina).
12. Tamarind seeds.
13. Lac of *Butea monosperma* (Palas Lac).
14. Lac of *Schleichera oleosa* (Kusum).
15. Seeds of *Jatropha curcas* (Vavnerand).
16. Takada / *Pauda Clerodendron* (Phlomidis).
17. Nirmali/Kapi.
18. Guggul.
19. Bupchi seed.
20. Kunchla Kuri.

११४१ मसुदा मसुदा मसुदा, मसुदा, दिनांक ११, १११०/११ ८, मसुदा ११११ [मसुदा]

21. Shikakai.
22. Hestia.
23. *Semilaprus anacardium* (Biba).
24. Gunj seed.
25. Broom grass.
26. Mango seed.
27. Wawding.
28. Haphall.
29. Cut Grass and fodder.
30. Honey.
31. Palas leaves.
32. Sitaphal.
33. Cashew nuts--except those grown by Forest Development Corporation of Maharashtra Limited.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MINOR FOREST PRODUCE (REGULATION OF TRADE) ACT, 1969.

Amendment of long title of Mah. LVII of 1969. 8. In the long title of the Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969 (hereinafter in this Chapter, referred to as "the principal Act") the word "minor" shall be deleted. Mah. LVII of 1969.

Amendment of preamble of Mah. LVII of 1969. 9. In preamble of the principal Act, the word "minor" shall be deleted.

Amendment of section 1 of Mah. LVII of 1969. 10. In section 1 of the principal Act, in sub-section (1), the word "minor" shall be deleted.

Amendment of Mah. LVII of 1969. 11. Throughout the principal Act, the word "minor", wherever it occurs, shall be deleted.

Amendment of section 2 of Mah. LVII of 1969. 12. In section 2 of the principal Act, for clause (c), the following shall be substituted, namely :—

"(c) "Forest Produce" means such forest produce as defined under the Indian 16 of Forest Act, 1927 as are specified in the Schedule appended to this Act, and the 1927. State Government may, from time to time, by notification in the *Official Gazette*, add to or modify the Schedule in the public interest, and the provisions of sub-section (J) of section 19 in so far as they relate to laying before and modification, as they apply in relation to any rule made under that section shall apply in relation to such notification."

CHAPTER IV

MISCELLANEOUS

Power to remove doubts and difficulties. 13. If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty :

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

ANNEXURE 14.04

Replacement Series No. XC- p. 684	MAHARASHTRA ACT No .XLV 1997 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 <i>An act to make provisions for transfer of ownership of Minor Forest Produce in the Scheduled area and to amend the Maharashtra Minor Forest Produce (Regulation of Trade) Act,1969</i> As amended as per RB/TC/e-11019(15)(2014) Notification 3/ Bamboo-MFP/741 issued by Governor of Maharashtra dated 19/8/2014 <u>Preamble</u> No. RB/TC/e-11019(15)(2014)/Notification-3/Bamboo-MFP/741—The following notification issued by the Governor of Maharashtra is published for general information:- WHEREAS under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule of the Constitution, the Governor may, by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification; AND WHEREAS the Provisions of the Panchayats (Extension to the Scheduled Areas Act), 1996 is an Act of self empowerment of the village community which seeks to protect the customary law, social and religious practices, and traditional management practices of community resources; AND WHEREAS as per the provisions of section 4 (m) (ii) of the Provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996 the appropriate Panchayats and the Gram Sabhas are to be endowed specifically with the ownership of minor forest produce; AND WHEREAS 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 has defined Minor Forest Produce to mean “ forest produce specified in the Schedule appended to this Chapter ” ; AND WHEREAS the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act,2006 has provided a wider and comprehensive definition of Minor Forest Produce; AND WHEREAS the definition of minor forest produce under 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 has been found to be not comprehensive and failed to take into account some of the minor forest produce recognized under the subsequent The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, thus denying the fruits of ownership over many MFPs to the Scheduled Area Gram Sabhas ; AND WHEREAS the above anomaly has led to denial of livelihood opportunities to village communities in the Scheduled Areas, primarily the members of the Scheduled Tribes ;
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Short title and commencement Application Definition Ownership of Minor Forest Produce to vest Panchayat	AND WHEREAS Article 46 of the Constitution of India casts duty on the State to promote with special care, the educational and economic interests of Scheduled Tribes; AND WHEREAS the Governor of Maharashtra has decided, for reasons outlined above, that the scope of the minor forest produce needs to be redefined to ensure economic upliftment and empowerment of the Gram Sabhas ; NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby makes the following notification :-- NOTIFICATION CONSTITUTION OF INDIA, In exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the, Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that 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 and the Indian Forest Act, 1927, in its application to the State of Maharashtra, shall apply to the Scheduled Areas with the following modifications :- Chapter I 1. (1) This Act may be called 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. (2) It shall be deemed to have come into force on the 10th December 1997 Chapter II TRANSFER OF OWNERSHIP OF MINOR FOREST PRODUCE TO PANCHAYATS IN SCHEDULED AREAS 2. This Chapter shall apply to the Panchayats in the scheduled Areas in the State of Maharashtra, referred to in clause (1) of Article 244 of the Constitution of India. 3. In this Chapter, unless the context otherwise requires :- “(a) “ minor forest produce” includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or Kendu leaves, medicinal plants and herbs, roots, tubers and the like.” “(b) deleted “(c) deleted (d) “Working Plan” or “ Management Plan” or “Working Scheme” means a document of technical nature approved by a competent authority appointed by the State Government or the Central Government. as the case may be, laying the prescriptions for scientific management of specified forest area; (e) All words and expressions used in this Chapter but not defined herein shall have the meanings, respectively, as assigned to them in the Bombay Village Panchayat Act, 1958. 4.(1) The ownership of minor Forest Produce found in the Government lands in the scheduled areas, excluding the National Parks and Sanctuaries, shall vest in the Panchayat “ and Gram Sabha” within whose jurisdiction such area falls. 1* Amended as per Notification No. RB/TC/e-11019(15)(2014) Notification 3/ Bamboo-MFP/741 dated 19/8/2014 2* Deleted as per Notification No. RB/TC/e-11019(15)(2014) Notification 3/ Bamboo-MFP/741 dated 19/8/2014	Bom III of 1959
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XVI of 1927 53 of 1972	Explanation- The expressions “ National Parks” and “Sanctuaries” used in this section shall have the same meanings respectively, assigned to them under the Wild-life (Protection) Act,1972. (2) For removal of doubts, it is declared that the ownership of minor forest produce shall not include the ownership of land or trees in that Panchayat area and the same shall be governed by the provision of the Indian Forests Act 1927 (3) If any dispute arises regarding the ownership of minor forest produce among the Panchayats, the decision of the “Rural Development Department” shall be final. 5.(1) The Panchayats “ and Gram Sabha” shall strictly adhere to the prescriptions contained in the Working Plan, Management Plan or Working Scheme with regards to the harvest of minor forest produce. However, in the areas not covered under the Working Plan, Management Plan or Working Scheme, the Panchayats “ and Gram Sabha” shall adhere to the rules made, with regard to the harvesting of minor forest produce, under this Chapter, by the Conservation of Forests of concerned Circle. <i>“Provided that while finalizing such management plan or the Rules, the suggestions made by the Panchayats and Gram Sabha about traditional sustainability and conservation practices and equitable management of such minor forest produce shall be suitably incorporated.” ;</i> (2) <i>Deleted</i> 6. (1) No suit prosecution of other legal proceedings shall lie against any public servant for anything which is in good faith done or intended to be so done in pursuance of the provisions of this Chapter. (2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered, by virtue of the provisions of this Chapter or by anything which is done in good faith or intended to be so done in pursuance of the provisions of this Chapter. 7. (1) The provisions of this Chapter shall be in addition to and shall not be in derogation, of, the provisions of the Indian Forests Act,1927, and the Wildlife (protection) Act,1972; and all the penal provisions obtaining in the said Act shall also apply to all the <i>Panchayats</i> to which this Chapter applies. (2) <i>Deleted</i> SCHEDULE – Deleted 1* Amended as per Notification No. RB/TC/e-11019(15)(2014) Notification 3/ Bamboo-MFP/741 dated 19/8/2014 2* Deleted as per Notification No. RB/TC/e-11019(15)(2014) Notification 3/ Bamboo-MFP/741 dated 19/8/2014	53 of 1972 16 of 1927 Panchayats is to adhere strictly to Silviculture prescriptions of working plan, management plan or Working Scheme Saving in respect of acts done in good faith Offences by panchayats, and provisions of Indian Forest Act, 1927 and Wildlife (protection) Act 1972, to apply
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ANNEXURE 14.05

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-ब, मार्च ४, २०१४/फाल्गुन १३, शके १९३५

RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Bandhkam Bhavan, P.W.D. Building, 25, Marzban Road,
Fort, Mumbai 400 001. dated 4th March, 2014.

NOTIFICATION

MAHARASHTRA VILLAGE PANCHAYAT ACT.

No. PRI-2010/CR-130/PR-2— Whereas, the Parliament has by enacting the provisions of the *Panchayats* (Extension to the Scheduled Areas) Act, 1996 (Act No. 40 of 1996) extended the provisions of the Part IX of the Constitution of India, as inserted by the Constitution (Seventy-third Amendment) Act ;

And whereas, in consonance with the said Central Act, the Maharashtra State Legislature has amended the Maharashtra Village Panchayats Act (III of 1959) by enacting the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samities (Amendment) Act, 2003 (Mah. XXVII of 2003) and other amending Act, enacted from time to time has inserted therein Chapter III-A providing the special provisions for *Gram Sabha* and *Panchayat* in the Scheduled Areas;

And whereas, the Maharashtra Village Panchayats Act, after its said amendments empowers the *Gram Sabhas* and *Panchayats* in the Scheduled Areas to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary modes of dispute resolution and ownership of minor forest produce, etc ;

And whereas, the implementation of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samities (Amendment) Act, 2003, which promotes self-governance, giving a central role to the *Gram Sabhas*, is vital to safeguard the interests of the people living in the Scheduled Areas; and for that purpose to make rules to ensure the effective implementations thereof .

Now, therefore, in exercise of the powers conferred by clause (xlvii) of sub-section (2) of section 176 read with sections 54A, 54B, 54C, 54D of Chapter III-A, clause (fa) of sub-section (2) of section 57, sub-section (2) of section 58 and section 153B of the Maharashtra Village Panchayats Act (III of 1959) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (4) of section 176 of the said Act, namely :-

CHAPTER I PRELIMINARY

1. *Short title and extent* :— (1) These rules may be called the Maharashtra Village Panchayats Extension to Scheduled Areas (PESA) Rules, 2014.

(2) They shall extend to all the Scheduled Areas in the State where the Act is in force.

2. *Definitions* :— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Village Panchayats Act 1958 (III of 1959) ;

(b) “Form” means form appended to the rules ;

(c) “Government” means the Government of Maharashtra ;

(d) “*Gram Sabha*” means a village assembly in the Scheduled Area, comprising all persons whose names are included in the electoral rolls for the *Panchayat* at the village level ;

(e) “Secretary” means a secretary of Panchyat appointed or deemed to be appointed under section-60 of the Maharashtra Village Panchyat Act.

(f) “State” means the State of Maharashtra.

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in The Maharashtra Land Improvement Schemes Act (XXVIII of 1942); The Bombay Money-lenders Act 1947 (Bombay XXXI of 1947) ; The Maharashtra Prohibition Act (XXV of 1949); The Maharashtra Police Act (XXII of 1951); the Maharashtra Village Panchayats Act (III of 1959); The Maharashtra Fisheries Act, 1961 (Mah.I of 1961); The Maharashtra Industrial

Development Act, 1961 (Mah. III of 1962); The Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962); the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966); The Maharashtra Forest Produce (Regulation of Trade) Act, 1969 (Mah. LVII of 1969); The Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977); The Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976); The Maharashtra Forest Development (Tax on Sale of Forest-produce by Government or Forest Development Corporation) (Continuance) Act, 1983 (Mah. XXII of 1983). 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 (Mah. XLV of 1997); The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. (No. 2 of 2007) Biological Diversity Act, 2002 (No. 18 of 2003).

CHAPTER II

COMPOSITION AND FUNCTION OF GRAM SABHA

3. *Composition of Gram Sabha in the Scheduled Area* :— All the people included in the electoral rolls for the Panchayats at village level shall be the members of the *Gram Sabha* of that village.

4. *Declaration of village in the Scheduled Area* :— (1) If the people of any habitation or a group of habitation or hamlet or a group of hamlet are of the opinion that their habitation or hamlet, or group of habitation or hamlet would be recorded as a village, they may pass a resolution by a majority of at least half the registered voters in the voting list of that habitation or hamlet or group of habitation or hamlet, as the case may be, to this effect and forward it to the concerned Sub-Divisional Officer, under the intimation of the Collector.

(2) The Sub-Divisional Officer shall enquire into the merits of the resolution within three months. For this purpose he shall call a meeting of all the registered voters of that habitation or hamlet, or group of habitation or hamlet after giving wide publicity, and conduct an enquiry considering all relevant factors. He shall then submit a report to the Collector with his findings, stating explicitly whether the proposed village conforms to the provisions of the Act :

Provided that, if the Sub-Divisional Officer does not decide on the question within three months from the day of receipt of such resolution, then the Collector shall *sue-motto* take the cognizance of such resolution and may pass an appropriate order in this regard within 45 days.

(3) An appeal against the decision of the Sub-Divisional Officer rejecting such resolution shall lie with the Collector whose decision shall be final.

(4) The Collector, if satisfied that a new village is to be so notified, shall sent his recommendation to the Divisional Commissioner, for notification of the new village as per Chapter III-A of the Act :

Provided that the decision on a reference from the Sub-Divisional Officer shall be taken by the District Collector within forty-five days from the receipt of such a reference failing which approval shall be deemed to be given.

5. *Panchayat to be Executive Committee of Gram Sabha* :— (1) The Panchayat shall be deemed to be the Executive Committee of the *Gram Sabha*.

(2) The *Panchayat* shall function under the general superintendence, control and direction of the *Gram Sabha*.

6. *Secretary, office, etc. of Gram Sabha in the Scheduled Area* :— (1) In a situation where there are more than one *Gram Sabhas* in a *Panchayat*, the Secretary of the *Panchayat* shall be the Secretary of all the *Gram Sabhas*. In his absence the procedure will be followed as per section 54 C of Chapter-III of Maharashtra Village Panchyat Act.

(2) The office of the Panchayat shall be the office of the *Gram Sabha*. If there is more than one *Gram Sabha* in a *Panchayat*, each *Gram Sabha* shall have its own office in its village, such as public building, Samaj Mandir, School or any place where public have easy access, and in the case that no such place is available the house of an ordinary person:

Provided that no rent shall be paid in any form for such office.

7. *Gram Sabha meetings to be in public in the Scheduled Area* :— (1) Every meeting or proceeding of the *Gram Sabha* shall be conducted in public.

(2) Even if a meeting of the *Gram Sabha* is to be held in a closed building, there shall not be any provision of closing the doors or prohibiting entry.

8. *Method of taking decisions* :— (1) As far as possible, the working of the *Gram Sabha* shall be done with consensus.

(2) In case of non-consensus on any issue in a meeting, that matter shall be discussed in the next meeting to be held, as decided by the *Gram Sabha* as per provision.

(3) If there is no consensus in the second meeting also, a decision shall be taken on the basis of a majority, in that meeting.

9. *Proceedings of meeting of Gram Sabha* :— (1) After election and in every financial year, the First *Gram Sabha* shall be held under the Chairpersonship of the *Sarpanch*. In his absence, *Upa-Sarpanch*, and in absence of both *Sarpanch* and *Upa-Sarpanch*, a Panchayat member of the Scheduled Tribe shall be elected as a Chairperson by the *Gram Sabha*. No *Sarpanch* or *Upa-Sarpanch* or a member of *Panchayat* shall be eligible to act as Chairperson of the *Gram Sabha*, except on the occasion mentioned above:

Provided that in villages where the population of Scheduled Tribes is less than ten per cent., a Chairperson may be selected from among persons who do not belong to the Scheduled Tribes.

(2) For the meetings of the *Gram Sabha*, other than the meetings mentioned in sub-rule (1) of this rule, the selection of the Chairperson shall be made with consensus to the extent possible. In case there is no consensus, it shall be by majority vote. The Chairperson shall be the person, who belongs to the Scheduled Tribes only.

(3) The quorum of the meeting of the *Gram Sabha* shall be twenty-five per cent. of the total members or one hundred, whichever is lower.

(4) In the absence of quorum, the meeting shall be adjourned. The quorum shall be necessary even in the meeting convened after adjournment.

(5) A detailed statement of the complete record of income and expenditure of the last month, muster roll of workers, sale and purchase shall be produced in the meeting of the *Gram Sabha* by the Secretary.

(6) While concluding the meeting, a brief statement of the decisions taken in the *Gram Sabha* shall be prepared by the Secretary. That statement shall be read out in the meeting. After a consensus upon the correctness of the statement, the Chairperson, Secretary and writer shall sign.

10. *Standing Committees of Gram Sabha in the Scheduled Area* :— (1) The *Gram Sabha* may constitute Standing Committees such as the Peace Committee, Justice Committee, Resource Planning and Management Committee, Intoxication Control Committee, Debt Control Committee, Market Committee, Sabha Kosh Committee and other Committees as deemed appropriate by the *Gram Sabha* in order to fulfil its responsibilities regarding various aspects of the working of the village. Besides, temporary and *ad-hoc* Committees may be constituted as per requirement. These committees shall be answerable to both *Panchayat* and *Gram Sabha*.

(2) The members of the Standing Committees shall be selected in the *Gram Sabha* meeting amongst the members present. The selection of such member shall be depends upon the nature of work and requirement of the *Gram Sabha*. The *Gram Sabha* shall decide total numbers of members and representation to women and other section in the society. The tenure of such Standing Committee shall be two years :

Provided that, not less than half of the members of any Standing Committee shall be women.

(3) The Chairperson of the Standing Committee shall be nominated by the *Gram Sabha* from amongst the members of the Standing Committee concerned.

(4) The Secretary of the Standing Committee shall be selected by the *Gram Sabha*. The *Gram Sabha* may, in consultation with the concerned Administrative Departments also nominate any officials to work for the Standing Committee within the jurisdiction of village, as a non-voting member and he shall assist the Standing Committee in its functioning.

(5) The responsibility to implement the decisions taken by the *Gram Sabha* on various subjects shall be the concerned Standing Committee.

11. *Procedure of Standing Committees of Gram Sabha:*— The procedure of the Standing Committees of the *Gram Sabha* shall be as follows, namely:—

(1) Meetings of all Standing Committees including *Panchayat* shall be in open.

(2) Notice of every meeting of the Standing Committee, specifying the date, time and place thereof and business to be transacted shall be given by the Secretary of the Standing Committee at least three days in advance.

(3) The quorum for meeting of the Standing Committee shall be one-half, including the Chairperson.

(4) A member of the *Gram Sabha* may attend any meeting of the Standing Committee. He may ask any question on the topic during discussion with the permission of the Chairperson:

Provided that such member shall not have right to vote.

(5) All the decisions of the Standing Committees shall be taken as per the procedure of the *Gram Sabha*.

(6) The gist of the important decisions taken in the meetings of the Standing Committees shall be recorded in the proceeding book and minutes of such meeting shall be signed by the Chairperson and Secretary.

(7) All decisions of the Standing Committees and other records shall be placed before the next immediate *Gram Sabha* of the village.

12. *Objection against by Gram Sabha:*— (1) All the records of the *Panchayat* and *Gram Sabha* shall be open to all villagers. It shall be made available for inspection, scrutiny to the authority designated by the *Panchayat Samitis*, *Zilla Parishads* and Government.

(2) Any objection made about any decision taken by the *Gram Sabha*, may be raised by the objector in general meeting of the *Gram Sabha* for reconsideration.

(3) If the objector or any other person is of the opinion that an observer is necessary to assist the *Gram Sabha* for resolving the objection, he may make a request to the Block Development Officer to depute an observer to attend the *Gram Sabha* meeting.

(4) If the Block Development Officer is satisfied about the need for an observer, he may depute not below the rank of Extension Officer an observer for the meeting of the *Gram Sabha* under intimation to the objector.

(5) The observer so appointed shall facilitate the redressal of the grievance of the objector.

(6) If the issue is not resolved, the objector or observer may refer the issue to the Chief Executive Officer of the *Zilla Parishad* who shall enquire into the issue and issue necessary instructions.

13. *Joint meetings of Gram Sabhas in the Scheduled Area.*— (1) Every *Gram Sabha* shall be competent to execute its functions in its jurisdiction:

Provided that, in matters in which working with other *Gram Sabhas* is required, a joint meeting of all *Gram Sabhas* falling under the jurisdiction of the *Panchayat* shall be conducted.

(2) The joint meeting of the *Gram Sabhas* shall be conducted as per the provisions applicable to the *Gram Sabha* as if the *Gram Sabhas* concerned is a single entity.

(3) The joint meeting shall be chaired by the person elected by consensus as far as possible.

(4) In the joint meeting, attendance of a minimum of twenty-five per cent., members from each *Gram Sabha* or one hundred members from each *Gram Sabha*, whichever is lower, shall be mandatory. In case there is no quorum, the date of next meeting shall be finalized on the same day and the same shall be sent to all *Gram Sabhas*.

(5) The decision making process shall be the same as in the case of a single *Gram Sabha*.

CHAPTER III GRAM SABHA ACCOUNTS

14. *Gram Sabha Kosh in the Scheduled Area:—* (1) The *Gram Sabha* shall maintain a *Gram Sabha Kosh*.

(2) Kosh shall consist of the contribution received in any form including voluntary contributions of cash and goods, and the amount received from minor forest produce, minor minerals, etc., and surcharges imposed on the consumption of the resources and fines levied by the *Gram Sabha*. It may also include transfers under any devolution scheme, as may be decided by the Government.

(3) The Kosh shall be under the control of *Gram Sabha*. The *Gram Sabha* shall have the complete rights of its usage as per resolutions of the *Gram Sabha*.

(4) The Kosh shall be operated by a *Gram Sabha Kosh Committee* comprising of the Secretary of Panchayat and another two members nominated with consensus or elected by the *Gram Sabha*. At least one member out of these two members shall be a woman. All accounts shall be audited and presented before the *Gram Sabha* for information and final approval.

15. *Accounts to be maintained:—* (1) The accounts of the *Gram Sabha Kosh* shall be maintained in a register by a member of the *Gram Sabha Kosh Committee*.

(2) The receipts and expenditure statement of the *Gram Sabha Kosh* shall be produced in the next meeting of *Gram Sabha*.

16. *Gram Sabhawise accounts:—* Every *Gram Sabha* shall keep a separate account of receipt and expenditures which shall be certified by the concerned *Gram Sabha*. Account of *Gram Sabha Kosh* and *Panchayat* shall be subject to audit by the *Panchayat Samiti*, *Zilla Parishad* and Local Fund Authority :

Provided that the Rural Development and Water Conservation Department shall endeavor to provide accounting instructions, training, and provision for electronic maintenance of records of the *Gram Sabha Kosh* within one year of the rules being published to ensure transparency and accountability.

CHAPTER IV PEACE, SECURITY AND DISPUTE RESOLUTION

17. *Role of Gram Sabha in maintaining peace, security and dispute resolution in the Scheduled Area:—* (1) In keeping with community traditions and the spirit of the relevant laws and rules made thereunder, it shall be the fundamental duty of the *Gram Sabha* to maintain peace, security and order in its area.

(2) The *Gram Sabha* is competent for the following action and works in its region to,—

- (i) maintain a peaceful atmosphere;
- (ii) Safeguard the self-respect and maintain the freedom of expression of every citizen;
- (iii) Counter the vices of anti-social elements including indecent behavior with women, fighting or quarrelling in public place, etc.
- (iv) Resolve disputes.

18. *Peace Committee :—* (1) The *Gram Sabha* may constitute a Peace Committee. The Peace Committee shall have at least thirty three per cent. women, and a minimum fifty per cent. Scheduled Tribes.

(2) The Peace Committee shall maintain a healthy relationship with the neighbouring villages, and to ensure that in matters of common interest and inter dependence of neighbouring villages, any action taken shall be based on consultation with the neighbouring villages.

(3) The *Gram Sabha* may empower the Peace Committee to,—

- (i) inquire into incidents that vitiate peace of the village and report to *Gram Sabha* for a decision;
- (ii) Counsel those breaking peace and arbitrate;

- (iii) Take immediate action where necessary, and subsequently report to the *Gram Sabha*;
- (iv) With the approval of the *Gram Sabha* make a report or request to the Sub-Divisional Magistrate or police officer for suitable action.

19. *Role of Police.*— If the police receives information regarding any crime, after the report is registered in the police station, a copy of the same shall be sent for information to the *Gram Sabha* and the Peace Committee in all cases.

CHAPTER V

MANAGEMENT OF NATURAL RESOURCES, AGRICULTURE AND LAND

20. *Gram Sabha to safeguard natural resources in the Scheduled Area.*— (1) The *Gram Sabha* is competent to safeguard and preserve the natural resources located in its area as well as those over which it enjoys traditional rights including water, forest, land and minerals as per local tradition and the spirit of the laws of the Central and State Governments. To fulfil this role, the *Gram Sabha* may play active role in their management.

(2) The *Gram Sabha* shall ensure that resources are utilized in such a way that,—

- (i) Livelihood means are sustained;
- (ii) inequality amongst the peoples does not increase;
- (iii) resources are not confined to a few people;
- (iv) there is full utilization of local resources, in keeping with sustainability.

(3) Though as per the prevalent rules, individual rights over natural and other resources shall be suitably honoured, their management shall be done keeping in view the inherent spirit of the community legacy.

21. *Resource Planning and Management Committee.*— (1) There shall be a standing Resource Planning and Management Committee of the *Gram Sabha*. Representatives of all the concerned Departments shall function as advisors to the Resource Planning and Management Committee and attend its meetings.

(2) The Resource Planning and Management Committee shall chalk out a plan for the sustainable use of resources vested with the *Gram Sabha* within the territory of the village and those in the surrounding and shall advise and co-operate with the *Gram Sabha* members to make use of them accordingly.

(3) The Resource Planning and Management Committee shall consider all the aspects, including difference of opinion or dispute about the management and use of the resources. The *Gram Sabha* may authorize the Resource Planning and Management Committee to resolve such disputes. If the Resource Planning and Management Committee is not able to resolve the same, it shall be considered in the meetings of the *Gram Sabha*. The decision of the *Gram Sabha* shall be final.

(4) The Resource Planning and Management Committee may constitute sub-committees on specific issues such as farming, minor minerals, etc., to assist it in its functions.

22. *Gram Sabha to plan for farming.*— (1) The *Gram Sabha* shall be competent to plan and take action about the farming of its village in such a way to make farming economically viable for the farmer.

(2) The decisions of the *Gram Sabha*, *inter-alia*, may include the following major points,—

- (a) To prevent soil erosion;
- (b) To regulate grazing in order to protect crops and enhance the capacity of meadows;
- (c) To accumulate rain water, use it for farming and provide for its distribution;
- (d) With mutual co-operation or otherwise, to ensure provision of seeds, manure, etc. as well as knowledge sharing;
- (e) To promote on organic manures, fertilizers and insecticides.

23. *Land Management in the Scheduled Area.*— (1) The *Gram Sabha* shall review the records of the entire land of the village in the meetings of the *Gram Sabha* to ensure that the farmer's names are correctly recorded and records are properly maintained.

(2) All matters regarding mortgage of land to institutional and non-institutional creditors shall be put up before the *Gram Sabha* for information.

24. *Prevention of land alienation in the Scheduled Area:—* (1) The *Gram Sabha* shall ensure that no land belonging to Scheduled Tribes is unlawfully transferred to non-Scheduled Tribe persons.

(2) The *Gram Sabha* shall be competent to enquire into any land transactions, or authorize the Peace Committee to do so, on the basis of complaints or *suo-motto*.

(3) The Peace Committee shall place its findings before the *Gram Sabha*.

(4) If the *Gram Sabha* is of the opinion that attempts are being made to alienate lands belonging to Scheduled Tribes unlawfully, it may issue instructions to prohibit the transaction.

(5) The *Gram Sabha* may undertake the following activities with respect to the land record of the village,—

(a) prepare a list of land holding containing the details of extent of land held and names of the *khatedars* along with enjoyers;

(b) verify the veracity of social status claims of all the *khatedars* as to whether the *khatedar* is a genuine Scheduled Tribe;

(c) verify as to whether the land is purchased in the name of a tribal and enjoyed by a non-tribal;

(d) visit the field if desired and physically verify as to whether the land are cultivated by the tribal or by the non-tribal taken on lease, mortgage, etc.;

(e) approve the list of beneficiaries for assignment of Government land;

(f) in all cases mentioned at (a) to (e) above, if *Gram Sabha* after thorough investigation is satisfied that certain occupation of land is in violation of the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) or rules made there under, as amended from time to time, the *Gram Sabha* shall pass resolution mentioning the details of violation. After receipt of this resolution, the competent authority shall initiate consequential action.

(6) If there are conflicting claim in respect of the possession of lands, the *Gram Sabha* shall convene a meeting and call for evidence in support of such claims from the concerned to pass appropriate resolution. The *Gram Sabha* shall also convene a meeting on receipt of any complaint on alienation of land in favour of non-tribal or *suo-motto* pass appropriate resolution and shall forward the same to the competent authority to take necessary action to restore the land to the Scheduled Tribe owner.

(7) Any person aggrieved by the resolution of *Gram Sabha* may within a period of sixty days from the date of resolution, file a petition to the competent authority.

(8) The competent authority may either allow or reject or refer the petition to the *Gram Sabha* for consideration.

(9) After receipt of such reference, the *Gram Sabha* shall meet within a period of thirty days, hear the petition, pass resolution on that reference and forward the same to the competent authority.

(10) The concerned competent authority shall consider resolution of the *Gram Sabha* and pass appropriate order, either accepting or rejecting the petition.

(11) The competent authority shall invariably implead the *Gram Sabha* through the Secretary concerned for their considered opinion in every case of land alienation involved tribal and non-tribal and the opinion of the *Gram Sabha* shall be duly examined. This shall also be the case when the proceedings initiated by the competent authority takes cognizance *suo-motto* or on individual complaints, to prevent land alienation from tribal to non-tribal or restore land to a tribal.

(12) The competent authority shall furnish the copies of the relevant Judgment to the *Gram Sabha* in every case.

25. *Restoration of alienated land:—* (1) If the *Gram Sabha* finds that any person other than a member of the Scheduled Tribe, is in possession of any land belonging to a Scheduled Tribe, without any lawful authority, the *Gram Sabha* shall pass a resolution to restore the possession of such land to that person to whom it originally belonged and if that person is dead, to his legal heirs. The decision of the *Gram Sabha* shall be conveyed to the competent authority who shall make a brief enquiry to verify the resolution and restore the land.

(2) In case the competent authority is of the considered opinion that the resolution is not lawful, he shall in writing refer the resolution to the *Gram Sabha* for reconsideration with his observations.

(3) In case the *Gram Sabha* maintains its decision with reasons recorded and evidence adduced in writing, the competent authority shall hold detailed enquiry in which one of the impleaded parties shall be the *Gram Sabha*, and give a final decision.

26. *Consultation before land acquisition.*—(1) When the Government considers to acquire land in the Scheduled Area under the provisions of any Act, is in the force, the Government or the concerned land acquiring authority shall submit to the *Gram Sabha*, the following written information along with the proposal, namely:—

- (i) The complete outline of the proposed project including the possible impact of the project on natural resources and people residing near it;
- (ii) Details of the proposed land acquisition;
- (iii) New people likely to settle in the village and possible impact on the area and society, and the proposed participation, amount of compensation, job opportunities for the people of the village, etc.;
- (iv) Rehabilitation plan.

(2) After getting complete information, the concerned *Gram Sabhas* shall be competent to call the representatives of the concerned authorities and the Government to discuss with them either individually or collectively. It shall be mandatory for all such persons summoned to furnish point-wise clear and correct information.

(3) The *Gram Sabha* after considering all the facts, shall make a recommendation regarding the proposed land acquisition and rehabilitation plan of persons displaced.

(4) The recommendation of the *Gram Sabha* shall be considered by the Collector.

(5) In case the Collector is not in agreement with the recommendations of the *Gram Sabha*, he shall sent the case again to the *Gram Sabha* for reconsideration.

(6) If after a second consultation, the Collector passes an order against the recommendations of the *Gram Sabha*, he shall record the reasons for doing so in writing and it shall sent to *Gram Sabha* for information.

(7) In case of big projects, all the *Gram Sabhas*, which are affected by such projects shall be consulted.

27. *Rehabilitation of project affected persons in the Scheduled Area.*—(1) The concerned land acquiring agency shall put all the details of rehabilitation before the *Gram Sabha*. All queries and replies given by authority shall be recorded in the minutes of the *Gram Sabha*.

(2) If the *Gram Sabha* decides by a majority that the works like providing amenities shall be done through *Panchayat*. Works which requires technical skill may be done by the concerned Department or the *Panchayat* at the appropriate level.

28. *Planning and management of water resources.*—(1) Management of use of water resources shall be made in such way that these are kept intact for future generations, and all the villagers have equal rights over these resources.

(2) Minor water bodies within a *Panchayat* shall be managed by the *Panchayat*, those extending to more than one *Panchayat* by the *Panchayat Samiti*, and those extending to more than one *Panchayat Samiti* by the *Zilla Parishad*.

(3) The *Panchayat* or *Panchayat Samiti* or *Zilla Parishad*, as the case may be, after consulting with the concerned *Gram Sabhas* or *Panchayat Samitis*, keeping in view of their traditions and the spirit of prevalent laws, shall regulate the use of available water in the village for various purposes and also decide about the priority of use.

29. *Management of irrigation.*—(1) The *Panchayat* or *Panchayat Samiti* or *Zilla Parishad*, as the case may be, shall regulate the use of water for irrigation after taking the advice of the concerned Resource Planning and Management Committees.

(2) The use of water for irrigation shall be such that equitable access is allowed to all.

30. *Management of minor water bodies.*— (1) The *Panchayat* or *Panchayat Samiti* or *Zilla Parishad*, as the case may be, shall make arrangements for the irrigation and other purposes, in consultation with concerned Resource Planning and Management Committees and concerned Departments.

(2) All persons shall have equitable rights to fishing as per convention in the water resources located within the territory of the village.

(3) Keeping in view the local traditions the *Panchayat* shall impose necessary conditions regarding any aspect of fishing to ensure that any individuals or a group of persons do not increase their jurisdiction in an unjust manner and also to ensure the sustained availability of the fish.

31. *Management of other community assets.*— (1) The management of the assets which are used commonly by the community traditionally shall be done by the *Gram Sabha*.

(2) Community assets shall be recorded in the register and verified it annually so that their ownership, use, purpose is not changed and they are not encroached upon.

(3) Any new community assets created through donation, shramadan, aid shall be recorded immediately in the register.

(4) Use of community assets shall be done as per decision of the community through *Gram Sabha*.

CHAPTER VI

MINES AND MINERALS

32. *Power of Gram Sabha to plan for minor minerals in the Scheduled Area:*— (1) The *Gram Sabha* is competent to plan and control the excavation and use of all the minor minerals including soil, stones, sands, etc., which is to be found in its area.

(2) The villagers may use minor minerals for their individual needs as per the traditional practice:

Provided that, the permission of the *Gram Sabha* shall be mandatory for use of such minerals.

(3) The concerned Government Department shall award mining lease or make auction of minor minerals only after consultation with the *Gram Sabha*.

(4) The *Gram Sabha* may suggest conditions for protecting the environment, employment, etc., in the leases of minor minerals.

(5) In villages having commercial feasibility of minor mineral production, before permitting the minor minerals to be used commercially, it shall be the responsibility of the concerned Mineral Department to obtain the prior sanction of the *Gram Sabha*. The concerned officer of the Mineral Department shall provide complete information to the *Gram Sabha* in this regard.

(6) The concerned Mining Department shall give all details of lease and auction to the *Gram Sabha*. The *Gram Sabha* shall have right to stop any illegal activity. The concerned Mining Department shall look into complaints made by the *Gram Sabha* and shall inform to the *Gram Sabha* about the action taken by it.

(7) The *Gram Sabha* shall forward its approval or rejection by passing an appropriate solution within four weeks.

(8) The decision of the *Gram Sabha* shall be final and binding :

Provided that the provisions of this rule shall be applicable to non-forest area only.

33. *Grant of permission for exploitation of minor minerals by auction.*— If any permission is given by any Government Department for the exploitation of minor minerals, it shall be mandatory for the said Government Department to obtain the necessary concurrence from the *Gram Sabha*.

CHAPTER VII MANPOWER

34. *Gram Sabha to plan for labour force in the Scheduled Area :—* (1) The *Gram Sabha* is competent to undertake activities in order to ensure that there is full utilization of the village labour force by preparing a work plan under various schemes of the Central and State Government and executing them either by itself or through the *Panchayat*.

(2) The *Gram Sabha* may take any action which encourages co-operation among the peoples, sharing each other's knowledge, work, etc.

35. *Workers taken outside the village :—* (1) It shall be mandatory for all persons taking workers outside the village for jobs to provide complete information to the *Gram Sabha* about the written or oral agreement specifying nature and conditions of work, and obtain its permission before taking any workers outside the village.

(2) Only after getting the permission of the *Gram Sabha* as per the procedure mentioned above, it shall be possible to engage the people out for work.

(3) Apart from the establishments of the Government or organized sector, it shall be mandatory for managers of private or unorganized sector to keep the *Gram Sabha* concerned informed, from time to time, about the well-being of the womenfolk.

CHAPTER VIII INTOXICATION CONTROL

36. *Regulation of intoxicants in the Scheduled Area :—* The *Gram Sabha* shall be competent to have full control over all the aspects related to any type of intoxicant in its jurisdiction, that is to say, the *Gram Sabha* may,—

- (a) completely stop the relaxation of allowing tribal to manufacture local liquor for their own use or impose any type of ban on its production, sale, distribution, consumption or storage in the village;
- (b) give instructions to stop the sale of any type of intoxicant from a shop or in any other manner:
Provided that these instructions shall come into force immediately or after expiration of contract;
- (c) impose a ban on any type of intoxicant for bringing or taking it outside the village territory;
- (d) prohibit or impose a limit on the storage of intoxicants at any place;
- (e) completely stop the use of liquor or other intoxicants in its village territory and impose any restriction;
- (f) prohibit the sale of *Mahua*, *Jaggrey*, etc., which are used in making of liquor within the territory of the village or in the market;
- (g) regulate the use of *Taadi*, or any local intoxicant by issuing suitable instructions.

37. *Intoxication Control Committee:—* (1) The *Gram Sabha* may constitute an Intoxication Control Committee to inquire into complaints related to intoxicants, and also either on the basis of complains or suo-motto, make suitable suggestions regarding the control of intoxicants for the benefit of the people.

(2) At least half of the members of the Intoxication Control Committee shall be women.

(3) The responsibilities of the Intoxication Control Committee shall include,—

(a) to ensure that the factories manufacturing any type of intoxicants adhere to all the conditions mentioned in the license and in case of any infringements, report to the competent authorities;

(b) to ask the owner of the concerned factory to present all matters related to the welfare of the people including manufacture of liquor, its distribution system, environmental impact, etc. before the *Gram Sabha*.

(4) The *Gram Sabha* may take advice and help from the concerned Excise Department for the smooth functioning of the Intoxication Control Committee.

38. *Instructions by Gram Sabha to manufactures of intoxicants*:— The *Gram Sabha* may give appropriate instructions to the owner of any factory manufacturing intoxicants on matters related to the welfare of people, and also make a request to the concerned Excise Department or Collector to intervene if it considers necessary.

39. *Opening a new factory or shop in the Scheduled Area*:— (1) Without concurrence of the *Gram Sabha*, no new factory for manufacturing liquor or other intoxicants shall be established.

(2) All proposals to construct a factory to manufacture liquor or other intoxicants or to open a new shop for the sale of liquor in the jurisdiction of the *Gram Sabha*, either by the Government or any other agency, shall be required to be presented before the *Gram Sabha*.

(3) Only tribal or group of tribals, who are inhabitants of the village shall be eligible to apply for opening new shop or new factory in the Scheduled Areas.

(4) The decision of the *Gram Sabha* shall be final.

(5) In case the *Gram Sabha* remains undecided on the issue or if the proposal is not considered, then that proposal shall be deemed to be unacceptable.

(6) The *Gram Sabha* may pass the resolution to close down the liquor factory for pollution in the village area and the decision of the *Gram Sabha* will be mandatory on concerned factory and Government Authority.

(7) In the absence of a complete quorum, the above-mentioned proposal shall not be considered in the meeting of the *Gram Sabha*.

40. *Continuance of liquor shops*:— (1) In order to continue a liquor shop for any year, a proposal shall have to be presented by the concerned Excise Department in the meetings of the *Gram Sabha*.

(2) A liquor shop may continue only if a resolution is passed in the *Gram Sabha* to allow continuing the sale of liquor. If *Gram Sabha* decide to close the liquor shop by passing resolution to that effect and the shop is not closed by the shopkeeper voluntarily, then the Intoxication Control Committee by its own discretion shall be competent to take appropriate action for closing the shop.

(3) If the majority women present in the *Gram Sabha* are of the opinion to close the shop then it shall be considered as opinion of the *Gram Sabha*.

CHAPTER IX

MINOR FOREST PRODUCE

41. *Management of minor forest produce in the Scheduled Area*:— (1) The management of all minor forest produce in the Scheduled Area shall vest to the *Gram Sabha*.

(2) The *Gram Sabha* shall choose to carry out the right of ownership, access to collection, use, and disposal of minor forest produce through the Resource Planning and Monitoring Committee or any other committee formed by the Government for this purpose.

(3) The Resource Planning and Monitoring Committee shall prepare a management and conservation plan for all minor forest produce in order to sustainably and equitably manage such minor forest produce for the benefit of the entire *Gram Sabha*.

(4) For the purposes of the exercise of the Right to Minor Forest Produce by the *Gram Sabha*, the Resource Planning and Monitoring Committee shall have a forest official of the appropriate level as decided by the Government as an *ex-officio* member. Provided that such a member shall not have right to vote, as well as he shall not hold the post of Secretary of the Resource Planning and Monitoring Committee.

(5) Such member shall advise to the Resource Planning and Monitoring Committee, and the *Gram Sabha* about technical matters, such as the working plan, sustainable use of minor forest produce, appropriate silvicultural practices, etc.

(6) The transit permits for access to minor forest produce shall be issued by the Resource Planning and Monitoring Committee in its meeting.

The Resource Planning and Monitoring Committee shall put all decisions pertaining to the issue of transit permits, use of income from sale or produce or modification of management plans before the *Gram Sabha* for its approval.

(7) It shall be the duty of the Resource Planning and Monitoring Committee to carry out the harvesting, tender, sale of produce, etc. in a transparent fashion. The Government may give instructions or issue directions to the *Gram Sabha* or *Panchayat*, from time to time, so as to ensure that the transparency and effectiveness, in the management of minor forest produce, in a manner which is not contrary to the provisions of the Act.

(8) The *Gram Sabha* may, if it so desires ask for the assistance of the concerned Forest Department to provide all possible help in chalking out plans for sustainable access to the minor forest produce, marketing and technical knowledge for financial management and account keeping. This advice of the Forest Department shall be put before *Gram Sabha* for its consideration.

(9) The *Gram Sabha* may, in case of limited quantity of a minor forest produce, make a cyclic arrangement for its collection and use by a few people such as resource less and economically weaker groups.

(10) The *Gram Sabha* is competent for strict compliance of rules in the exploitation of minor forest produce, including levying of penalties, and to ensure that collectors of minor forest produce do not commit any act which damages the forest.

(11) The State Government and the Panchayats at the appropriate level shall form schemes to give assistance, guidance and manpower for the purposes of training and handholding, value addition, and market linkages to the *Gram Sabha*, so that the minor forest produce manage smoothly.

42. *Scheme for minor forest produce:—* (1) For meeting of village requirements, such as grazing, making houses and ploughs, the *Gram Sabha* shall chalk out a minor forest scheme for the use of forest resources used traditionally by the people in consultation with the concerned Forest Officers. Under this scheme every person shall be able to use the resources after getting permission letter from the Resource Planning and Monitoring Committee.

(2) The *Gram Sabha* may issue necessary directions in this regard, so as to ensure that the interest of the poor persons for their picking up of livelihood are protected.

(3) The *Gram Sabha* may chalk out suitable programs in consultation with concerned Departments to conserve the forest, improve the environment and enhance the employment at local level in their respective Scheduled Areas.

(4) The *Gram Sabha* is competent to make any inquiry about the wood or forest produce, which passing through their areas.

(5) If, on enquiry, there is a doubt of any illegal operation, then the *Gram Sabha* is competent to stop it on the spot immediately, and inform the same to the concerned authority for taking appropriate action.

(6) The *Panchayat*, Development Committee or Standing Committee can take minor forest produce related activities ranging from collection to value addition and marketing with the approval of the *Gram Sabha*.

(7) Financial transactions in above activities shall be open to examination by the *Gram Sabha* or any authority empowered by the Government.

CHAPTER X

MANAGEMENT OF MARKETS

43. *Control over markets in the Scheduled Area:—* The *Gram Sabha* is competent to approve, control and manage the markets within its territory, including to,-

- (a) make available water, sheds and other physical facilities with shopkeepers and consumers in the market;
- (b) prohibit the inflow and sale of harmful objects in the market;
- (c) ensure that the weight, measurement and payment in the transactions are genuine and no exploitation is done in any form;
- (d) obtain and share information about the prices being charged;
- (e) prohibit all unfair practices, including cheating and misinformation regarding prices, etc.;

- (f) prohibit gambling, betting, testing luck, cock-fighting, etc. in the market and its surrounding area;
- (g) advise *Panchayat* to impose tax on shopkeepers of the market except small vendors;
- (h) decide who qualifies as a small vendor based on objective principles.

CHAPTER XI

MONEY LENDING

44. *Control over money lending transaction in the Scheduled Area.*—(1) The *Gram Sabha* may constitute a Debt Control Committee from amongst its members.

(2) This Committee may investigate instances of exploitative, usurious, illegal lending or advances by non-Governmental lenders, including licensed money-lenders.

(3) In case of any illegality, the Debt Control Committee shall sent its report, with recommendation to the appropriate authority for action.

CHAPTER XII

IDENTIFICATION OF BENEFICIARIES, APPROVAL OF PLANS, SUPERVISION, ETC.

45. *Gram Sabha to identify beneficiaries in the Scheduled Area.*—(1) The *Gram Sabha* shall be competent to finalise guidelines and criteria for identification of beneficiaries on the basis of the socio-economic condition of the family for social and economic development programs from amongst the people of the village, in keeping uniformity with the Government scheme, instructions or directions.

(2) The concerned Department shall give all information to the *Gram Sabha*. After deliberation, the *Gram Sabha* shall finalise the list of beneficiaries.

46. *Approval of programs by Gram Sabha.*—(1) It shall be mandatory for the *Panchayat* to obtain the approval of all the *Gram Sabhas* on plans and projects for the village.

(2) Before beginning any program or project in the village the *Panchayat* shall present it before the *Gram Sabha* for its approval.

47. *Compliance of decision of Gram Sabha by Departments and Panchayats in case of rule 45 and 46 above.*— While using its rights, if the *Gram Sabha* takes a decision which causes hindrance or there is possibility of hindrance in the official work of any concerned Department or officer, then action shall be taken as follows, namely :—

(a) the representative of the concerned Department or officer shall postpone the action on the disputed matter and present his views to the *Gram Sabha*, with a request to reconsider its decision;

(b) if the concerned Department is not satisfied with the decision of the *Gram Sabha*, the matter shall, within fifteen days from the date of decision be referred to the Chief Executive Officer of the Zilla Parishad, who shall decide it in the light of provisions of the Act.

48. *Certification of expenses.*— It shall be mandatory for the *Panchayat* to obtain a certification of utilization of all funds in Form A, from the *Gram Sabha* for works undertaken by it.

49. *Details regarding works to be given to Gram Sabha.*—(1) The complete details of every work progress in the village shall be laid by all the concerned Departments, who working in that area, in the meetings of the *Gram Sabha*.

(2) If there is any objection pertaining to the quality of the work and the expenditure incurred, then the matter shall be placed before the *Gram Sabha*. The *Gram Sabha* shall examine the issue and give suggestions for its improvement.

(3) On completion of any programme, the complete details thereof shall be produced before the next meeting of the *Gram Sabha*.

50. *Review of social sector.*—(1) The *Gram Sabha* shall be competent to review all social sector schemes as well as local institutions such as schools, hospitals, etc., from time to time.

(2) The *Gram Sabha* may constitute special Committees to assist in its reviews.

(3) The instructions given by the *Gram Sabha* for improving the implementation of social sector schemes of local institutions shall be considered appropriately by the concerned functionaries of the Departments.

51. *Social audit and monitoring of development activities*:— The *Gram Sabha* may constitute Vigilance and Monitoring Committee. This Committee shall ensure that,—

- (a) information about work has been displayed at the work site and also at any public place in local language;
- (b) progress and quality of work is maintained;
- (c) payment to the worker are read out and given in public places.

52. *State law to be in keeping with custom, social, religious and traditional management practices of community in the Scheduled Area*:— (1) If a *Gram Sabha* is of the opinion that any provisions of the existing state law extended to the Scheduled Area are not in consonance with their custom, social and religious practices and traditional management practices of the community resources or any subject matter which is comes within the purview of the Scheduled Area, it may pass a resolution to that effect.

(2) Such resolution so passed shall be forwarded to the Chief Executive Officer of the Zilla Parishad by the *Gram Sabha*, who shall forward it to the Government with a copy to the Governor, in consonance with the requirement of the Fifth Schedule of the Constitution of India.

(3) The Government shall take necessary action on such Resolution and communicate it to the *Gram Sabha*.

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

DR. NARESH GITE,
Deputy Secretary to Government.

FORM—"A"

(See Rule 48)

UTILISATION CERTIFICATE

Utilisation Certificates should be forwarded Grant-wise and Treasury-wise separately.

Certificate that an amount of Rs. _____ vides Vr No. _____
dated _____ under M.H. _____ towards Grant-in-Aid from _____ Treasury was utilized
for the purpose of _____ as mentioned in the sanction order
No. _____ dated _____ of the _____ (name of the sanctioning authority).

Computer No. _____

Signature of Controlling Officer
(with rubber stamp)

ANNEXURE 15.01



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. LVII OF 1969.

**THE MAHARASHTRA FOREST
PRODUCE (REGULATION OF
TRADE) ACT, 1969.**

(As modified upto the 30th January 2013)

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**THE MAHARASHTRA FOREST PRODUCT (REGULATION
OF TRADE) ACT, 1969**

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SCHEDULE

MAHARASHTRA ACT No. LVII OF 1969¹

[THE MAHARASHTRA FOREST PRODUCE (REGULATION OF TRADE) ACT, 1969.]

(Received the assent of the President on the 24th December 1969; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 26th December 1969.)

Amended by Mah. 45 of 1997²(10-12-1997)[†]

An Act to make provision for regulating in the public interest the trade of certain³ forest produce by creation of a State monopoly in such trade in the State of Maharashtra.

WHEREAS, it is expedient to provide for regulating in the public interest the trade of certain³ forest produce by creation of a State monopoly in such trade in the State of Maharashtra; and for matters connected therewith; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra "Forest Produce (Regulation of Trade)" Act, 1969. Short title, extent,

(2) It extends to the whole of the State of Maharashtra. commence-ment and application.

(3) It shall come into force in such area or areas, and on such date³ or dates as the State Government may, by notification in the *Official Gazette*, specify. application.

(4) It shall apply in respect of the⁶ forest produce specified in the Schedule.

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

Mah.
XLI
of
1966.

(a) "agent" means an agent appointed under section 4 ;

(b) "Code" means the Maharashtra Land Revenue Code, 1966;

(c) "Committee" means an Advisory Committee constituted under sub-section (1) of section 6 ;

(d) "grower of⁶ forest produce" means :—

XVI
of
1927.

(i) in respect of⁶ forest produce grown in areas as may, from time to time, be constituted, as reserved or protected forests under the Indian Forest Act, 1927, the State Government; and

(ii) in respect of⁶ forest produce grown in areas not covered by sub-clause (i)—

(a) the State Government, where the⁶ forest produce is grown on unoccupied land as defined in clause (41) of section 2 of the Code;

(b) the occupant or a tenant or a Government lessee of the holding or a superior holder, as the case may be, in a unit on which the⁶ forest produce grows; and includes every person who, from time to time, claims title to such produce through him;

1 For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1969, Part V, Extra, page-557.

2 The word "minor" was deleted, by Mah. 45 of 1997, s. 8.

3 The word "minor" was deleted, *ibid.*, s. 9.

4 The word "minor" was deleted, *ibid.*, s. 10.

5 27th day of December 1969, in the whole of the State of Maharashtra (*vide* G. N., R. and F. D. No. MFP.2169/221968-U, dated the 27th December 1969.)

6 The word "minor" was deleted by Mah. 45 of 1997, s. 11.

§ Maharashtra Ordinance No. XIX of 1997 was repealed by Mah. 45 of 1997, s. 14.

† This indicates the date of commencement of the Act.

[(e) "Forest Produce" means such forest produce as defined under the Indian Forest Act, 1927 as are specified in the Schedule appended to this Act, and the State Government may, from time to time, by notification in the *Official Gazette*, add to or modify the Schedule in the public interest, and the provisions of sub-section (3) of section 19 is so far as they relate to laying before and modification, as they apply in relation to any rule made under that section shall apply in relation to such notification;]

XVI
of
1927.

(f) "specified area" means the area specified in the notification under sub-section (3) of section 1;

(g) "tenant" includes—

(i) a tenant as defined in sub-section (40) of section 2 of the Code, and

(ii) a tenant as defined in—

(a) the Bombay Tenancy and Agricultural Lands Act, 1948, in relation to the Bombay area of the State of Maharashtra ;

Bom.
LXVII
of
1948.

(b) the Hyderabad Tenancy and Agricultural Lands Act, 1950, in relation to the Hyderabad area of the State of Maharashtra ;

Hyd.
Act
XI
of
1950.

(c) the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, in relation to the Vidarbha Region of the State of Maharashtra ;

Bom.
XCIX
of
1958.

(h) "unit" means a sub-division of a specified area constituted into a unit under section 3 ;

(i) words and expressions "Government lessee", "holding", "occupant" and "superior holder" shall have the meanings, respectively, assigned to them in the Code;

(j) words and expressions used but not defined in this Act, and defined in the Indian Forest Act, 1927, shall have the meanings, respectively, assigned to them in that Act.

XVI
of
1927.

Constitution of units. 3. The State Government may divide every specified area into such number of units as it may deem fit in respect of each ^{2*} forest produce.

Appoint-ment of agents. 4. (1) The State Government may, for the purpose of purchase of, and trade in any ^{2*} forest produce on its behalf, appoint agents in respect of different units, and any such agent may be appointed in respect of more than one unit.

(2) The terms, conditions and the procedure for appointment of agents shall be such as may be prescribed.

1 Clause (e) was substituted by Mah. 45 of 1997, s. 12.

2 The word "minor" was deleted *ibid.*, s. 11.

5. (1) On the issue of a notification under sub-section (3) of section 1 in any area, no person other than,—

Restriction
on purchase
or transport
of ¹* forest
produce.

(a) the State Government ;

(b) an officer of the State Government authorised in writing in that behalf ; or

(c) an agent in respect of the unit in which the ¹* forest produce has grown ;

shall purchase or transport the ¹* forest produce to which this Act applies.

Explanation I.—Purchase of ¹* forest produce from the State Government, or the aforesaid Government Officer, or agent, shall not be deemed to be a purchase in contravention of the provisions of this Act.

Explanation II.—A person having no interest in the holding who has acquired the right to collect any ¹* forest produce grown on such holding shall be deemed to have purchased such produce in contravention of the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1),—

(a) a grower of any ¹* forest produce may transport such produce belonging to him from any place within the unit wherein such produce has grown, to any other place in that unit; and

(b) ¹* forest produce purchased from the State Government or any officer or agent specified in the said sub-section by any person for manufacture of finished goods using such produce within the State or by any person for sale outside the State may be transported by such person outside the unit in accordance with the terms and conditions of a permit, to be issued in that behalf by such authority and in such manner as may be prescribed.

(3) Any person desiring to sell ¹* forest produce may sell it to the aforesaid Government Officer or agent at any depot situated within the said unit.

6. (1) The State Government shall, for each year commencing on the 1st day of July and ending on the 30th day of June next following, constitute, in respect of each ¹* forest produce, an Advisory Committee for one or more Revenue Commissioners' divisions in the State consisting of not more than nine members as may be notified by the State Government from time to time for the purpose of advising the State Government in the matter of fixation, from time to time, of a fair and reasonable price at which such produce may be purchased by the State Government or its authorised officer or agent, as is offered for sale in such division or divisions in accordance with the provisions of this Act :

Constitution
of Advisory
Committee.

Provided that, two of the members shall be from amongst the traders of the respective ¹* forest produce, or manufactures of finished goods using such produce; and four members shall be from amongst the growers of the respective ¹* forest produce other than the State Government.

1. The word "minor" was deleted by Mah. 45 of 1997, s. 11.

(2) It shall also be the duty of the Committee to advise the State Government on such other matters as may be referred to it by the State Government.

(3) The business of the Committee shall be conducted in such manner as may be prescribed.

(4) The members of the Committee shall be entitled to such allowances as may be prescribed :

Provided that, a member of the State Legislature, while holding the office of member of the Committee shall not be entitled to receive any allowances other than travelling allowance, daily allowance or such other allowance which is paid to the holder of such office for the purpose of meeting the personal expenditure incurred in attending the meeting of the Committee or in performing any other functions as holder of such office.

(5) The Committee shall tender its advice to the State Government within such period as the State Government may, for each Committee, specify in this behalf.

State
Government
to fix price in
consultation
with
Committee

7. The State Government shall, after consultation with the Committee, constituted under section 6 in respect of any particular ^{1*} forest produce, fix the price at which such produce shall be purchased by it or by any of its authorised officer or agent, from growers of that produce and shall publish the same in the *Official Gazette* and in such other manner as may be prescribed not later than the 31st day of December ; and the price so fixed shall not be altered during the year to which the price relates :

Provided that, if the Committee fails to tender advice within the period specified under sub-section (5) of section 6 (or such further period not exceeding fifteen days as the State Government may allow), the State Government may proceed to fix the price without consultation with the Committee :

Provided further that, different prices may be fixed for different units, and in so doing regard shall be had amongst other things, to—

(a) prices of the respective ^{1*} forest produce obtained or fixed under this Act, or any enactment during the preceding three years in respect of the area comprised in the unit ;

(b) the quality of the ^{1*} forest produce grown in the unit ;

(c) transport facilities available in the unit ;

(d) the cost of transport ; and

(e) the general level of wages for unskilled labour prevalent in the unit.

Opening of
depots and
publication of
price list,
etc. at
depot.

8. There shall be set up in each unit such number of depots, and at such places, as the State Government may, taking into consideration the convenience of the growers of the respective ^{1*} forest produce, direct; and a price list of such produce fixed by the State Government under section 7 and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.

1. The word "minor" was deleted by Mah. 45 of 1997, s. 11.

9. (1) The State Government or its authorised officer or agent shall be bound to purchase at the price fixed under section 7^{1*} forest produce offered for sale at the depot during the hours of business :

State
Government
or agent to
purchase ^{1*}
forest
produce.

Provided that, it shall be open to the State Government or the authorised officer or the agent to refuse to purchase any ^{1*} forest produce which in their opinion is not fit for the purpose of manufacture of finished goods using such produce, or for any other commercial purpose.

(2) Any person aggrieved by the refusal to purchase ^{1*} forest produce by an authorised officer or agent under the proviso to sub-section (1), may, within fifteen days therefrom, refer the matter to the Divisional Forest Officer, or such other officer who may be empowered by the State Government in this behalf, having jurisdiction over the unit in which the ^{1*} forest produce has grown.

(3) On receipt of a complaint under sub-section (2), the Divisional Forest Officer or such other officer, as the case may be, shall hold an enquiry on the spot or at the headquarters, in the prescribed manner; and after hearing the parties concerned or their authorised agent shall pass such orders as he may deem fit; and in case he finds the refusal to purchase the ^{1*} forest produce to be improper, he may,—

(a) if he considers the ^{1*} forest produce in question still suitable for the manufacture of finished goods, or for any other commercial purpose direct the authorised officer or agent, as the case may be, to purchase the same, and may also award to the person aggrieved such further compensation not exceeding twenty per centum of the price of the ^{1*} forest produce payable to him, as he may deem fit ;

(b) if he considers that the ^{1*} forest produce in question has since become unsuitable for manufacture of finished goods or for any other commercial purpose, direct the payment to the person aggrieved of any amount not less than the price of such ^{1*} forest produce payable to him under sub-section (1) and such further compensation not exceeding twenty per centum of such price as he may deem fit by way of damages for the loss suffered by such person.

(4) Nothing in this section shall be construed as to debar the appropriation of any ^{1*} forest produce offered for sale, if the State Government or its authorised officer or the agent has reason to believe that such produce appertains to forest or lands belonging to the State Government and paying only such collection charges, if any, as the State Government may from time to time determine :

Provided that, in the case of any dispute, the Divisional Forest Officer or such other officer who may be specifically empowered in this behalf as specified in sub-section (2), shall hear and dispose of the same in the manner provided therein.

1. The word "minor" was deleted by Mah. 45 of 1997 s. 11.

(5) Any person aggrieved by the decision of any officer referred to in the provision to sub-section (4) may within a period of thirty days from the date of receipt of such decision, prefer an appeal to the State Government ; and the decision of the State Government on such appeal shall be final.

Registration. 10. Every grower of ¹*forest produce other than the State Government shall, if the quantity of such produce grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in the prescribed manner.

Registration of manufacturers of finished goods using ¹*forest produce and exporters of ¹*forest produce. 11. (1) Every manufacturer of finished goods using ¹* forest produce, and every exporter of ¹*forest produce shall get himself registered within such period, on payment of such fee, and in such manner, as may be prescribed.

(2) Every such manufacturer and exporter registered under sub-section (1) shall furnish a declaration in such form, by such date, and in such manner, as may be prescribed.

Disposal of ¹*forest produce. 12. Any ¹*forest produce purchased by the State Government or by its officer or agent, under this Act, shall be sold or otherwise disposed of in such manner as the State Government may direct.

Delegation of powers. 13. The State Government may, by order, in the *Official Gazette* delegate any of its powers or functions under this Act or the rules made thereunder to any officer or authority not below the rank of an Assistant Conservator of Forests who shall exercise or perform the same, subject to such conditions and restrictions as the State Government may specify in the order.

Power of entry, search, seizure, etc. 14. (1) Any police officer not below the rank of a Sub-Inspector or any other person authorised by the State Government may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfying himself that the said provisions have been complied with—

(i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of a ¹* forest produce ;

(ii) enter and search any place ;

(iii) seize ¹* forest produce in respect of which he suspects that any provision of this Act, or the rules made thereunder has been, is being or is about to be contravened along with the receptacle containing such produce or the vehicles or boats used in carrying such produce.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898,† relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

V of
1898.

Penalty. 15. If any person contravenes any of the provisions of this Act or the rules made thereunder :—

(a) he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both ;

1. The word "minor" was deleted by Mah. 45 of 1997. s. 11

† Now see Code of Criminal Procedure, 1973 (2 of 1974).

(b) the ^{1*} forest produce in respect of which such contravention has been made or such part thereof as the Court may deem fit shall be forfeited to the State Government:

Provided that, if the Court is of the opinion that it is not necessary to direct forfeiture in respect of the whole, or as the case may be, any part of the ^{1*} forest produce, it may, for reasons to be recorded, refrain from doing so.

16. Any person who attempts to contravene or abets the contravention of any provision of this Act or the rules made thereunder shall be deemed to have contravened such provisions. Attempts and abetment.

17. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by any Forest Officer not below the rank of a Divisional Forest Officer or by any other officer as may be authorised by the State Government in this behalf. Cognizance of offences.

18. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder. Savings in respect of acts done in good faith.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act, or by anything which is in good faith done or intended to be so done in pursuance of this Act, or the rules made thereunder.

19. (1) The State Government may make subject to the condition of previous publication, rules to carry out all or any of the provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely :—

- (a) procedure to be followed in making appointment of agents ;
- (b) publication of the price lists of ^{1*} forest produce ;
- (c) manner of holding enquires under this Act ;
- (d) the authority by whom, the manner in which and the conditions subject to which, permits may be issued ;
- (e) the manner of registration under section 10 ;
- (f) (i) manner of registration, the period within which such registration shall be made and fee payable therefor under sub-section (1) of section 11 ;

1. The word "Minor" was deleted by Mah. 45 of 1997, s. 11.

(ii) form of declaration, authority to whom, date by which and the manner in which, the declaration shall be furnished under sub-section (2) of section 11;

(g) any other matter which is either expressly or impliedly required to be prescribed under this Act.

(3) 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 publication 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.

Act XVI of
1927 not to
apply to
forest
produce for
purposes
covered under
this Act.

20. Nothing contained in the Indian Forest Act, 1927, shall apply to ^{1*} forest produce in respect of matters for which provisions are contained in this Act.

XVI
of
1927.

Removal of
difficulties.

21. If any difficulty arises in giving effect to the provisions of this Act the State Government may, by order, do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Repeal and
Saving.

22. (1) The Maharashtra Minor Forest Produce (Regulation of Trade) Ordinance, 1969, is hereby repealed.

Mah
Ord.
XIV
of
1969

(2) Anything done or any action taken by or under the Ordinance so repealed, shall be deemed to have been done or taken under this Act as if this Act had come into force on the 22nd day of October 1969.

SCHEDULE

[See section 2(e)]

1. Temburni (or *tendu*) leaves.

²[2. *Apta (Bauhinia recemosa)* leaves.]

1. The word "minor" was deleted by Mah. 45 of 1997 s. 11.

2. Entry 2 was added by G. N. R. & E. D., No. MFP. 1569/216012-(A)-U, dated the 24th June 1971.

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ANNEXURE 15.02

RNI No. MAHENG /2009/35528

Reg. No. MH/MR/South-344/2014-16



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक २६]

शनिवार, जुलै ५, २०१४/आषाढ १४, शके १९३६

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ८५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि
विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Forest Produce (Regulation of Trade) (Amendment) Act, 2014 (Mah. Act No. XXXII of 2014), is hereby published under the authority of the Governor.

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

SANGITRAO PATIL,
I/c. Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXII OF 2014.

(First published, after having received the assent of the Governor, in the
"Maharashtra Government Gazette", on the 5th July 2014).

An Act further to amend the Maharashtra Forest Produce
(Regulation of Trade) Act, 1969.

Mah. LVII of 1969. WHEREAS it is expedient further to amend the Maharashtra Forest Produce (Regulation of Trade) Act, 1969, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Forest Produce (Regulation of Trade) (Amendment) Act, 2014.

Short title
and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2
of Mah.
LVII of
1969.

2. In section 2 of the Maharashtra Forest Produce (Regulation of Trade) Act, 1969 (hereinafter referred to as "the principal Act"), after clause (h), the following clause shall be inserted, namely :—

“(h-1) “Village Forest Management Committee” means the Joint Forest Management Committee or any such Committee by whatever name called constituted under section 49 of the Maharashtra Village Panchayats Act to manage and protect the reserved forests or protected forests or any part thereof where the rights of the Government to or over any land which has been constituted as a reserved forest or called a protected forest are assigned, by order of the State Government issued in this behalf, under the Indian Forest Act, 1927, in its application to the State of Maharashtra and the rules made thereunder, as a village forest to any village community or the Village Panchayat :”

Amendment
of section 3
of Mah.
LVII of
1969.

3. To section 3 of the principal Act, the following proviso shall be added, namely :—

"Provided that, the areas earmarked or assigned to the Village Forest Management Committees shall, from the date of the commencement of the Maharashtra Forest Produce (Regulation of Trade) (Amendment) Act, 2014, be excluded from such units."

Amendment
of section 5
of Mah.
LVII of
1969.

4. In section 5 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2a) Notwithstanding anything contained in sub-section (1), the Village Forest Management Committee shall, subject to the provisions of the Indian Forest Act, 1927 and the rules made thereunder, be entitled to transport and store the forest produce collected from the area earmarked or assigned to it."

Amendment
of section 6
of Mah.
LVII of
1969.

5. In section 6 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—

"Provided further that, one member shall be the representative of the Village Forest Management Committee, as recommended by the concerned Chief Conservator of Forest."

Amendment
of section 7
of Mah.
LVII of
1969.

6. In section 7 of the principal Act, after the second proviso, the following proviso shall be added, namely :—

“Provided also that, for the forest produce collected from the area earmarked or assigned to the Village Forest Management Committee, the price shall be fixed by the Village Forest Management Committee and the provisions of this section shall apply, *mutatis mutandis*, for fixation of price.”.

Amendment
of section 8
of Mah.
LVII of
1969.

7. To section 8 of the principal Act, the following proviso shall be added, namely :—

“Provided that, for the forest produce collected from the area earmarked or assigned to the Village Forest Management Committee, the place of such depot shall be fixed by such Committee and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.”.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै ५, २०१४/आषाढ १४, शके १९३६

8. In section 9 of the principal Act,—
(a) in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—
“Provided further that, the Village Forest Management Committee shall purchase the forest produce collected from the area earmarked or assigned to it, at the price fixed by such Committee and the Committee shall not be competent to purchase the forest produce from the area other than the areas earmarked or assigned to it.”;
(b) in the marginal note, after the words “or agent” the words “or Village Forest Management Committee” shall be inserted.
9. To section 10 of the principal Act, the following proviso shall be added, namely :—
“Provided that, it shall not be necessary for the Village Forest Management Committee to get itself registered.”.
10. To section 12 of the principal Act, the following proviso shall be added, namely :—
“Provided that, subject to the terms and conditions as may be imposed by the State Government for assigning the village forest, any forest produce purchased or collected by the Village Forest Management Committee shall be sold or otherwise disposed of in such manner as it deems fit.”.

Amendment
of section 9
of Mah.
LVII of
1969.

Amendment
of section 10
of Mah.
LVII of
1969.

Amendment
of section 12
of Mah.
LVII of
1969.

ANNEXURE 15.03

RNI No. MAHENG /2009/35528

Reg. No. MH/MR/South-344/2014-16



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक ४९(२)]

शुक्रवार, जानेवारी ९, २०१५/पौष १९, शके १९३६

[पृष्ठ २, किंमत : रुपये २७.००

असाधारण क्रमांक २

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

OFFICE OF THE GOVERNOR OF MAHARASHTRA

Raj Bhavan, Malabar Hill, Mumbai 400 035, dated the 9th January 2015.

Preamble

No. RB/TC/e-11019(15)(2014)/Notification-6/24/2015.—Whereas, by Notification No. RB/TC/e-11019 (15) (2014)/Notification-3/ Bamboo-MFP/741, dated the 19th August 2014 the Governor of Maharashtra directed that the Maharashtra Transfer of Ownership of Minor Forest Produce in Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 (Mah. III of 1998) shall apply to the Scheduled Areas with certain modifications ;

And whereas, it is expedient to issue further directions in this regard .

Now, therefore, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby makes the following further modification to the said Act :—

NOTIFICATION

CONSTITUTION OF INDIA.

In exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that, the Maharashtra Transfer of Ownership of Minor Forest Produce in Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 (Mah. III of 1998) shall apply to the Scheduled Areas with the following further modification :—

(१)

भाग आठ-२-१

“Provided that, it shall be lawful for the Forest Department, upon a requisition made by the resolution of the Panchayat and the Gram Sabha concerned in this regard, to purchase, transport and dispose of Tendu and Apta leaves on their behalf and thereupon the provisions of the Maharashtra Forest Produce (Regulation of Trade) Act, 1969 and the rules made thereunder and the guidelines issued in this regard from time to time shall, *mutatis mutandis*, apply.”

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

VIKAS CHANDRA RASTOGI,
Secretary to Governor.

ANNEXURE 16.01

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—Sec. 3(ii)]

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 17th November, 2008

S.O. 2708(E).—In exercise of the powers conferred by clause (a) of Section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby authorises the officers specified in column (2) of the Table below, to file complaints with regard to offences punishable under the said Act, within the areas of jurisdiction specified against each in the corresponding entry in column (3) of the Table aforesaid, subject to the condition that the Central Government may revoke such authorisation or may itself exercise the powers under the said section, if in its opinion such a course of action is necessary in the public interest, namely :—

TABLE

Sl. No.	Officers authorised to file complaints under Section 61(a) of the Biological Diversity Act, 2002	Area of Jurisdiction
(1)	(2)	(3)
1.	Officers of the National Biodiversity Authority, not below the rank of Scientist 'C'	Whole of India
2.	Officers of the State Biodiversity Boards, not below the rank of Scientist 'C'	Whole of the concerned State
3.	Officers of the Regional Offices of the Ministry of Environment and Forests, Government of India, not below the rank of Scientist 'C'.	Whole of the States under the jurisdiction of the respective Regional Offices.

[F. No. 28-14/2008-CS-III (NBA)]

A. K. GOYAL, Jt. Secy.

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 68]

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NEW DELHI, MONDAY, JANUARY 12, 2009/PAUSA 22, 1930

पर्यावरण एवं वन मंत्रालय

अधिसूचना

नई दिल्ली, 7 जनवरी, 2009

का.आ. 120(अ).—जैव-विविधता अधिनियम, 2002 (2003 का 18) की धारा 61 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा दिनांक 17 नवम्बर, 2008 की अधिसूचना संख्या का.आ. 2708 (अ) में आगे निम्नलिखित संशोधन करती है, नामतः :—

उपर्युक्त अधिसूचना में :—

तालिका में क्रम सं. 3, क्रम सं. 4 और उनके कॉलम सं. 2 और 3 में की गई अनुरूपी-प्रविष्टियों के बाद निम्नलिखित को अन्तः स्थापित किया जाएगा, नामतः :—

क्रम सं.	जैव विविधता अधिनियम, 2002 की धारा 61 (क) के अंतर्गत शिकायत दर्ज करने के लिए प्राधिकृत अधिकारी	अधिकार क्षेत्र
(1)	(2)	(3)
4.	वन अधिकारी जो रेंज ऑफिसर के रैंक से कम न हों	उनके अपने-अपने अधिकार क्षेत्र में

[फा. सं. 28-14/2008-सीएस-III (एन वी ए)]

ए. के. गोयल, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना दिनांक 17 नवम्बर, 2008 की अधिसूचना सं. का.आ. 2708(अ) के तहत भारत के राजपत्र, असाधारण में प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION

New Delhi, the 7th January, 2009

S.O. 120(E).—In exercise of the powers conferred by clause (a) of Section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby make the following further amendments in the Notification No.S.O. 2708 (E), dated 17th November, 2008 namely :—

In the said Notification :—

In the TABLE, after Sl.No. 3, Sl.No. 4 and the corresponding entries in column No. 2 & 3 thereof, shall be inserted, namely :—

Sl.No.	Officer authorised to file complaints under Section 61 (a) of the Biological Diversity Act, 2002	Area of jurisdiction
(1)	(2)	(3)
4.	Forest Officers not below the rank of Range Officers	In their respective jurisdictions

[F.No. 28-14/2008-CS-III (NBA)]

A. K. GOYAL, Jr. Secy.

Note : The Principal Notification was published in the Gazette of India, Extraordinary vide Notification No. S.O. 2708 (E), dated 17th November, 2008.

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 10th June, 2015

S.O. 1633(E).—In exercise of the powers conferred by clause (a) of section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby make the following further amendments in the Notification of the Government of India, Ministry of Environment, Forests & Climate Change, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 2708 (E), dated the 17th November, 2008, namely:—

In the said Notification, in the TABLE, after serial number 4 and the corresponding entries relating thereto the following, shall be inserted, namely:—

Sl.No.	Officer authorised to file complaints under Section 61(a) of the Biological Diversity Act, 2002	Area of Jurisdiction
(1)	(2)	(3)
5.	Advisor (Law), National Biodiversity Authority, Chennai	Whole of India

[F. No. 28-14/2008-CS-III(NBA)]

ANIL SANT, Jt. Secy.

Note: The Principal Notification was published in the Gazette of India, Extraordinary vide Notification number S.O. 2708(E), dated the 17th November, 2008 and subsequently amended vide S.O. number 120(E), dated the 7th January, 2009.

ANNEXURE 17.01



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 8th February 2019]



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

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7. Award of penalty or confiscation not to interfere with other punishments.
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SCHEDULE.

MAHARASHTRA ACT No. XXXIV OF 1964¹

[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,—

Definitions.

²[(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,

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

³[(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;

XVI of
1927.

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

* * * * *

(d) "Revenue Officer" means a Revenue Officer within the meaning of the ⁴[Code] ;

(e) "to fell a tree" includes buring 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

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 by Mah. 17 of 1987, s. 2 (b).

⁵ This word was substituted for the words "relevant Code" by Mah. 17 of 1987, s. 2 (c).

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 sub-section (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 ;

'[(ff) "Tree Officer" means a 'Forest Officer' not below the rank of a Range Forest Officer;]

(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 ²[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 ³[Tree Officer] duly empowered by the State Government in that behalf ⁴.*

⁵[(1A) If any person wishes to fell a tree, he shall apply in writing to the ⁶[Tree Officer] empowered under sub-section (1) for permission in that behalf.

(1B) The ⁶[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, ⁷[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 :

⁸[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;]

¹ Clause (ff) was inserted by Mah. 26 of 1989, s. 2.

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

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

⁴ 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).

⁵ Clauses (1A) to (1C) were inserted by Mah. 31 of 1967, s. 2(b).

⁶ These words were substituted for words "Revenue Officer" by Mah. 26 of 1989, s.3(b), (c)(i), (d) (i) and (e) (i), respectively.

⁷ These words were added, by Mah. 26 of 1989, s.3 (c) (ii).

⁸ The proviso was added by Mah. 26 of 1989, s.3(c) (iii).

¹[(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 ²[Tree Officer] fails to inform that applicant of his decision within ³[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 ⁴[Tree Officer] refusing to grant permission under ⁵[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.

⁶[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.

⁷[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, ⁸[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 ⁹[Tree Officer] empowered under section 3 may, after holding an enquiry and giving such person

Penalty for felling trees in contravention of section 3.

¹ This sub-section was inserted by Mah. 35 of 1999, s. 3.

² These words were substituted for words "Revenue Officer" by Mah. 26 of 1989, s.3(b),(c)(i),(d) (i) and (e) (i) respectively.

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

⁴ These words, brackets, figure and letter were substituted for the words, brackets and figure "sub-section (1)" by Mah. 26 of 1989, 3(e)(ii).

⁵ This section was inserted by Mah. 26 of 1989, s.4.

⁶ This proviso was added by Mah. 35 of 1999, s.4.

⁷ These words were substituted for the words "without obtaining permission" by Mah. 31 of 1967, s.3.

an opportunity of being heard, deem fit to impose; and the '[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 ²[along with the tools, boats, vehicles or other conveyances used in felling and removing any such tree.]

Contravention of section 3 to be reported by certain officers.

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.

(2) Any Revenue Officer, not below the rank of an Aval Karkun or Naib-Tahsildar, Forest Officer not below the rank of 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, ³[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 ⁴[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 ;

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.

Produce in cases to be dealt with under this Act.

⁵[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.]

¹ These words were substituted for words "Revenue Officer" by Mah. 26 of 1989, s. 5(a).

² These words were added by Mah. 26 of 1989, s. 5(b).

³ These words were substituted for the words "vehicle or cattle" by Mah. 26 of 1989, s. 6(a)(i).

⁴ These words were substituted for the words "Revenue Officer empowered" by Mah. 26 of 1989, s. 6(a)(ii).

⁵ This section was substituted for the original by Mah. 17 of 1987, s.4.

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. Award or penalty or confiscation not to interfere with other punishments.
8. All inquiries and proceedings before any '[Tree Officer]' shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and proceedings to be judicial proceedings.
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. Officers to be public servants.
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. Execution of order for payment of money.
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. Bar of proceedings.
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.

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

SCHEDULE

[See section 2(f)]

1. *Terminalia Chebula* (Hirda).
- ¹[2. *Teak*]
- ²[3. *Madhuca Latifolia* (Mahua, Mhowra or Mahu)
- ³* * *]
- ⁴[5(A). *Mango, other than grafted variety* (*Mangifera indica*)]
- ⁵* * *
- ⁶[7. *Acacia Catechu* (Khair)]
- ⁶[8. *Santalum* (Sandal).]
- ⁷[9. *Pterocarpus marsupium* (Bija).
10. *Adin cordofolia* (Haldu).
11. *Ougelnia dalbergioidies* (Tiwas).]
- ⁸[12. *Terminalia tomentosa* (Ain).]
- ⁹[13. *Terminalia Peniculata* (Kinjal or Kindal).]
- ⁹[14. *Hardwickia binata* (Anjan).
15. *Syzigium cumini* (Jambhul).]
- ⁹[16. Mangrove.

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 racemosa* (willd), *Sonneratia apetala* (Buch Ham), *Sonneratia acida* (Dinn), *Avicenia Officialalis* (Linn), *Avicenia marina* (Linn), *Acanthus ilicifolius*, *Aegiceras majus* and *Salvadora persica* (Linn).]

¹⁰[Within the district of Sindhudurg only—

17. *Dalbergia Latifoli* (Shisam)
18. *Gmelina arboria* (Shivan)
19. *Lagstroemia lanceolata* (Nana)

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 4, 5 and 6 were deleted vide G.N., R. & F.D., No. Misc. 01/2007/CR.8/F-6, dated the 5th May 2011.

⁴ Entry 5(A) was added vide G.N., R & F.D., No. Misc. 01/2007/CR. 8/F-6, dated the 5th May 2011.

⁵ Entry 7 was added vide G.N., R. & F.D., No. TRS. 1169/187626-B, dated the 7th December 1970.

⁶ Entry 8 was added vide G.N., R. & F.D., No. TRS. 1165/152115-B, dated 15th May 1973.

⁷ Entries 9, 10 and 11 were added vide G.N., R. & F.D., Nos. TRS. 1165/152115-B, dated the 9th March 1974.

⁸ Entries 12, 13 and 16 were added vide G.N., R. & F.D., No. TRS. 10858/12399/G-7, dated the 28th January 1987.

⁹ Entries 14 and 15 were added vide G.N., R. & F.D., No. TRS. 1075/4962-G-6, dated the 16th January 1976.

¹⁰ Entries 17 to 24 were added, for district of Sindhudurg only, vide G.N., R. & F.D. No. TRS. 1097/CR-244/F-6, dated the 4th October 1999.

20. *Terminalia belerica* (Behala)
21. *Strychnes nuxvomica* (Kazra)
22. *Euginia zeylanica* (Bhedus)
23. *Terminalia arjuna* (Pandhra ain)

1. * * * *

²[25. *Nothopodytes Nimmoniana*/*Nothopodytes Foetida*/*Mappia Foetida*
(Commonly known as "Narkya" or "Amruta")].

¹ Entry 24 was deleted vide G.N., R. & F.D. No. Misc. 01 /2007/CR-8/F-6, dated the 5th May 2011.

² Entry 25 was added vide G.N., R. & F.D. No. TRS. 03 /2008/CR-58/F-6, dated the 17th June 2008.

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AND THE RECOGNISED BOOK SELLERS

ANNEXURE 17.02

6699

THE MAHARASHTRA FELLING OF TREES (REGULATION) RULES, 1967

G. N., R. & F. D., No. TRS. 1065/53933-B, dated 19th September 1967
(M. G., Pt. IV-B, p. 2204)

*Amended by Errata R. & F. D., No. TRS. 1065/53933, dated 30th September 1967
(M. G., Pt. IV-B, p. 2238).*

*Amended by G. N., R. & F. D., No. TRS. 1067/32572-B, dated 19th July 1968
(M. G., Pt. IV-B, p. 758).*

*Amended by G. N., R. & F. D., No. TRS. 1069/926-B, dated 29th July 1970 (M. G.,
Pt. IV-B, p. 1035).*

In exercise of the powers conferred by sub-section (1) of section 15 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1964), the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 15, namely:—

15(1)

1. *Short title.*—These rules may be called the Maharashtra Felling of Trees (Regulation) Rules, 1967.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Maharashtra Felling of Trees (Regulation) Act, 1964,
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act.

3. *Application for permission under [section 3(1A)].*—(1) Any person seeking permission of the Revenue Officer under [sub-section (1A) of section 3] to fell any tree or trees shall make an application in Form I. The application shall be presented either in person or be sent by post.

(2) On receipt of the application, the Revenue Officer shall acknowledge its receipt if the application is complete in all respects. If the application is incomplete, he shall immediately return the application to the applicant pointing out to him the deficiencies in the application, and ask the [applicant to resubmit] the application after completing it in all respects.

4. *Grant of permission.*—(1) On receipt of an application under rule 3, the Revenue Officer shall, after holding such inquiry as he deems fit, ascertain whether the tree or trees to be felled in the land is or are of his ownership; and if the land is not of his ownership, whether the applicant has any right otherwise to fell the trees on the land.

(2) For ascertaining if any tree is dead or deceased or windfallen or is silviculturally mature, the Revenue Officer shall, if the tree is situated within ten miles of a reserved or protected forest and in other cases may, consult a Forest Officer not below the rank of a Range Forest Officer.]

(3) If the Revenue Officer is satisfied that the applicant has a right to fell the tree or trees applied for, and the felling of the tree or trees is applied for ~~any of the reasons specified in the proviso to [sub-section (1B) of section 3] or will not defeat the object of the Act~~, he shall grant the permission to fell the tree or trees applied for in Form II. If the permission asked for is refused, the Revenue Officer shall record his reasons in writing for doing so.

5. *Condition of permission.*—Every person to whom a permission is granted under rule 4 shall be liable to pay damages for any injury caused to the property of any person as a result of the felling of a tree or trees in pursuance of the permission.

¹ Subs. by G.N. of 19-7-1968.

² Subs. by G.N. of 29-7-1970.

6. *Procedure for deciding an appeal under section 3(2).*—In deciding an appeal made to him under sub-section (2) of section 3, the Collector shall follow the same procedure as he is required to follow in deciding an appeal against an order passed by an officer subordinate to him under the provisions of the relevant Code.

FORM 1

Application for permission under ¹[section 3(1A)] of the Maharashtra Felling of Trees (Regulation) Act, 1964

Name of the applicant.....
 Profession..... Place of residence.....

I request that I may be permitted to fell the tree/trees specified in column 3 of the Table hereto which is/are standing on the land described in columns 1 and 2 of that Table for the purposes specified below. I enclose an extract from the Record of Rights concerning the land.

*The tree/trees which I desire to fell ^{*is/are dead/diseased/windfallen.}
^{*has/have silviculturally matured.}
^{*constitutes/constitute an obstruction to efficient cultivation.}

†I desire to fell the tree/trees for utilising its/their wood for,-

TABLE

Description of land		Description of tree/trees
1	2	3

Taluka

Village

Survey No.

Pot-Hissa No.

Area—A. G.

Date

(Signature or left hand thumb impression of the applicant.)

To

‡The.....

* To be struck off if not applicable.

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

‡ Here mention the designation of the Revenue Officer to whom the application is addressed.

¹ Subs. by G.N. of 19-7-1968.

FORM II

*Permission under ¹[section 3(1B)] of the Maharashtra
Felling of Trees (Regulation) Act, 1964*

Shri/Smt./Kumari (hereinafter called "the grantee") residing at is hereby granted permission under ¹[section 3(1B)] of the Maharashtra Felling of Trees (Regulation) Act, 1964 to fell the tree/trees described in the Table below in the land described in that Table, subject to the condition that the grantee shall be liable to pay damages for any injury caused to the property of any person as a result of felling a tree or trees in pursuance of this permission.

This permission shall be valid for a period of thirty days from the date on which it is granted.

TABLE

Description of land		Description of tree/trees
1	2	3

Taluka—

Village—

Survey No.

Pot-Hissa No.

Area—A. G.

Dated

Signature of the Revenue Officer.



¹ Sub. by G.N. of 19-7-1968.

ANNEXURE 17.03

भाग चारुत] महाराष्ट्र शासन राजपत्र, असा., डिसेंबर २०, २००५/अग्रहायण २९, शके १९२७ ११७५

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 19th December 2005

NOTIFICATION

MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

No. TRS. 1094/C.R. 177/F-6.—In exercise of the powers conferred by sub-section (1) of section 15 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1965), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Felling of Trees (Regulation) Rules, 1967, the same having been previously published as required by sub-section (1) of the said section 15, as follows :—

1. These rules may be called the Maharashtra Felling of Trees (Regulation) (Amendment) Rules, 2005.

2. Throughout the Maharashtra Felling of Trees (Regulation) Rules, 1967 (hereinafter referred to as “the principal rules”), including the Forms appended thereto, for the words “Revenue Officer” the words “Tree Officer” shall be substituted.

3. In rule 3 of the principal rules, after sub-rule (2), the following sub-rules shall be added, namely :—

“(3) If any person, institute or company wishes to do silvicultural operations like thinning or felling of trees scientifically for optimum growth of an artificial plantation, as provided in sub-section (1Ba) of section 3, he shall apply, in writing, in Form III, prescribed for obtaining the permission in that behalf.

(4) On receipt of an application under sub-rule (3), if the applicant fulfills the conditions mentioned in sub-rule (2) of rule 5, the Tree Officer shall acknowledge the receipt of application. An incomplete application shall be returned immediately to the applicant with the reasons recorded therein by the Tree Officer. The applicant may apply again after fulfilling the conditions as required in the prescribed Form III.”.

4. The existing rule 5 of the principal rules shall be renumbered as sub-rule (1) thereof, and after sub-rule (1) as so renumbered, the following sub-rules shall be added, namely :—

“(2) If any person, institute or company who has artificially planted scheduled tree species on the privately owned lands and wishes to do

thinning or felling of a tree or trees, he shall strictly fulfill the following conditions prior to applying for permission in that behalf:—

(a) An entry of the artificially planted scheduled trees shall be taken by the Talathi in the 7/12 extracts of land record of the concerned land similar to the entry of other agricultural crops.

(b) The entry of the existing artificial plantation in the 7/12 extracts shall be made within 3 months from the date of commencement of the Maharashtra Felling of Trees (Regulation) (Amendment) Rules, 2005, and it shall be the duty of the grower to make an application in this behalf.

(c) A copy of the 7/12 extracts showing the above entries shall be submitted to the Tree Officer.

(d) Minimum 50 trees per hectare shall be left unfelled in the artificial plantation, and the owner shall give an undertaking in this behalf.

(e) After undertaking the plantation of the scheduled tree species, an entry of the subsequent planting, thinning, felling and the existing balance of trees shall be got entered into the concerned 7/12 extracts of land, by the growers and the Talathi.

(f) A note book called 'Plantation Book' containing information about the artificial plantation, the area, the species and the number of seedlings planted shall be given to the owners of the plantation by the Tree Officer. The Tree Officer shall record the survival percentage of the plantation in the Plantation Book from the fourth year of the plantation undertaken and shall also record any thinning done in the plantation, from time to time.

(g) No tree within 30 meters of the extremes of the bank of any water course, spring or a tank shall be felled, except with the previous permission of the Collector.

(h) If the artificial plantation, where thinning or felling of trees is to be done, is having boundary adjacent to the Government forests (reserved/protected/ " E " class jungle or otherwise), the owner of the plantation shall submit the certificate which contains the boundaries and map of the said plantation demarcated by the District Inspector of Land Record.

(d) If the plantation area is recorded as "Forests", the permission for thinning or felling shall be given only after the preparation of the working plan (*Karya Yojana*) and after the prior approval of the said working plan by the Government of India. The owner of such plantation shall not take any action before obtaining such prior approval."

5. After Form II appended to the principal rules, the following, Form shall be added, namely :—

"FORM III

An application for obtaining permission for thinning/felling of scheduled trees as per the rule 3(3) of the Maharashtra Felling of Trees (Regulation) Rules, 1967.

To,

.....

Name of the applicant :

Occupation :

Residence/Contact Address

.....

I hereby request you to grant me the permission for thinning/felling of trees specified in the column No. (3) of the following proforma, which are grown in the artificial plantations specified in columns No. (1) and (2), for the reasons given below.

The documents of the concerned land received from the Revenue Department are enclosed herewith.

On the trees grown in the artificial plantations mentioned in the column No. (3) of the proforma, the silvicultural operations like thinning/felling of trees scientifically for optimum growth of artificial plantations, as provided in sub-section (1Ba) of section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXV of 1964), are proposed.

I hereby declare that I shall fulfill the conditions laid down, and made binding on me, under the Maharashtra Felling of Trees (Regulation) Rules, 1967, for such thinning/felling of trees grown in the artificial plantations.

महाराष्ट्र शासन राजपत्र, असा., डिसेंबर २०, २००५/अग्रहायण २९, शके १९२५ [भाग चार-ब

PROFORMA

(1)	Particulars of land (2)	Particulars of the trees (scheduled trees) (3)		
		Species (A)	No. of trees existing on the land. (B)	No. of trees to be thinned/ felled. (C)
(A) District				
(B) Taluka				
(C) Village				
(D) Survey No.				
(E) Part/Sub Part No.				
(F) Total area of the land.				

Date :

Place :

Signature
(Name of applicant/s)."

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

A. V. ASHTEKAR,
Joint Secretary to Government.

ANNEXURE 17.04

भाग चार-ब] महाराष्ट्र शासन राजपत्र, असा., ऑक्टोबर ४, १९९९/आश्विन १२, शके १९२१ १२११

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 4th October 1999

NOTIFICATION

MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

No. TRS. 1097/CR-244/F-6.—In exercise of the powers conferred by clause (f) of section 2 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1964), the Government of Maharashtra, after having considered the necessity for the protection of trees known as *Dalbergia Latifoli* (Shisam), *Gmelina arboria* (Shivan), *Lagrostroemia lanceolata* (Nana), *Terminalia belerica* (Behala), *Strychnes nuxvomica* (Kazra), *Eugenia zeylanica* (Bhedus), *Terminalia arjuna* (Pandhra ain) and *Anacardium occidentale* (Kajoo), adds to the Schedule to the said Act, the following entries, namely :—

In the Schedule to the Act, after entry 16, the following entries shall be added, namely :—

“ Within the district of Sindhudurg only—

17. *Dalbergia Latifoli* (Shisam)
18. *Gmelina arboria* (Shivan)
19. *Lagrostroemia lanceolata* (Nana)
20. *Terminalia belerica* (Behala)
21. *Strychnes nuxvomica* (Kazra)
22. *Eugenia zeylanica* (Bhedus)
23. *Terminalia arjuna* (Pandhra ain)
24. *Anacardium occidentale* (Kajoo).”

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

DR. S. K. KHETARPAL,

Joint Secretary to Government.

The schedule was last amended by Government Notification No. 1085/12399/G-7, dated 31st January 1987 published at page 55 of the *Maharashtra Government Gazette*, part IV- B, Extra-Ordinary, dated the 28th January 1987.

ANNEXURE 17.05

६२१ महाराष्ट्र शासन राजपत्र, असाधारण, जून १७, २००८/ज्येष्ठ २७ शके १९३०

[भाग चार-ब]

REVENUE AND FOREST DEPARTMENT

Mantralaya , Mumbai 400 032, dated the 17th June 2008

NOTIFICATION

MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964

No. TRS 03/2008/CR-58/F-6 – In exercise of the powers conferred by clause (f) of section 2 of the Maharashtra Felling Of Trees (Regulation) Act, 1964 (Mah, XXXIV of 1964) the Government of Maharashtra, after having considered the necessity for protection of Trees known as Nothopodytes Nimmoniana / Nothopodytes Foetida/Mappia Foetida add to the Schedule to the said Act, the following entry, namely –

In the schedule to the Act, after entry 24, the following entry shall be added, namely –

25, Nothopodytes Nimmoniana/Nothopodytes Foetida/Mappia Foetida

(Commonly Known as “Narkya” or “Amruta”)

By order and In the name of Governor of Maharashtra

J P DANGE

Additional Chief Secretary (Forests)

ANNEXURE 17.06



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, नोव्हेंबर २९, १९८९/अग्रहायण ८, शके १९११

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमांन्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांन्वयतिरिक्त) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT
Mantralaya, Bombay 400 032, dated 29th November 1989

MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

No. TRS. 1089/1490/CR-321/89/F-6.—In exercise of the powers conferred by sub-section (1) of section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1964), the Government of Maharashtra hereby empowers the Range Forest Officers to be "the Tree Officer" within their respective jurisdiction, for the purpose of the sub-section (1) of the said section 3.

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

DR. A. G. RADDI,
Joint Secretary to Government.

ANNEXURE 17.07



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XLIV OF 1975

**THE MAHARASHTRA (URBAN AREAS)
PROTECTION AND PRESERVATION OF TREES
ACT, 1975**

(As modified upto the 1st January, 2016)



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2016

1975: Mah. XLIV]

**THE MAHARASHTRA (URBAN AREAS) PROTECTION AND
PRESERVATION OF TREES ACT, 1975**

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MAHARASHTRA ACT No. XLIV OF 1975¹

[THE MAHARASHTRA (URBAN AREAS) PROTECTION AND PRESERVATION OF TREES ACT, 1975]
[16th September, 1975]

Amended by Mah. 3 of 1977 (8-1-1977).†
" " " 7 of 1996 (8-1-1996)†
" " " 10 of 2010 (1-6-2010)†
" " " 6 of 2012 § (12-3-2012)†
" " " 15 of 2015

An Act to make better provision for trees in urban areas in the State by regulating felling of trees and providing for planting of adequate number of new trees in those areas.

WHEREAS with the growing pace of urbanisation and industrialisation, there has been indiscriminate felling of large number of trees in the urban areas of the State of Maharashtra;

AND WHEREAS it is expedient to make better provision ²[for protection and preservation] of trees in urban areas in the State, by regulating felling of trees and providing for planting of adequate number of new trees in those areas and to provide for matters connected therewith; It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows, namely :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra (Urban Areas) ³[Protection and Preservation] of Trees Act, 1975.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force in any urban area or part thereof on such date as the State Government may, by notification in the *Official Gazette*, specify; and different dates may be specified for different urban areas or parts thereof.

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

⁴[(1a) "prescribed" means prescribed by rules made under section 22 of this Act;]

(a) "preservation of trees" includes planting of new trees and ⁵[other operations for survival and propagation of the trees;]

(b) "relevant Act" means the Act under which the urban local authority concerned is constituted;

(c) "to fell a tree" includes burning or cutting or ⁶[in any way damaging a tree;]

⁷[(d) "tree" means any perennial woody plant, whether in the seedling or sappling stage or fully grown stage, and includes shrubs whose branches spring from the ground level;]

(e) "Tree Officer" means an officer appointed as such by the Tree Authority for the purpose of this Act;

(f) "Urban area" means a municipal corporation area for which a municipal corporation is constituted under ⁸[the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act, or a municipal area within the meaning of clause (24) of section 2 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.] and includes a notified area for which a Special Planning Authority is constituted or appointed under section 40 of the Maharashtra Regional and Town Planning Act, 1966 or an area designated as the site for a new town for which a Development Authority is constituted under section 113 of the Maharashtra Regional and Town Planning Act, 1966;

Short title, extent and commencement.

Definitions.

Bom. III
of 1883,
LIX of
1949,
Mah. XI
of 1965,
Mah.
XXXVIII
of 1966,
Mah.
XXXVIII
of 1966.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1975, Part V, page 596.

² These words were substituted for the words "for preservation" by Mah. 7 of 1996, s. 2.

³ These words were substituted for the word "preservation" by Mah. 7 of 1996, s. 3.

⁴ Clause (1a) was inserted, by Mah. 7 of 1996, s. 4.

⁵ These words were substituted for the words "transplanting trees to other sites" by Mah. 3 of 1977, s. 2(a).

⁶ These words were substituted for the words "lopping a tree to cause substantial damage or destruction thereto" by Mah. 3 of 1977, s. 2(b).

⁷ Clause (d) was substituted for the original by Mah. 3 of 1977, s. 2(c).

⁸ These words were substituted for the words "the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporation Act, 1949 or the City of Nagar Corporation Act, 1948, or a municipal area for which a Municipal Council is constituted under the Municipalities Act, 1965" by Mah. 15 of 2015, s. 2.

[†] This indicates the date of commencement of Act.

[§] See now, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

[§] Maharashtra Ordinance No. IV of 2012 was repealed by Mah. VI of 2012, s. 12.

(g) "urban local authority" in respect of any urban area, means the municipal corporation, municipal council, Special Planning Authority or Development Authority, as the case may be, having jurisdiction over that area;

(h) words and expressions used in this Act, but not defined herein, shall have the meanings assigned to them in the relevant Act.

CHAPTER II

ESTABLISHMENT AND PROCEDURE OF TREE AUTHORITY

Establishment
of Tree
Authority.

3. (1) As soon as may be after this Act is brought into force in any urban area the urban local authority concerned shall constitute a Tree Authority, consisting of [the Chairman and other] not less than five and not more than fifteen persons from amongst its members, appointed in such manner and for such period as that authority may determine :

Provided that, where an administrator by whatever name called is appointed for any municipal corporation or municipal council, he shall during the period of his appointment, act as the Tree Authority and exercise all the powers and perform all the duties of the Tree Authority.

(2) In the case of an urban local authority specified in column (1) of the table below the Chairman of its Tree Authority shall be the person specified against it in column (2) thereof.

Name of the urban local authority (1)	Chairman of its Tree Authority (2)	
1. A Municipal Corporation	[The Commissioner] of the Corporation.	
2. A Municipal Council	The President of the Council.	
3. A Special Planning Authority constituted under section 40(1)(a) of the Maharashtra Regional and Town Planning Act, 1966.	[The Chief Executive Officer] of the Special Planning Authority.	Mah. XXXVII of 1966.
4. A New Town Deveopement Authority constituted under section 113(2) of the Maharashtra Regional and Town Planning Act, 1966.	[The Chief Executive Officer] of the New Town Development Authority.	Mah. XXXVII of 1966.
5. A New Town Development Authority declared under section 113(3,4) of the Maharashtra Regional and Town Planning Act, 1966 or a Special Planning Authority appointed under section 40(1)(b) of that Act.	The Managing Director of the Corporation or company declared to be the New Town Development Authority.	Mah. XXXVII of 1966.

1 These words were inserted by Mah. 7 of 1996, s. 5(a).

2 These words were substituted for the words "The Mayor" by Mah. 7 of 1996, s. 5(b)(i).

3 These words were substituted for the words "The Chairman" by Mah. 7 of 1996, s. 5(b)(ii).

4 These words were substituted for the words "The Chairman" by Mah. 7 of 1996, s. 5(b)(ii).

(3) Every Tree Authority may ¹[nominate] representatives of non-official organisations, who have special knowledge or practical experience in the field of planting and preservation of trees, as members of the Tree Authority, but the number of ²[such nominated members shall not exceed the number of members appointed under sub-section (1)]. These members shall be ³[nominated in such manner and for such period as may be prescribed].

(4) Any vacancy in the Tree Authority shall be filled as soon as may be by the authority competent to appoint the member in whose place fresh appointment is to be made.

⁴[Notwithstanding anything contained in sub-sections (1) and (2), where, in respect of the area of a Municipal Corporation or, as the case may be, a Municipal Council, the Tree Authority is not constituted or is not able to function for any reason whatsoever, the Municipal Commissioner of such Municipal Corporation or, the Chief Officer of such Municipal Council, shall act as the Tree Authority and shall exercise all the powers and discharge all the duties of a Tree Authority in such area, till such Authority is duly constituted or is able to function :

Provided that, every decision taken by the Municipal Commissioner or the Chief Officer under this section, shall be placed before the general body of such Municipal Corporation or, as the case may be, the Municipal Council, in its immediately next meeting held after such decision.]

4. ⁵[(1) The Tree Authority shall meet at least once every month at such place and time as the Chairman may decide but, forty-five days shall not intervene between its two consecutive meetings.] Meetings of Tree Authority.

(2) The quorum to constitute a meeting of the Tree Authority shall be one-third of the total number of its members including ⁶[the nominated] members, if any.

(3) The ⁷[nominated] member shall have the right to vote at a meeting of the Tree Authority.

(4) Save as otherwise provided by or under this Act, the rules of procedure for the meeting of the urban authority shall *mutatis mutandis* apply to the meetings of the Tree Authority.

CHAPTER III

OFFICERS AND SERVANTS

5. (1) As soon as may be after this Act is brought into force in any urban area, the urban local authority concerned shall, subject to sub-section (2), appoint one or more of its officers as Tree Officers for the purposes of this Act. Appointment of Tree Officer.

(2) In Greater Bombay any officer to be appointed as Tree Officer shall not be below the rank of Ward Officer, and in other municipal corporation areas such officer shall not be below the rank of Assistant Municipal Commissioner. In every municipal area, the Chief Officer of the municipal council concerned shall be Tree Officer, and the Council may appoint one or more of its other officers as Tree Officers.

(3) Every Tree Officer shall exercise jurisdiction over the whole or such part of the urban area as ⁸[the Tree Authority] may, from time to time, determine.

1 This word was substituted for the word "co-opt" by Mah. 7 of 1996, s. 5(c)(i).

2 These words, brackets and figure were substituted for the words "such co-opted members shall not exceed three" by Mah. 7 of 1996, s. 5(c)(ii).

3 These words were substituted for the words "co-opted in such manner and for such period as the Tree Authority may determine" by Mah. 7 of 1996, s. 5(c)(iii).

4 This sub section was added by Mah. 15 of 2013, s. 3.

5 Sub-section (1) was substituted, by Mah. 7 of 1996, s. 6(a).

6 These words were substituted for the words "co-opted" by Mah. 7 of 1996, s. 6(b).

7 This word was substituted for the word "co-opted" by Mah. 7 of 1996, s. 6(c).

8 These words were substituted for the words "the urban local authority" by Mah. 7 of 1996, s. 7.

Appointment
of other
officers and
servants.

6. (1) The urban local authority may, from time to time, appoint, such other officers and servants subordinate to the Tree Officer, as it considers necessary :

Provided that, where the urban local authority is a municipal council notwithstanding any restrictions on the appointment of staff contained in the *Maharashtra Municipalities Act, 1965, the municipal council shall be competent to appoint the staff considered necessary by it for the purposes of this Act.

Mah.
XL of
1965.

(2) The conditions of appointment and service and the powers and duties of such officers and servants shall be such as may be determined by the urban local authority.

CHAPTER IV

DUTIES OF TREE AUTHORITY

Duties of
Tree
Authority.

7. Notwithstanding anything contained in the relevant Act or in any other law for the time being in force, and subject to any special or general directions given by the State Government, the Tree Authority shall be responsible for—

- (a) '[protection and preservation] of all trees in all lands within its jurisdiction;
- (b) '[carrying out a census of the existing trees in all lands within its jurisdiction, '[once before December 1996 and thereafter once in every five years];
- (c) prescribing standards specifying the number and types of trees which each plot of land shall have and which shall be planted therein;
- (d) development and maintenance of nurseries for the supply of seeds, sapplings and trees to persons who desire to plant new trees or to replace trees which have been felled with the previous permission of the Tree Officer '[or involuntarily uprooted];
- (e) transplanting of trees necessitated by construction of new roads or widening or existing roads or for safeguarding danger to life or property;
- [(f) organisation of flower, fruit, vegetable, tree or plant shows '[at least once a year] and assisting private and public institutions in organising such shows, and creation of consciousness of importance of trees and vegetation to the human welfare];
- (g) grant of advice and technical assistance to any person seeking such advice or assistance in any matter connected with '[planting, protection and preservation] of trees;
- (h) planting and maintaining such number of trees as it considers necessary, according to the prescribed standards, '[along the roads,] in public parks and gardens and on banks of rivers or takes or '[sea shores, on hills, open spaces or public places];
- (i) undertaking any other schemes or measures for achieving the objects of this Act.

CHAPTER V

RESTRICTIONS ON FELLING OF TREES AND LIABILITY FOR PLANTING AND PRESERVATION OF TREES

Restrictions
on felling
of trees.

8. (1) On and after the date on which this Act is brought into force in any urban area, notwithstanding any custom, usage, contract or law for the time being in force, no person shall fell any tree or cause any tree to be felled in any land, whether of his ownership or otherwise, situated within that urban area, except with the previous permission of the Tree Officer.

1 These words were substituted for the words "preservation" by Mah. 7 of 1996, s. 8(a).

2 Clause (b) was substituted for the original by Mah. 3 of 1977, s. 3(a).

3 These words and figures were substituted for the words "from time to time, as may be directed by the State Government" by Mah. 7 of 1996, s. 8(b).

4 These words were added, by Mah. 7 of 1996, s. 8(c).

5 Clause (f) was substituted for the original by Mah. 3 of 1977, s. 3(b).

6 These words were inserted by Mah. 7 of 1996, s. 8(d).

7 These words were substituted for the words "planting and preservation" by Mah. 7 of 1996, s. 8(e).

8 These words were substituted for the words "on roads" by Mah. 7 of 1996, s. 8(f).

9 These words were substituted for the words "sea shores" by Mah. 3 of 1977, s. 3(c).

* See now, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

(2) If [any person, including an officer of the urban local authority or an officer of the State Government or the Central Government, proposes] to fell a tree, he shall apply in writing to the [Tree Authority] for permission in that behalf. The application shall be accompanied by [the description of the tree and] a site plan, indicating the position of the tree required to be felled and the reasons therefor.

[(3) (a) On receipt of such application, the Tree Authority shall cause the Tree Officer to personally inspect the tree and hold enquiry and submit a report to the Tree Authority within a period of thirty days from the date of receipt of such application. Adequate public notice shall be given by the Tree Officer by advertising in local newspapers as well as by affixing a notice on a conspicuous part of the tree that is required to be fell. Thereafter, the Tree Authority may give permission with or without conditions or refuse it, within a period of sixty days from the date of receipt of the application. However, no tree shall be fell until fifteen days after such permission is given :

Provided that, no such permission shall be refused if, in the opinion of the Tree Authority, the tree is dead, or diseased or wind-fallen, or it constitutes a danger to life or property, or obstructs traffic; and if any objection is received against such permission, the matter shall be placed before the Tree Authority for reconsideration, and a decision shall be taken within two weeks after giving a hearing to the person who has raised the objection.

(b) A report of permissions granted by the Tree Authority for felling trees shall be submitted at least once in six months to the concerned urban local authority in whose jurisdiction the Tree Authority is functioning.]

[(4) If the Tree Authority fails to inform the applicant of its decision within sixty days, from the date of the receipt of the application by it, or if the receipt of the application has been acknowledged by it within this period, from the date of acknowledgement of the receipt of the application, the permission applied for shall be deemed to have been granted.]

(5) Where permission to fell a tree is granted [Tree Authority] may grant it subject to the condition that the applicant shall plant another tree of the same or other [suitable local species] on the same site or other suitable place within thirty days from the date the tree is felled, or such extended time as the Tree Officer may allow in this behalf.

9. (1) If, in the opinion of the Tree Officer, the number of trees in any land is not adequate according to the standards prescribed under paragraph (c) of section 7, the Tree Officer may, after giving a reasonable opportunity to the owner or occupier of the land of being heard, by order require him to plant such trees or additional trees and at such places in the land as may be specified in the order.

Power to
require
planting of
adequate
number of
trees.

(2) When an order is made under sub-section (1), the owner or occupier of the land shall comply with the order within ninety days from the receipt thereof.

10. (1) Where any tree is fallen or destroyed by wind, fire, lightning or torrential rain, the Tree Officer may, *sua motu* or on information given to him, after holding such inquiry as he deems fit and giving a reasonable opportunity to the owner or occupier of the land where the tree existed, by order, require such owner or occupier [to plant one or more trees of the local species] in place of the tree so fallen or destroyed of the same or [other local species] at the same or other suitable place as may be specified in the order.

Power to
require
planting of a
tree in place
of fallen or
destroyed
tree.

1 These words were substituted for the words "any person wishes" by Mah. 7 of 1996, s. 9(a)(i).

2 These words were substituted for the words "Tree Officer" by Mah. 7 of 1996, s. 9(a)(ii).

3 These words were inserted by Mah. 7 of 1996, s. 9(a)(iii).

4 Sub-section (3) was substituted for the original by Mah. 7 of 1996, s. 9(b).

5 Sub-section (4) was substituted for the original by Mah. 7 of 1996, s. 9(c).

6 These words were substituted for the words "Tree Officer" by Mah. 7 of 1996, s. 9(d)(i).

7 These words were substituted for the words "suitable species" by Mah. 7 of 1996, s. 9(d)(ii).

8 These words were substituted for the words "to plant a tree" by Mah. 7 of 1996, s. 10(a).

9 These words were substituted for the words "other species" by Mah. 7 of 1996, s. 10(b).

(2) Where an order is made under sub-section (1), the owner or occupier of the land shall comply with the order within ninety days from the receipt thereof.

Responsibility for preservation of trees [and power to take deposit for proper compliance]. 11. ¹[(1)] Where an order is made ²* * * under sections 8, 9 or 10 subject to the provisions of section 12, it shall be the duty of the owner or occupier of the land who is directed to plant a tree to see that the tree grows properly ³[and is well preserved and shall give a report to the Tree Officer once in six months about the conditions of such tree or trees for a period of three years]. It shall also be the duty of such owner or occupier to preserve all other trees existing on the land on the date of coming into force of this Act in the urban area in which the land is situated.

⁴[(2) Where an order is made under sections 8, 9 or 10, the Tree Officer may require the owner or, as the case may be, the occupier, of the land to deposit with him such sum as he may specify in this behalf, as security for ensuring proper compliance with the order made ⁵[under sections 8, 9 or 10]. The sum to be deposited shall not exceed such amount as may be prescribed.]

Adoption of trees. 12. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Tree Authority may, subject to such terms and conditions as it may specify in that behalf, allow by a written permission any individual, body corporate or institution to adopt any tree for such period as may be specified in the permission, and during such period the said individual, body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

(2) Where any order is made ⁷* * * under sections 8, 9 and 10, in lieu of planting a new tree, the Tree Authority may by written permission allow the person concerned to adopt a tree specified by it and then the person shall be responsible for the maintenance and preservation of that tree for such period as may be specified ⁸[by the Tree Authority] :

⁹[Provided that, the trees to be adopted shall be less than one year old and their number shall not be less than the number of trees, which the person concerned could have been required to plant under sub-section (5) of section 8, sub-section (1) of section 9 or sub-section (1) of section 10, as the case may be.]

¹⁰[Forfeiture of deposit and recovery] of expenditure on failure to comply with orders for planting trees. 13. Where the owner or occupier of any land fails to comply with any order made ¹¹[under sections 8, 9 or 10, the Tree Authority or the Tree Officers, as the case may be, may.] after giving a reasonable opportunity to such owner or occupier of being heard ¹²[forfeit the deposit, in full or in part to the Tree Authority] and without prejudice to any other action which may be taken against the defaulter under this Act, take the necessary action ¹³* * * and recover the expenditure incurred therefor from the owner or the occupier, as the case may be. ¹⁴[For the purpose of recovery of the amount of such expenditure, the Tree Authority ¹⁵[or the Tree Officer] shall have the same powers as are available to the urban local authority for the purpose of recovery of arrears of a property tax or where such tax is not levied, for the purpose of recovery of arrears of betterment charges or other dues levied by the urban local authority under the relevant Act.]

1 Section 11 was renumbered as sub-section (1) by Mah. 3 of 1977, s. 5(1).

2 The words "by the Tree Officer" were deleted by Mah. 7 of 1996, s. 11(a) (i).

3 These words were substituted for the words "and is well preserved" by Mah. 7 of 1996, s. 11(a) (ii).

4 Sub-section (2) was added by Mah. 3 of 1977, s. 5(2).

5 These words and figures were substituted for the words "by him" by Mah. 7 of 1996, s. 11(b).

6 These words were inserted by Mah. 3 of 1977, s. 5(3).

7 The words "by the Tree Officer" were deleted by Mah. 7 of 1996, s. 12(a).

8 These words were substituted for the words "by the Tree Officer" by Mah. 7 of 1996, s. 12(b).

9 This proviso was added by Mah. 3 of 1977, s. 6.

10 These words and figures were substituted for the words and figures "by the Tree Officer under sections 8, 9 or 10, the Tree Officer may" by Mah. 7 of 1996, s. 13(a).

11 These words were inserted by Mah. 7 of 1996, s. 13(b).

12 The word "himself" was deleted by Mah. 7 of 1996, s. 13(c).

13 This portion was added by Mah. 3 of 1977, s. 7.

14 These words were inserted by Mah. 7 of 1996, s. 13(d).

15 These words were substituted for the words "Recovery" by Mah. 7 of 1996, s. 13(e).

14. (1) Where any decision is given or order is made under section ¹* * * 9 or Appeals, 10 by the Tree Officer, an appeal shall lie to the Tree Authority.

(2) The appeal shall be made within fifteen days from the date the decision is communicated to, or the order is received by, the owner or occupier of the land and shall be accompanied by a fee of Rs. 50.

(3) The Tree Authority shall, as far as possible, decide the appeal within sixty days from the date of its receipt, after giving a reasonable opportunity to the appellant of being heard. The decision of the Tree Authority shall be final, and shall not be questioned in any Court of Law :

Provided that, where an appeal is made in time, the period for compliance, specified in the order of the Tree Officer appealed against, shall be reckoned from the date on which the appeal is decided against the appellant and where the appeal is allowed, the fee of Rs. 50 paid with the appeal shall be refunded to the appellant.

CHAPTER VI

FINANCE, BUDGET AND ACCOUNTS

15. Notwithstanding anything contained in the relevant law or any other law for the time being in force, the urban local authority shall create a separate fund to be called the Tree Authority Fund, to which shall be credited all moneys received by the Tree Authority including—

Fund of
Tree
Authority.

²[(a) a contribution by the urban local authority from its income from such taxes as may be prescribed or when such taxes are not levied by the Authority, from its income from the betterment charges, if any, levied by it under the relevant Act or from the income derived by it from the sale of plots made by it under the relevant Act. The rates of the contribution shall be such as may be specified by the State Government, from time to time, by a general or special order;]

(b) all moneys raised by levy of a cess under Chapter VII;

(c) any grants made by the State Government to the Tree Authority;

(d) any moneys received by the Tree Authority as donations from any individuals, or corporate bodies or institutions;

³[(e) any other money received under the Act :

Provided that, if the total receipts of the Tree Authority from all the sources specified above are less than one half per cent. of the total receipts of the urban local authority, then, the urban local authority shall credit the deficit to the Tree Authority Fund at the end of each financial year.]

16. Every Tree Authority shall, on or before the 31st day of October every year, prepare in such form as the urban local authority may prescribe, an annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure of the Tree Authority and shall, notwithstanding anything contained in the relevant law, submit it to the urban local authority for approval and inclusion in the budget estimate of that authority.

Budget.

17. The procedure applicable under the relevant law for maintenance and audit of accounts of the urban local authority shall *mutatis mutandis* apply to the maintenance and audit of the accounts of every Tree Authority.

Accounts
and audit.

1 The figure "8" was deleted by Mah. 7 of 1996, s. 14.

2 Clause (a) was substituted for the original by Mah. 3 of 1977, s. 8.

3 Clause (e) was added by Mah. 7 of 1996, s. 15.

CHAPTER VII

TREE CESS

Levy and
collection of
Tree cess.

18. (1) Where under the relevant law an urban local authority is levying a property tax on buildings and lands, it shall be lawful for such authority, notwithstanding anything contained in the relevant law, upon a request by the Tree Authority, to levy, for the purposes of this Act, an additional tax to be called "the Tree Cess" on the buildings and lands, at such rate not exceeding one per cent. of the rateable value of the property as the said authority may determine.

¹[(1A) Where under the relevant Act, an urban local authority is levying a property tax on buildings and lands on the Capital value thereof, the Trees Cess leviable under sub-section (1) shall be levied at such rate, not exceeding 0.5 per cent. of the capital value of such building and lands, as the State Government may, by notification in the Official Gazette, specify :

Provided that, the Tree Cess so levied under this section shall not exceed,—

(i) in respect of buildings used for residential premises, two times, and

(ii) in respect of buildings used for non-residential premises, three times,

the amount of Tree Cess leviable in respect thereof in the year immediately preceding such date of adoption of capital value as the basis for assessment of property tax :

Provided further that, for the period of five years commencing from the levy of capital value as the basis for assessment of property tax, the Tree Cess leviable in respect of residential building or tenements having carpet area of 46.45 Sq. metres (500 Sq. feet) or less, shall not exceed the amount of Tree Cess levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Urban local authority adopts the capital value as the basis for levy of property tax, the Tree Cess, in respect of any taxable building shall be revised after every five years and on each such revision, such amount of Tree Cess, shall not in any case exceed the forty per cent. of the amount of the Tree Cess levied and payable in the year immediately preceding the year of the revision].

²[(1B) No Tree Cess under sub-section (1) or (1A) shall be leviable in respect of the buildings and lands or parts thereof vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.

(1C) In respect of the buildings and lands which are liable to be assessed for the first time on or after the 1st April 2010, it shall be lawful for the urban local authority to issue a provisional bill for the payment of Tree Cess, until the final capital value of such buildings and lands is determined under the relevant law, as if such buildings and lands are assessed as per the rateable value worked out on the basis of the prescribed letting rates by the urban local authority, in respect of the official year 2009-2010. On the determination of capital value thereof, the amount of such cess shall be determined under sub-section (1A) and accordingly it shall be lawful for the authority to issue the final bill in respect of the years for which the capital value is determined.]

(2) The procedure for levy and collection of the property tax prescribed under the relevant Act shall *mutatis mutandis* apply to the levy and collection of the cess imposed under ³[sub-sections (1), (1A) or (1C), as the case may be.]

¹ Sub-section (1A) was inserted by Mah. 10 of 2010, s. 114.

² Sub-sections (1B) and (1C) were inserted by Mah. 6 of 2012, s. 11(a).

³ These words, brackets, figures and letters were substituted for the words, brackets, figures and letter "sub-section (1) or, as the case may be: under sub-section (1A)," by Mah. 6 of 2012, s. 11(b).

CHAPTER VIII

MISCELLANEOUS

19. Notwithstanding anything contained in the relevant law or any other law for the time being in force,—

Permission
for
development
of land to be
given with
approval of
Tree Officer.

(a) any authority or officer of the urban local authority, who is empowered to give any permission for development of land, shall not give such permission, except with the approval of and subject to the conditions, if any, imposed by the Tree Officer in regard to the preservation or plantation of trees on such land;

(b) no completion or occupation certificate in respect of any building shall be issued under the relevant law unless the authority competent to issue such certificate is satisfied that the conditions subject to which permission for development of the land as aforesaid was given have been complied with.

20. The Tree Authority may, from time to time, give to the Tree Officer and other Officers and servants subordinate to him such general or special directions as it thinks fit as to the policy to be followed by them in the discharge of their functions and for carrying out effectively the purposes of this Act, and such officers and servants shall comply with such directions.

Power of
Tree Authority
to give
directions.

[20A. The Tree Officer or any other officer of the urban local authority authorised by such authority in this behalf or any police officer may take such steps and use such force as may be reasonably necessary to prevent the felling or destruction of any tree or for the protection of any tree.

Prevention
of felling or
destruction
of trees.

20B. (1) [It] shall be lawful for the Tree Officer or any officer authorised by him or by the Tree Authority in this behalf, to enter, with such assistants as he may deem necessary, upon any public premises for the purposes of proper enforcement of this Act and for that purpose carry out such inspection and take such steps and use such force as may be expedient.

Power of
entry for the
purposes of
this Act.

* * * * *

21. [(1)] Whoever fells any tree or causes any tree to be felled in contravention of the provisions [of the Act] or without reasonable excuse fails to comply with any order issued or condition imposed [by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority or the Tree Officer or any officers and servants subordinate to him in the discharge of their functions under this Act, shall, on conviction, be punished with the fine of not less than one thousand rupees which may extend upto five thousand rupees for every offence and also with imprisonment for a term of not less than one week, which may extend upto one year :

[Offence
and penalty].

1 Sections 20A and 20B were inserted by Mah. 3 of 1977, s. 9.

2 This word was substituted for the words "Subject to the provisions of sub-section (2), it" by Mah. 7 of 1996, s. 16(a).

3 Sub-section (2) was deleted by Mah. 7 of 1996, s. 16(b).

4 Section 21 was renumbered as sub-section (1) by Mah. 3 of 1977, s. 10(f).

5 These words were substituted for the words and figure "of section 8" by Mah. 7 of 1996, s. 17(a)(i).

6 This portion was substituted for the portion beginning with the words "by the Tree Officer or voluntarily obstructs" and ending with the words "to three months" by Mah. 7 of 1996, s. 17(a)(ii).

7 These words were substituted for the word "Penalty" by Mah. 7 of 1996, s. 17(c).

Provided that, nothing in this section shall apply to the felling of trees on or along the public roads undertaken by the Public Works Department of the State or Central Government.]

[(2) The felling or causing of felling of each tree without the permission of the Tree Authority shall constitute a separate offence.]

Power to
make rules.

22. (1) The State Government may, subject to the condition of previous publication and by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act 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 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 publication 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.

1 Sub-section (2) was substituted for the original by Mah. 7 of 1996, s. 17(b).

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AND THE RECOGNISED BOOK SELERS

ANNEXURE 17.08

THE MAHARASHTRA LAND REVENUE (REGULATION OF RIGHT TO TREES ETC.,) RULES, 1967*

1. Short title - These rules may be called "The Maharashtra Land Revenue (Regulation of Right to Trees etc.) Rules, 1967",

A. Regulation of cutting of trees for prevention of erosion of soil.

2. Cutting of trees prohibited in certain cases- (1) No tree within thirty metres of the extreme edge of the bank of any water-course, spring or a tank shall be cut, except with the previous permission of the Collector.

(2) In any case not falling under sub-rule (1), no tree in any holding or part of a holding containing uncultivable land in which economic cultivation of field crop is not possible shall be cut without the previous permission of the Collector, if the tree growth in that holding or part of holding is less in proportion than twenty trees per acre.

(3) Any person committing a breach of this rule shall, in addition to any other consequences that would ensue from such breach, be punishable with such fine not exceeding one thousand rupees as the Collector may, after giving such person an opportunity to be heard deem fit to impose.

Explanation 1- For the purposes of this rule, a water-course includes all streams, rivers, rivulets and nallas in which water is collected during the monsoon or otherwise and which usually retains water upto the end of December, but does not include small temporary channels formed by the run off of water during the monsoon.

Explanation 2- If any question arises, whether any tree is within thirty metres of the extreme edge of the bank of any water-course, spring or tank, or whether any holding or part thereof contains any unculturable land or land in which economic cultivation of field crop is not possible, the question shall be referred to the Collector.

3. When cutting of such trees may be permitted - The Collector may, on an application made by the holder in that behalf, permit the cutting of trees referred to in Rule 2, if-

- (i) the trees or parts thereof are likely to cause any harm or damage to life or property or that there is likelihood of pollution of drinking water; or
- (ii) the trees are dead or dying; or
- (iii) the removal of trees is in the best interest of the holder for the production of food crops which may be getting a setback by the shade of such trees on culturable land under regular food crops.

B. Procedure for purchase of Trees in Occupancy

4. Application to purchase right in trees- Where an occupant desires to purchase the right in trees in his holding and to fix the value of such right under sub-section (2) of Section 25, he shall make an application to the Collector specifying the number and species of trees, and the name of the person in whom the right in trees vests. It shall be accompanied by a copy of the field book (Khasra) pertaining to the holding or a copy of an extract of any other document which purport to show the existing rights in the trees.

* Government Notification No. UNF. 1567 (b)-R, dated 1-9-1967 (M.G., Pt. IV-B, p.2145) as amended by Government Notification No. UNF. 1567 (b)-R, dated 4-8-1968 (M.G., Pt. IV-B, p.729).

5. Procedure on receipt of application- (1) On receipt of an application the Collector shall cause a notice to be served on all persons in whom the right in trees vests; and a proclamation to be issued in Form A appended to these rules, calling upon the person interested to lodge their objections, if any, against the purchase of such right.

(2) The notice shall be served in accordance with the provisions of Section 230 and proclamation shall be issued in accordance with the provisions of sub-section (2) of Section 192.

6. Enquiry into application- (1) On the date fixed for the hearing or any other date to which the hearing may be adjourned, the Collector shall after examining the parties and hearing any evidence that may be produced, record an order specifying therein-

(i) the number and description of the trees;

(ii) the value of the rights; and

(iii) the period, not being less than thirty days, within which the value so fixed shall be paid and the person to whom it shall be paid by the occupant.

(2) If the occupant fails to pay the amount or to produce the receipt for such payment on the date fixed, it shall be presumed that he does not intend to purchase such rights; whereupon, the Collector shall assess the cost incurred for issue of notice and proclamation under Rule 5 and conduct the enquiry and the cost so assessed shall be payable by the occupant.

7. Copy of order to be sent to Talathi- On production of the receipt of payment of the value of trees by the occupant, the Collector shall send a copy of the order passed under Rule 6 to the Talathi for making necessary entries in the records.

Form 'A'

[See Rule 5]

Proclamation

Whereas son of of village Taluka ..
..... has made an application under [sub-section (2) of Section 25 of the Maharashtra
Land Revenue Code, 1966 (Mah. XLI of 1966), for the purchase of rights in trees in his
holding described in schedule below :-

All persons interested are hereby informed that the undersigned will examine the application in his Office at O'clock on the Any person who has any claim to make or objection to lodge should do so at that time.

SCHEDULE

Serial No.	Name of Village with Taluka	Survey No. / Plot No.	Area	No. and species of trees	Names of persons in whom the right in trees vest
1	2	3	4	5	6

Given under my hand and seal.

Dated, the 19

Seal of the Collector.

Collector.

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated 1st August 2017

NOTIFICATION

MAHARASHTRA LAND REVENUE CODE, 1966.

No. MIS. 10/0417/C.R.243/Kh.—In exercise of the powers conferred by clause (vi) and (Lxiii) of sub-section (2) of section 328 of the Maharashtra Land Revenue Code, 1966, (Mah.XLI of 1966), and of all other powers enabling it in that behalf, the Government of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Land Revenue (Regulation of Right to Trees etc.) Rules, 1967, the same having been previously published as required by sub-section (1) of section 329 of the said Code, namely :—

1. These rules may be called the Maharashtra Land Revenue (Regulation of Right to Trees etc.) (Amendment) Rules, 2017.

2. In the rule 2 of the Maharashtra Land Revenue (Regulation of Right to Trees etc.) Rules, 1967 (hereinafter referred to as "the principal Rules"),—

- (a) in sub-rule (1), for the word "Collector" the words "Tree Officer " shall be substituted ;
- (b) in sub-rule (2), for the word "Collector" the words "Tree Officer " shall be substituted ;
- (c) in sub-rule (3), for the word "Collector" the words "Tree Officer " shall be substituted ;
- (d) after Explanation 2, the following Explanation shall be inserted, namely :—

"Explanation 3.—For the purpose of this rule and rule 3, " Tree Officer" means a Forest Officer not below the rank of a 'Range Forest Officer' as defined under clause (ff) of section 2 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah.XXIV of 1964), and the forest officer means a Forest Officer as defined in the Indian Forests Act, 1927 (16 of 1927), in its application to the State of Maharashtra."

3. In rule 3 of the principal Rules, for the word "Collector" the words "Tree Officer " shall be substituted.

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

RAJENDRA KSHIRSAGAR,
Deputy Secretary to Government.

ANNEXURE 17.09

Guidelines for felling of trees in Eco-Sensitive Zone of Protected Areas

**Government of Maharashtra
Revenue and Forests Department**
Government Circular No. WLP-0217/CR.40/F-1,
Mantralaya, Mumbai-400 032
Dated.06 June,2019

Read :- Ministry of Environment, Forests and Climate Change Letter
F.No.11- 63/2012-FC (Pt.) dated 29/09/2016

The Central Government, as per reference cited above has laid down guidelines for felling permission of trees in Eco-Sensitive Zone of Protected Areas as under :-

There shall be no felling of trees on the forest, non-forest land or government or revenue or private lands falling within the Eco-Sensitive Zone of protected areas without prior permission of the competent authority duly notified by the State Government.

In case there is no Competent Authority notified by the State Government in such interim period, the Principal Chief Conservator of Forests in-charge of the territorial forests shall be the Competent Authority for this purpose and will grant permission for tree felling on the recommendation of the Divisional Forest Officer in whose jurisdiction the ESZ fall who will recommend in accordance with the existing provisions of Central or State Act and rules made thereunder by the State Government for protection of trees in the state.

2.0 The felling of trees in the Eco-Sensitive Zone can be broadly categorized as follows:-

2.1 Felling of trees in forest areas- Such tree-felling is regulated by the prescriptions of Working Plan/Working Schemes, duly approved by the Competent Authority in the Central Government.

2.2 Felling of trees in urban limits- This is regulated under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, wherein the authorities for according permission for tree-felling have been duly designated.

2.3 Felling of trees in areas outside urban limits (Scheduled Trees)- It is regulated under the Maharashtra Felling of Trees (Regulation) Act, 1964, wherein the Tree-officer is duly notified by the State Government for granting permission for felling of trees listed in the Schedule under the said Act.

1.4 Felling of trees in areas outside urban limits (Non-Scheduled Trees)- It is regulated by the provisions of Maharashtra Land Revenue Code, 1966 wherein the authorities have been duly notified by the State Government for granting of tree felling permissions.

2.5 Felling of trees in coastal areas- It is governed by Coastal Regulation Zone regulations.

3.0 Apart from above, presently the prior permission of Hon'ble Bombay High Court is also mandatory in case of cutting of mangrove species.

4.0 It may therefore be seen that felling of trees in all categories of areas is regulated by one or other legislation, where the prior permission of a authority duly notified by the State Government / Central Government is mandatory.

5.0 Therefore, it is hereby clarified that the concerned person or agency shall be at liberty to approach the competent authority / authorities specified in para 2 above, for seeking permission for felling of trees in the Eco-Sensitive Zone of Protected Areas.

6.0 This Government Circular is available on the official website of the Government of Maharashtra www.maharashtra.gov.in with Computer Code No. 201906061528016319. This Circular is digitally signed.

By order and in the name of Governor of Maharashtra.

**SUJAY DEORAO
DODAL**

Digitally signed by SUJAY DEORAO DODAL,
DN: cn = SUJAY DEORAO DODAL, c = IN, s =
Maharashtra, o = GOVERNMENT OF
MAHARASHTRA, ou = REVENUE AND FOREST
Date: 2019.06.06 15:38:29 +05'30'

**(Sujay Dodal)
Joint Secretary(Forests)**

Copy to—

1. The Secretary, Ministry of Environment, Forests and Climate Change, New Delhi
2. The Additional Chief Secretary (Revenue), Revenue and Forests Department, Mantralaya, Mumbai.
3. The Principal Secretary, Urban Development Department, Mantralaya, Mumbai.
4. The Principal Secretary, Public Works Department, Mantralaya, Mumbai.
5. The Principal Chief Conservator of Forests (HoFF)] Maharashtra State, Nagpur.
6. The Principal Chief Conservator of Forests (Wildlife), MS Nagpur.
7. The Principal Chief Conservator of Forests, Social Forestry MS, Pune.
8. The Additional Principal Chief Conservator of Forests (All)
9. The Chief Conservator of Forests (Territorial) (All)
10. The Field Directors Tiger Reserves (All)
11. The Municipal Commissioners, Municipal Corporations (All)
12. The Chief Engineers, Public Works Department (All)
13. The Collectors (All)
14. The Chief Executive Officers, Zilla Parishad (All)
15. The Deputy Conservator of Forests (Territorial) (All)
16. The Deputy Conservator of Forests (Wildlife) (All)
17. The Superintending Engineers, Public Works Department (All)
18. The Executive Engineers, Public Works Department (All)
19. The Divisional Forest Officers (All)
20. The Project Directors, National Highway Authority of India (All)
21. The Select File F-1 Section, Mantralaya, Mumbai-32

ANNEXURE 17.10



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XXIII OF 1969

**THE MAHARASHTRA SALE OF TREES BY OCCUPANTS
BELONGING TO SCHEDULED TRIBES (REGULATION)
ACT, 1969**

(As modified upto the 17th November 2012)

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT PRESS AND STATIONERY
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2012

[Price : Rs. 5.00]

**THE MAHARASHTRA SALE OF TREES BY OCCUPANTS BELONGING
TO SCHEDULED TRIBES (REGULATION) ACT, 1969**

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11. Bar of proceedings.
12. Provisions of this Act to be in addition to any other law for the time being in force.
13. Power to make rules.
14. Repeal of Mah. Ord. V of 1969 and saving.

MAHARASHTRA ACT No. XXIII OF 1969¹

[THE MAHARASHTRA SALE OF TREES BY OCCUPANTS BELONGING
TO SCHEDULED TRIBES (REGULATION) ACT, 1969.]

(This Act received assent of the President on the 17th April 1969 ; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 18th April 1969.)

Amended by Mah. 48 of 1969.

"	"	"	31 of 1974* (16-7-1974)†
"	"	"	42 of 1981‡ (4-8-1981)†
"	"	"	16 of 1991£ (14-2-1991)†
"	"	"	6 of 1996 (8-1-1996)†

An Act to regulate the disposal of trees standing in the holdings of persons belonging to Scheduled Tribes in the State of Maharashtra.

WHEREAS, it is necessary to regulate the disposal of trees standing in the holdings of persons belonging to Scheduled Tribes in the State of Maharashtra and to provide for matters connected therewith; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) Act, 1969.

Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of March 1969.

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

Definitions.

(a) "appointed day" means the 3rd day of March 1969 ;

(b) "Code" means the Maharashtra Land Revenue Code, 1966 ;

Mah.
XLI of
1966.

[(c) "Collector" includes a revenue officer not below the rank of Tahasildar, or a Forest Officer not below the rank of Range Forest Officer, specially empowered by the State Government to perform all or any of the functions of the Collector under this Act, and different officers may be empowered to perform different functions or the same function of the Collector ;]

[(ca) "Conservator of Forests" means the Conservator of Forests of the concerned Circle ;]

1. For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1969, Part V, Extra., page 132.

* Mah. Ord. XV of 1974, was repealed by Mah. 31 of 1974, s. 7.

† This indicates the date of commencement of Act.

‡ Mah. Ord. No. XI of 1981 was repealed by Mah. 42 of 1981, s. 4.

£ Mah. Ord. No. II of 1991 was repealed by Mah. 15 of 1991, s. 5.

Section 4 of Mah. 16 of 1991 reads as under :—

Bom.
I of
1904.

"4. (1) Notwithstanding anything contained in the Bombay General Clauses Act, 1904, but subject to the provisions of sub-section (2), on the commencement of this Act, all applications for the approval of any contract, pending before the Collector shall be dismissed.

Consequences of deletion of section 4 of Mah. XXIII of 1969.

(2) Notwithstanding anything contained in this Act, all applications wherein an approval under sub-section (1) is accorded, or an order requiring the purchaser to pay adequate price has been made under the proviso to sub-section (5) of section 4 of the principal Act on any date before the date of commencement of this Act and such applications are still pending on the date of commencement of this Act, then they shall be proceeded with and disposed of by the Collector, as if the provisions of this Act had not come into force."

2. Clause (c) was substituted by Mah. 42 of 1981, s. 2.

3. Clause (ca) was inserted by Mah. 6 of 1996, s. 2.

(d) "Forest Officer" means a Forest Officer within the meaning of the Indian Forest Act, 1927 ; XVI of 1927.

(e) "occupant" means an occupant belonging to a Scheduled Tribe ;

(f) "prescribed" means prescribed by rules ;

(g) "revenue officer" means a revenue officer within the meaning of the Code ;

(h) "Scheduled Tribes" means such tribes or tribal communities or parts of or group within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India ;

¹[(i) "trees" means any trees in the holding of an occupant.]

(2) Words and expressions used but not defined in this Act, shall have the meanings respectively assigned to them in the Code.

Prohibition. 3. (1) No occupant shall, after the appointed day, sell any trees in his holding except with the ² * * * assistance of the Collector as hereinafter provided.

(2) Any sale of trees made in contravention of the provisions of sub-section (1) shall be invalid ; and no person shall fell any trees in pursuance of any sale of trees which is invalid.

4. [*Past contracts for sale of trees required to be approved*] Deleted by Mah. 16 of 1991, s. 2.

5. ³[*Procedure for sale of trees after appointed day.*] Deleted by Mah. 31 of 1974, s. 4.

Sale of trees
through
Forest
Officers⁷ * *

⁴[6. (1) Any occupant, who on and after the commencement of the Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) (Amendment) Act, 1974, intends to sell any trees in his holding, shall make an application to the Collector for assistance for the sale of the trees. Such application shall be in the prescribed form, and shall be accompanied by a certified copy of the permission, if any granted under section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964, and where such permission is deemed to have been granted under sub-section (1C) of section 3 of that Act, the application shall state such fact therein.

Mah.
XXXI
of 1974.

Mah.
XXXIV
of 1964.

(2) On receipt of an application under sub-section (1), the Collector shall, after hearing the Applicant and making such inquiry as he may deem fit, decide whether the assistance sought for should be granted ⁵[or not] for sale of the trees through a Forest Officer ⁶ * * *

1. This Clause was substituted for the original by Mah. 31 of 1974, s. 2.

2. The words "permission or" were deleted, *ibid.*, s. 3.

3. Section 4 of Mah. 31 of 1974 reads as under :—

"Provided that, where permission has been granted for sale of trees before the deletion of section 5, such deletion shall not effect the cutting or removal of trees from the holding of the occupant."

4. Section 6 was substituted for the original by Mah. 31 of 1974, s. 5.

5. These words were inserted by Mah. 6 of 1996, s. 3(1)(a).

6. The words, brackets and figure "or for reasons to be recorded in writing, the trees may be sold by auction as provided in sub-section (4)" were deleted, *ibid.*, s. 3(1) (b).

7. The words "or by auction" were deleted, *ibid.*, s. 3 (4).

(3) If the Collector decides to grant such assistance, the Collector shall arrange for the sale of the trees in such manner as the State Government may by order direct (including provision in such direction for circumstances in which deposits made at sales may be forfeited) through a Forest Officer who is duly authorised by the State Government in this behalf, so as to secure the maximum price for such trees.

¹(4) * * *

²[(5) Payment of advance amount prior to the sale of trees and the payment of the proceeds of the sale shall be made by the Collector in the following manner, namely :—

(a) twenty per cent. of the net estimated value of the trees to be sold shall be paid within thirty days from the date of the decision for grant of assistance for the sale of trees under sub-section (2).

(b) thirty per cent. of the net estimated value of the trees to be sold shall be paid within thirty days from the date of transportation of the felled trees to the sales depot ;

(c) the proceeds of the sale, after deducting the amount paid under clauses (a) and (b), the expenses of the sale and other expenses as have been incurred, shall be paid within one hundred and twenty days from the date of transportation of the felled trees to the sales depot.]

7. Every person aggrieved by an order or decision of the Collector under this Act may, within thirty days of the receipt of such order, appeal to such authority as may be prescribed in this behalf. Subject to such rules of procedure as may be prescribed, the appellate authority may, after giving such person a reasonable opportunity of being heard, pass such order on the appeal as it thinks just and proper.

³7A. ⁴[(1) The State Government or the Conservator of Forests may, *suo motu* or on an application made to it or him by an aggrieved person, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed by, or as to the regularity of the proceedings, of the Collector or any Forest Officer, call for and examine the record of any inquiry or proceedings of any case pending before or disposed of by such Collector or Forest Officer :

Revision.

Provided that no such record shall be called for by the State Government or the Conservator of Forests, if the application is made after six months from the date of receipt, by the applicant, of the decision or order sought to be revised].

1. Sub-section (4) was deleted by Mah. 6 of 1996, s. 3 (2).

2. Sub-section (5) was substituted, *ibid*, s. 3 (3).

3. Section 7A was inserted by Mah. 31 of 1969, s. 6.

4. Sub-section (1) was substituted by Mah. 6 of 1996, s. 4 (1).

(2) If, in any case, it shall appear to the State Government or the ¹[Conservator of Forests] that any decision or order or proceedings so called for should be modified, annulled or reversed, it or he may pass such order thereon as it or he thinks fit :

Provided that the State Government or the ¹[Conservator of Forests] shall not pass any order under this section which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.]

Power to
transfer
proceedings.

²[7B. The State Government may, by general or special order, withdraw any applications, appeals or other proceedings under this Act pending before any officer or authority and transfer the same for disposal to any other officer or authority as the case may be, having jurisdiction.]

Penalty.

8. (1) Any person, who fells any trees in any holding or removes them therefrom in pursuance of any sale which is invalid under section 3, ³* shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, and trees felled, if any, in contravention of this Act may be confiscated by order of the Court.

(2) The Magistrate may order that the whole or any part of the fine so imposed may be paid to the occupant as compensation.

Officers to
be public
servants.

9. The officers exercising the 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 the Collector under this Act may 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 the powers or to perform the duties or to discharge the functions under this Act for anything in good faith done or purported to be done by or under this Act.

Provisions
of this Act
to be in
addition to
any other
law for the
time being
in force.

12. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.

Power to
make rules.

13. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication make rules for carrying into effect the purposes of this Act.

1. These words were substituted for the word "Commissioner" by Mah. 6 of 1996, s. 4 (2).

2. Section 7B was inserted by Mah. 42 of 1981, s. 3.

3. The words and figure "or in contravention of any order made by the Collector under section 4" were deleted by Mah. 16 of 1991, s. 3.

1969 : Mah. XXIII]

*Maharashtra Sale of Trees by Occupants belonging
to Scheduled Tribes(Regulation) Act, 1969*

(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.

14. (1) The Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) Ordinance, 1969 is hereby repealed.

Mah.
Ord.
V of
1969.

(2) Notwithstanding such repeal, anything done or any action taken (including any rules made) under the said Ordinance shall be deemed to have been done or taken under this Act.

Repeal of
Mah. Ord. V
of 1969 and
saving.

Maharashtra Government Publications can be obtained from—

★ THE DIRECTOR

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Phone 23632693

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Tarabai Park
KOLHAPUR-416 003.
Phone 2650402

AND THE RECOGNISED BOOK SELERS

ANNEXURE 17.11

महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

सोमवार, जुलै १९, १९८२/आषाढ २८, सके १९०४

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ
क्रमांक दिले आहेत.

भाग चार - ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले [भाग एक,
एक-अ आणि एक-ल यांमध्ये प्रसिध्द केलेले नियम व आदेश याव्यतिरिक्त]
नियम व आदेश.

REVENUE AND FORESTS DEPARTMENT
Mantralaya, Bombay 400 032, dated the 19th July 1982

MAHARASHTRA SALE OF TREES BY OCCUPANTS BELONGING TO SCHEDULED
TRIBES (REGULATION) ACT, 1969.

No.TRS.1081/120163-F-3:- In exercise of the powers conferred by sub-section (3) and (4) of section 6 of the Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) Act, 1969 (Mah.XXIII of 1969), read with rule of the Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) Rules, 1969 the Govt. of Maharashtra hereby authorises the Range Forest Officers to perform the duties of Forest Officer and Officer, respectively under the sub-sections (3) and (4) of the section 6 of the said Act and said Rule 5 within their respective territorial jurisdiction.

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

Sd/-

L.H.A.Rego,

Deputy Secretary to Government.

४६१ महाराष्ट्र शासन राजपत्र, असा, जुलै १९, १९८२/आषाढ २८, सके १९०४/
भाग चार-ब

REVENUE AND FORESTS DEPARTMENT
Mantralaya, Bombay 400 032 dated the 19th July 1982.

CORRIGENDUM

No.TRS.1081/120163-F-3:- In Government order, Revenue and Forests Department No.TRS 1081/104117-F-6(a) dated the 11th August 1981, published in the Maharashtra Government Gazette Part IV-B, dated the 20th August 1981, at page 1599 in the preamble, for " 1976 " substitute " 1974 "

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

Sd/-

ANNEXURE 17.12

Maharashtra Sale of Trees by
Occupants belonging to the
Scheduled Tribes (Regulation)
Act, 1969 (Mah.XXIII of 1969)

Instructions regarding
implementation of

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Circular No. TRS 1081/120163-F3,
Mantralaya, Bombay 400032, 22nd July 1982.

- READ:**
- (i) Government Notification, Revenue and Forests Department No. TRS 1081/104117-F6(a) dated 11th August 1981,
 - (ii) Government Notification, Revenue and Forests Department No. TRS 1081/104117-F6(b) dated 11th August 1981,
 - (iii) Government Notification, Revenue and Forests Department No. TRS 1081/120163-F3 dated 19th July 1982 (copy enclosed) and
 - (iv) Government Order No. TRS 1081/120163-F3 dated 22nd July 1982 containing Government directions (copy enclosed).

C I R C U L A R.

The amending Maharashtra Act No. XXIII of 1981 was passed with a view to ensure satisfactory implementation of the Principal Act (Act No. XXIII of 1969) through the Forest Department which was more intimately connected with the scheduled tribes in regard to the felling and removal of trees from their holdings. The Range Forest Officers therefore, have ~~been~~ been empowered by Government to receive their applications under section 6 of the Principal Act No. XXIII of 1969 and the Divisional Forest Officers (as also the Sub-Divisional Forest Officers in charge of Independent Sub-Divisions) have been authorised to perform the functions of the Collector under the said Act, in supersession of the orders issued earlier delegating these powers to the Tahsildars (vide Government Notification at Sr.No.(i) supra) and the proceedings pending before the Tahsildar were transferred to Divisional Forest Officers and Sub-Divisional Forest Officers as the case may be (vide Government Notification Sr.No.(ii) supra). The Range Forest Officers have been further authorised to perform the functions

of the Forest Officers or of the Officers specified in sub-sections (3) and (4) of the said Act, after the Collector (viz. the Divisional Forest Officer or Sub-Divisional Forest Officer in charge of an Independent Sub-Division as the case may be) takes a decision on the application as provided in the Act (vide Government Notification at Sr.No.(iii) supra).

2 The Order at Sr.No.(iv) supra, has been passed by Government, in exercise of the powers conferred by sub-sections (3) and (4) of section 6 of the said Principal Maharashtra Act No.XXIII of 1960, wherein detailed directions have been issued as regards the manner of the sale of trees and the procedure to be followed in regard to such sale, in accordance with the provisions of the Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) Act, 1960, as amended by the Maharashtra Act No.XXXI of 1974.

3 Government is hereby pleased to direct that the concerned officers should study these instructions carefully and ensure that in each and every case, wherein the assistance of the "Collector" is sought by the occupants belonging to the scheduled tribes, in regard to sale of trees in their holdings under the provisions of the Act the procedure prescribed is adhered to meticulously. The Conservators of Forests/'Collectors should explain clearly to their subordinate officers, the directions in the said Order passed by Government and instruct them to follow the same scrupulously. It should be particularly ensured that the Talathis demarcate the boundary of the holdings of the occupants clearly on the ground well within the period stipulated in the above Government

Order (vide paras I(1)(a) and II(1) of the directions issued under the Order at Sr.No. (iv)4 above).

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


(L.H.A. REGO)

Deputy Secretary to the Government of Maharashtra,
Revenue and Forests Department.

Encl.: i) Copies of the aforesaid
two Notifications.
ii) Copies of the Government
Order No. TRS 1081/120163-F3
dated 22nd July 1982.

To

All Commissioners of Revenue Divisions,
The Chief Conservator of Forests,
Maharashtra State, Pune,
The Additional Chief Conservator of Forests,
Maharashtra State, Pune,
All Conservators of Forests (Territorial),
All Collectors of Districts,
All Divisional Forest Officers (Territorial) and
Sub-Divisional Forest Officers in charge of
Independent Sub-Divisions,
All Tahsildars,
The Social Welfare and Sports (Tribal) Department,
The Director of Tribal Welfare,
Maharashtra State, Nashik,
The Horticulture & Social Forestry Department,
The Desk Officers, Revenue and Forests Department,
Desks F-1, F-2, F-3, F-5 and F-6,
The Revenue & Forests Department
F-3 Desk (for Select File).

Revenue and Forests Department,
Mantralaya, Bombay 400032.
22nd July 1982.

O R D E R

Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) Act, 1969 (Mah. XXIII of 1969).

No. TNS 1081/120163-F3. - In exercise of the powers conferred by sub-sections (3) and (4) of Section 6 of the Maharashtra Sale of Trees Occupants belonging to Scheduled Tribes (Regulation) Act, 1969 (Mah. XXIII of 1969), and in supersession of the directions issued under Government Order, Revenue and Forests Department, No. TNS 1074/68726-W, dated 24th March 1975, the Government of Maharashtra gives the following directions as respects (i) the manner in which the sale of trees through a Forest Officer shall be arranged by the Collector; and (ii) the manner in which the auction shall be arranged by the Collector for selling the trees, namely :-

I. Directions as respects the manner in which the sale of trees through a Forest Officer shall be arranged under Section 6(3) of the Act:-

(1) Demarcation of land and marking of trees.

- (a) Unless the land from which the occupant desires to sell the trees has already been got correctly demarcated on the ground by distinct boundary marks with the help of the local Talati during the enquiry held under sub-section (2) of section 6 of the Act, the Forest Officer duly authorised by the State Government under sub-section (3) of Section 6 of the Act shall cause such demarcation on the ground to be done within a period of 15 days from the date of the decision of the Collector under sub-section (2) of Section 6 of the Act. If the demarcation on the ground is not

completed with the help of the local Talati within 15 days, the matter shall be brought to the notice of the Tahsildar concerned for expediting the demarcation.

- (b) The authorised Forest Officer shall thereafter cause to be drawn up a detailed marking list of the trees required to be sold, showing the essential details, such as tree species, the girth at breast height and the estimated yield of timber and fuelwood therefrom. An abstract of the total estimated outturn of timber and fuelwood from the trees required to be sold shall be drawn up at the end of this list. This list shall, after personal inspection of the trees sought to be sold, be signed by a Forest Officer not below the rank of a Range Forest Officer, on each page, in token of its correctness as also by the occupant as evidence of his approval of the list.
- (c) The trees to be sold shall be serially numbered in coalter and affixed with a special hammer mark on a blaze both at the base of the tree as also at breast-height above the coalter band.

- (2) Maintenance of a proper record of outturn of material and expenditure and drawing up of a panchanama proper panchanama, showing the details of the number of trees in the holding, the estimated outturn of timber and fuelwood therefrom and the estimated in situ value of the material shall be recorded in the presence of the occupant and the Forest Officer signing the list referred to in sub-paragraph (b) of paragraph (1) above, and the said

Officer shall also attest such panchanama. The Project Officer of the Integrated Tribal Development Project concerned, should be invited to be present at the time of valuation of the trees and recording of the panchanama.

(b) A complete record of the account of expenditure incurred shall be maintained in respect of the following items:-

- (i) Demarcation of the holding;
- (ii) Erection of boundary marks and marking of boundary trees and trees to be felled, in coaltar;
- (iii) Felling and conversion of trees;
- (iv) Transport of material (including loading and unloading) from the holding and its stacking at the nearest sale depot; and
- (v) Any other item incidental to extraction, transport and sale.

(c) After the material is received at the sale depot, the authorised Forest Officer shall cause to be recorded a proper panchanama, showing the details of the quantity of timber and fuelwood stacked at the sale depot and its estimated value, and the same shall be attested by the occupant as well as the Forest Officer not below the rank of a Range Forest Officer.

(3) Manner of holding sale and recovery of dues.

(a) The upset price of the material to be sold at the sale depot shall be determined with the utmost care and accuracy, with due regard to the prevalent market trend, and got sanctioned by the competent authority according to the general financial powers separately delegated to the Forest Officers in regard to sale of coupes/ forest produce.

(b) Where the in situ value of the trees to be sold does not exceed Rs.500/-, the trees may, with

the prior approval of the Conservator of Forests, be felled, converted and transported departmentally for sale by public auction at the nearest village site. In all other cases, the trees shall be felled, converted and transported departmentally for sale by public auction at the nearest sale depot of the Forest Department.

- (c) The programme of auction, whether at the village site or at the sale depot, shall be so scheduled, as to enable the occupant to get the net sale proceeds within a period, as far as possible, of 6 months from the date of receipt of his application under sub-section (1) of Section 6 of the Act.
- (d) Wide publicity shall be given to the sale by auction, whether at the village site or at the sale depot, by public notice (Jahirnama) not less than 15 days before the date of the auction, specifying the date, time and place of the auction and the salient terms and conditions of the sale. The Unified Depot Sale Conditions sanctioned under Government Resolution, Revenue and Forests Department No. TMR 1677/123173-F-5, dated the 24th September 1930, as may be modified from time to time, shall apply mutatis mutandis to such sale by public auction.
- (e) A copy of the public notice shall simultaneously be sent by registered post or by hand delivery to the occupant so as to reach him at least 7 days before the date of the sale. A copy of the notice shall also be prominently

displayed on the notice board in the office of the Divisional Forest Officer/Sub-Divisional Forest Officer in charge of an Independent Sub-Division, Range Forest Officer and the Village Panchayat concerned.

(f) The terms and conditions of the auction sale shall be read out before the auction begins and got signed by the intending bidders present as also by the occupant of the holding, if he happens to be present,

(g) The sale shall not be confirmed before the expiry of 15 days from the date of acceptance of the bid for the auction and unless all the objections received during the said period of 15 days in respect of such confirmation are duly considered after ascertaining the views of the occupant.

(1) Payment to the Occupant:

(a) The occupant shall be paid the net sale proceeds after deduction of all the expenses incurred in connection with the sale, including the expenditure mentioned in paragraph 2(b) above, at the earliest after the confirmation of the sale, and dated receipt obtained from him.

(b) The occupant shall be paid, by way of advance payment, 55% of the net estimated value of the material, viz. the upset price less the expenditure incurred as mentioned in paragraph 2(b) above, as soon after the material is transported to and received at the sale depot as possible. No such advance payment shall be made, where the material is proposed to be sold by public auction at the village site.

(c) Every payment under sub-paragraph 4(a) or 4(b) above shall be made by or in the presence of a Gazetted Officer. However, where the amount does not exceed Rs.1000/-, the payment may be made by an officer of the rank of a Range Forest Officer in the presence of two respectable witnesses from the occupant's village, one of whom shall be the Sarpanch or a member of the Village Panchayat or the Police Patil of the village.

(d) All expenditure incurred, amounts received and payments made in connection with the sale of trees shall be entered in a separate set of account books maintained for the purpose.

II. Directions as respects the manner in which the auction shall be held by the Collector for selling trees under Section 6(4) of the Act:-

- (1) If the Collector decides that the trees should be sold by auction as provided by Section 6(4) of the Act, he shall first take action for the demarcation of the land and marking of trees, as indicated in paragraph I(1) of these directions.
- (2) For the purpose of fixing the upset price before holding the auction, the Collector shall get a proper panchanama recorded by a Forest Officer not below the rank of a Range Forest Officer, showing the details of the number of trees in the holding, the estimated outturn of timber and fuelwood therefrom and the estimated in situ value of the material, in the presence of the occupant and at least two witnesses from the village, one of whom shall be the Sarpanch or a member of the Village Panchayat or the Police

Patil of the village. The Project Officer of the Integrated Tribal Development Project concerned should be invited to be present at the time of valuation of the trees and recording of the panchanama.

- (3) After the upset price is fixed, as provided in the preceding paragraph, the Collector shall direct an Officer duly authorised by the State Government under sub-section (4) of section 6 of the Act, to hold the auction of the trees after giving due publicity to the proposed auction by affixing a notice on the notice board in the offices of the Village Panchayat, the Range Forest Officer, the Tahsildar and the Divisional Forest Officer/Sub-Divisional Forest Officer in charge of an Independent Sub-Division and at other places (if any), which in his opinion are important trading centres, at least 15 days before the date of the auction. The notice shall specify the date, time and place of the auction and the salient terms and conditions of the sale.
- (4) A copy of the notice shall simultaneously be sent to the occupant by registered post or by hand delivery so as to reach him at least 7 days before the date of the auction, calling upon him to be present at the auction.
- (5) Every auction shall be held in the presence of the occupant or his duly authorised agent. The terms and conditions of the auction shall be read out by the Forest Officer holding the auction before the commencement of the auction.
- (6) No person shall be allowed to bid unless he has, prior thereto, deposited with the Forest Officer, holding the auction, earnest money deposit as stipulated in the Unified Depot Sale Conditions

Sanctioned under Government Resolution, Revenue and Forests Department, No.TMR 1677/123173-R-5 dated 24th September 1980, as may be modified from time to time. The earnest money deposit shall be returned to the unsuccessful bidder. In the case of the successful bidder, it shall be adjusted towards the sale price.

- (7) The trees shall be sold to the highest bidder and every effort shall be made to ensure that the occupant gets the highest possible price for his trees.
- (8) The Collector shall reserve to himself the power to confirm the sale in auction.
- (9) The Collector shall not confirm any sale by auction before the expiry of 15 days from the date of the bid in the auction and unless all objections received during the said period in respect of such confirmation are duly considered after ascertaining the views of the occupant.
- (10) The person, whose bid is accepted in the auction, shall be required to pay the entire sale price in one instalment within 30 days from the date of confirmation of the sale. The possession of the trees shall not be given to the successful bidder, unless he pays the sale price in full, inclusive of sales tax. In the event of the auction purchaser failing to make payment of the sale price within the time prescribed earlier, the earnest money deposit and any part of the sale price already paid shall be liable to be forfeited, and the provisions contained in the Unified Depot Sale Conditions, referred to in paragraph II(6) above, relating to cancellation of sale, resale of

material and forfeiture of the amount of deposit and/or sale price paid by the auction purchaser shall be applicable ~~mutatis mutandis~~ to such a case.

- (11) If any such auction does not materialise for want of a proper bid, the Collector shall arrange to hold a fresh auction by giving wider publicity thereto, than in the previous auction. If the fresh auction also does not materialise for want of a proper bid, the Collector shall take the advice of the Conservator of Forests in the matter and take action in accordance with such advice.
- (12) The Collector shall take adequate steps to prevent any collusion of contractors for the purpose of securing a low or no bid.
- (13) The occupant shall be paid the net sale proceeds after deduction of all the expenses incurred in connection with the sale, including any expenditure on any of the items mentioned in paragraph I(2)(b) of these Directions. Such payment shall be made as soon after realisation of the sale price as possible.
- (14) All expenditure incurred, amounts received and payments made in connection with the sale of trees shall be entered in a separate set of account books maintained for the purpose.


(L. H. A. REDDY)
Deputy Secretary to Government.

ANNEXURE 17.13

Annex. 17.13



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XVI OF 1983.

**THE MAHARASHTRA SUPPLY OF FOREST-PRODUCE
BY GOVERNMENT (REVISION OF AGREEMENTS)
ACT, 1982.**

(As modified up to the 30th April 2013)

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT PHOTOZINCO PRESS, PUNE
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2013.

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GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

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1983 : Mah. XVI]

**THE MAHARASHTRA SUPPLY OF FOREST-PRODUCE BY
GOVERNMENT (REVISION OF AGREEMENTS)
ACT, 1982.**

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PREAMBLE.

SECTIONS.

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6. Purchaser may terminate agreement after giving one month's notice.
7. Power to make rules.

MAHARASHTRA ACT No. XVI OF 1983.¹

[THE MAHARASHTRA SUPPLY OF FOREST-PRODUCE BY
GOVERNMENT (REVISION OF AGREEMENTS) ACT, 1982.]

(This Act received the assent of the President on the 21st March 1983; assent was first published in the *Maharashtra Government Gazette*, Extra-ordinary, Part-IV, on the 23rd March 1983.)

An Act to take powers to revise certain agreements to get fair price for forest-produce supplied by Government to purchasers for long term periods and for certain other matters.

WHEREAS, it is expedient to take power to the State Government to revise certain agreements, from time to time, to get fair price for forest-produce sold or supplied by the State Government to the purchasers for long term period and to prevent loss of income due to Government and to enforce the revised agreements and to provide for matters connected therewith; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Act, 1982. Short title,
extent and
commencement.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date² as the State Government may, by notification in the *Official Gazette*, appoint.

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

(a) "agreement" shall include any contract, licence, bond, deed or other document, whereby the State Government agrees to sell or supply any forest-produce to any person or to permit any forest-produce to be collected and removed by any person for consideration, for a long term period, on terms and conditions specified in such document;

XVI of 1927. (b) "forest-produce" shall have the meaning assigned to it in the Indian Forest Act, 1927, in its application to the State of Maharashtra;

(c) "long term period" means any period exceeding twelve months;

(d) "prescribed" means prescribed by rules made by the State Government under this Act;

(e) "purchaser" means any person, including any company or association or body of individuals, whether incorporated or not, who purchases or is supplied or obtains any forest-produce from the State Government under any agreement.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1982, Part-V, dated 13th September 1982, at page 297.

² 15th June 1983, vide G.N., R. and F.D., No., FND-1280/45-CR-60-80-F1, dated 7th June 1983.

Power of Government to revise agreements for sale or supply of forest produce.

3. Notwithstanding anything contained in any law for the time being in force and in any Agreement subsisting on the date of commencement of this Act or in any agreement, which may be entered into by the State Government with any purchaser on or after the date of commencement of this Act, it shall be lawful for the State Government, from time to time, by order published in the *Official Gazette*, to add to, substitute, delete or otherwise amend any of the terms and conditions of any such agreement, for one or more of the following purposes, namely :—

(a) to provide for a revision or a periodical revision of the price or rate for sale or supply of forest-produce to the purchaser, where such agreement does not provide for any such revision or periodical revision, as the case may be and where such periodical revision is provided in the agreement, to provide for reducing or enhancing the period of revision ;

Provided that, the price or rate once fixed shall not be liable to be revised by the State Government for a period of at least twelve months from the date on which such price or rate has come into force;

(b) to provide for the removal or any modification of any ceiling imposed in any such agreement on the increase, at the time of revision, in the price or rate at which the forest-produce is to be sold or supplied to the purchaser;

(c) to provide for the adjustment or change in the unit of weight or measure in which the forest-produce is to be weighed, measured or counted, for the purpose of its sale or supply to the purchaser or for the purposes of charging or recovery of the price or rate therefore, without, however, materially or substantially changing the quantity of forest-produce agreed to be sold or supplied to the purchaser.

Price or rate of forest-produce sold or supplied to purchasers not to exceed market value.

4. (1) The price or rate for sale or supply of the forest-produce, to be fixed at the time of any revision of the price or rate under Section 3, shall not exceed the market value of the forest-produce at the time of such revision, as may be determined by the State Government in the prescribed manner.

(2) Where the price or rate is fixed, at the time of revision, for a period exceeding twelve months at a time, the State Government may provide for an annual increase in the price or rate towards the anticipated escalation in the market value of the forest-produce during the period the revised price or rate is to remain in force.

Power of Government to terminate agreements for breach of terms and conditions.

5. (1) Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act or in any agreement, which may be entered into by the State Government with any purchaser on or after the commencement of this Act, the State Government may terminate any such agreement at any time for breach, by the purchaser, of any of the terms and conditions of the agreement, as amended from time to time, after giving him a reasonable opportunity to show cause why the agreement should not be terminated and after giving him a notice of one month for such termination.

(2) The decision of the State Government in such cases shall be final.

6. If any amendment made in the terms and conditions of an agreement under Section 3 or any revision made in the price or rate for sale or supply of forest-produce under that section, is not acceptable to the purchaser, he may, at his option, by giving to the State Government one month's notice in writing, within a period of six months from the date on which the amendment in the terms and conditions or the revision in the price or rate, as the case may be, is communicated to him, terminate the agreement and accordingly the agreement shall stand terminated at the end of the notice period.

Purchaser may terminate agreement after giving one month's notice.

7. (1) The State Government may, subject to the condition of previous publication and by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely :—

(a) for giving notice of the amendment proposed to be made in the agreement or of any revision of price or rate proposed to be made under Section 3 and for affording the purchaser an opportunity of showing cause against the proposal;

(b) the principles on which, the manner in which and the authority by which, the market value shall be determined for the purposes of Section 4.

(3) Every rule made under this Act 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 of the session immediately following, both the 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 publication 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 any thing previously done or omitted to be done under that rule.

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ANNEXURE 18.01

Appendix A.

Grazing Policy Maharashtra State.

Government of Maharashtra,
Revenue and Forests Department,
Resolution No. MFP-1365/132211-Y.
Sachivalaya, Bombay-32(Ma) 6th December 1968.

RESOLUTION.

Different sets of rules regarding grazing in Government Forests are at present prevalent in the three regions of this State, viz Western Maharashtra, Vidarbha and Marathwada. This disparity needs to be set right. Further, the Government of India has in its National Forest Policy Resolution laid down certain guide lines for formulation of the grazing policy by the State Governments. Accordingly, a grazing policy in consonance with these guide lines need to be evolved for uniform application throughout Maharashtra. Such a policy must have the ultimate aim of providing ideal pasturage within the resources available in the State Forests without letting the resource itself to impair and deteriorate. It has further to be based on sound principles of forestry. The entire question has been engaging the attention of Government for some time past. It was also referred to the State Forest Advisory Committee for its advice.

2. After examining the question in all its aspects and also taking into consideration the views unanimously expressed by the State Forest Advisory Committee, Government is pleased to direct that the Grazing Rules as set out in the annexure to this Government Resolution should be made applicable throughout the State of Maharashtra.

3. In the Vidarbha region of the State where grazing settlements have already been made, the rules contained in the annexure to this Government Resolution should be made applicable from the 1st July 1969, when the next grazing year will commence. In the remaining areas these rules should be enforced as and when grazing settlements are made. These settlements should be undertaken in stages. The areas containing fairly good forests which are in danger of destruction due to uncontrolled grazing should be selected first for the settlement work. The selection of the areas should also be so made as to be able to demonstrate within a reasonably short period how the forests in these areas could be developed with controlled grazing. The work of carrying out grazing settlements should be undertaken in Thana, Nasik, Dhulia, Jalgaon and Nanded Districts in the first instance.

4. This Government Resolution issues with the concurrence of Finance Department vide its un-official reference No. 17567/3258-III, dated the 4th November 1968.

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

A.J. PALIMKAR,
Under Sec. to Government.

Grazing Rules for forest areas in Maharashtra State.

In areas where no Grazing Settlements have so far been carried out, such settlements should first be undertaken for the purpose of classifying the various forest areas on a functional basis and fixing the maximum grazing incidence for each category as indicated below:-

- (a) Protected Forests:- This category will include steep and precipitous forests (especially those in the catchment areas of important river valley projects) and also the denuded lands which are in dire need of soil conservation and afforestation. Grazing should be altogether prohibited in these forests save in exceptional cases, when too the incidence should not exceed one cattle unit for 10 acres (A cattle unit is defined in para (2) below). 0.25 pr
- (b) Tree Forests:- This category will include forests where production of timber is the main object of management. The grazing incidence for these forests should be one cattle unit for 3 acres. 0.83 pr
- (c) Minor Forests:- This category will comprise forests in which production of firewood on a sustained basis is the prime object of management. The grazing incidence for these forests should be one cattle unit for 1.5 to 2 acres. 1.50 pr
- (d) Pasture lands:- This category will include openly stocked forests or lands that have ceased to yield even small timber but which are conveniently situated for providing grazing to the adjoining cattle population. The grazing incidence for these lands would be one cattle unit per acre. 2.50 pr
- (e) Grass Reserves:- This category will include all forest areas set apart for the production of good & fodder grass. Grazing should be completely eliminated from these areas, but cutting of grass may be permitted according to Rules.

2. The cattle units should be computed as follows:-

- | | |
|--|---------------------|
| (a) Adult Buffalo. | 2 Units. |
| (b) Adult Cow, bull or bullock. | 1 Unit. |
| (c) Buffalo calf under three years of age at the commencement of grazing year. | 1 Unit. |
| (d) Cow Calf. | $\frac{1}{2}$ Unit. |

3. Grazing units should be formed wherein a specified number of animals should be permitted to graze.

Essential cattle, subject to a maximum of two plough units per cultivator family should be permitted free grazing in forests. A plough unit shall mean one cattle units computed in accordance with para 2 above.

4. Essential cattle exceeding the aforesaid limit for free grazing and all non-essential cattle should be charged grazing fees at the following rates:-

Fees per annum.

(a) Adult buffalo-	Rs. 2/-
(b) Adult cow, bull or bullock.	Rs. 1/-
(c) Buffalo calf (less than 3 years but more than 6 months old).	Rs 1/-
(d) Cow calf (less than 3 years but more than 6 months old).	50 paise.

Animals upto the age of 6 months should be exempted from the payment of grazing fees.

5. The villages should be listed under each grazing unit to ensure equitable distribution within permissible limits of the number of cattle that may graze. Where demand for grazing is heavy, the cattle should be admitted in accordance with priorities to be laid down.

6. In any case, cattle over and above the carrying capacity of a grazing unit should not be allowed to graze in the unit.

7. All grazing in forests (whether free or otherwise) should be on permits granted by the Forests Department. Penal action (such as impounding of cattle or prosecution) should be taken against unauthorised grazers. Grazing in forests by goats should be prohibited altogether. For sheep grazing, specific area should be set apart, and separate incidence and rate of fees fixed after obtaining Government approval.

8. The forest areas should be closed to grazing according to silvicultural requirements under the provisions of sanctioned working plans. Monsoon and rotational closures should be provided in heavily grazed units and in areas susceptible to erosion. Special closures for specified period may also be enforced for the implementation of special schemes of the Forests Department. Fodder areas required for fodder Banks should be closed to grazing.

APPENDIX -B

Book No.

Patwari's Talathi/Gram Nayak
Certificate Book No.
Certificate No.

Licence No.

Licence for grazing.

(First Part)

(Second Part)

As per I part.

(Third Part)

-do-

Name.....

Residence.....

Particulars of cattle.

Number

Rate

Grazing
fees Rs./ps.

(1) Free

(2) At prescribed rates

Year for which valid.....

Forest Range...

Grazing unit for which licence is issued....

Signature of Licence Vendor
Naka.

Date:-

This licence is subject to the following conditions:

- 1) All cattle taken into or allowed to stay in the forest shall be accompanied by a Major herdsman in charge of them.
- 2) The herdsman will take this licence with him whenever he takes cattle into the forests and will then produce it on the demand by any forest official.
- 3) In the event of contagious disease occurring in the neighbourhood of the grazing unit for which the licence is issued, Government may, if it thinks fit, arrange for the inoculation of the Cattle, free of cost, and the herdsman shall permit such inoculation to be carried out.

On breach of any of these conditions the licence will be void and the cattle, herdsman and owners will be liable to treated as though this licence did not exist.

APPENDIX - C.

Transit Grazing Pass - Ordinary (First part)

(Second part) As per I part.

(Third part) -do-

Book No.....

Pass No.....

Name :

Residence :.....

From District.	To District.	Number of animals excluding calves under 6 months old.	Rate	Period for which available (see foot note 2).	Total
1.	2.	3.	4.	5.	6.

Rs. Ps.

Date of issue :-

Licence Vendor's Signature.

Naka :

(1) This transit pass is issued subject to the condition that the cattle covered thereby shall not stay more than a reasonable period in any grazing unit through which they are obliged to pass. While passing through any such unit the cattle shall be halted only at the recognized paraosx- at any one of which they shall not halt ordinarily more than two nights.

(2) This pass is valid only for the journey specified on the pass and must be given up on reaching destination.

APPENDIX - D,

Transit Grazing Pass : Annual (First part).

Second part (As per I part).

Third part (-do-)

Book No.....

Pass No.....

Name :-

Residence :-

Particulars of cattle.	Number	Rate each.	Grazing fees.
1.	2.	3.	4.

Cows, Bullocks,
Buffaloes
Calves
Sheep etc.

Year for which valid :

Date of issue :

Name of grazing unit in which cattle entered in this pass are entitled to grazing while the pass-holder is in residence at his home during the rainy season.

Licence Vendor's signature ;

Name :

This transit pass is issued subject to the condition that except while grazing in the grazing unit mentioned therein during the rainy season, the cattle covered thereby shall not stay more than a reasonable period in any grazing unit which they are obliged to pass through. While passing through any such unit the cattle shall be halted only at recognized forest parks at any one of which they shall not halt ordinarily more than two nights.

PATWARI/TALATHI/GRAM SEVAK CERTIFICATE	Patwari Talathi Gram Sevak	Part I.
	Patwari Talathi Gram Sevak	Part II.
		Part III.

Note 1:— The total number of animals shown in columns 4 to 9 will be the number actually owned by the person to whom the certificate is issued, and will include all animals except calves less than 6 months old at the time when the licence is issued, accompanying other cattle which are being grazed under licence.

Note 2:— (i) Calves:— Animals which are above 6 months and below 3 years on 1st July of the grazing year.
(ii) Adults:— Animals which are above 3 years on 1st July of the grazing year.

ANNEXURE 18.02

परिशिष्ट-11
(69)

Grazing Rules for the
Maharashtra State.

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department.
Resolution No. MFP-1371/237035-Z.
Sachivalaya, Bombay-400 032, 3rd November 1973.

READ:- (i) Government Resolution, Revenue and Forests
Department, No. MFP-1365/182211-Y, dated
6th December 1968.

(ii) Letter No. D/GRS/47(70.71)/5010 of 71-72,
dated 17th November 1971 from the Chief
Conservator of Forests, Maharashtra State,
Poona.

RESOLUTION:- In order to remove the disparity in regard
to the procedure of cattle grazing with forest in the
various regions of the State, a uniform grazing policy was
evolved as laid down in Government Resolution referred to
in the preamble. The grazing settlement work has been
completed in some districts and the same is in progress in
other districts. On completion of the work pertaining to
the grazing settlement it would be necessary to have uniform
procedure in regard to grazing. Government is accordingly
pleased to prescribe grazing rules as printed in the
"accompaniment to this Resolution. The various forms which
are to be used in connection with grazing are also appended
to this Resolution.

2. The Director of Publicity should be requested to give
wide publicity to the rules by issuing suitable press note.

By order and in the name of the Governor of Maharashtra

D. V. DAMLE,
Under Secretary to the Government of Maharashtra
Revenue and Forests Department.

Accompaniment: Grazing Rules and Forms.

To

The Chief Conservator of Forests, Maharashtra State, Poona,
All Conservators,
All Divisional Forests Officers and Sub-Divisional Forests
Officers in charge of independent sub-divisions,
All Commissioners,
All Collectors,
The Dairy Development Commissioner, Bombay,
The Director of Animal Husbandry, Poona,

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The Director of Agriculture, Poona,
All other Heads of Departments,
The Accountant General, Maharashtra I, Bombay,
The Accountant General, Maharashtra II, Nagpur,
The General Administration Department,
The Agriculture and Cooperation Department,
The Rural Development Department,
All other Secretariat Departments,
The Director of Publicity with a request to issue
suitable press note,
The 'R' Branch of Revenue and Forests Department,
All other Branches of Revenue and Forests Department,
The Personal Assistant to Minister (Forests),
The Personal Assistant to Deputy Minister (Forest),
The Personal Assistant to Minister for State (Forests)

No. of 1973.

Copy forwarded for information and guidance

GRAZING RULES FOR THE MAHARASHTRA STATE

I. GRAZING LICENCES

1. Grazing Policy: Grazing Policy for the Maharashtra State is laid down in Government Resolution No.MFP-1365/192211-Y, dated 6th December 1968 given in Appendix A.

2. Grazing Division Grazing Units:- Each Forest Division will be a grazing Division. It shall be divided into grazing units under the orders of the Chief Conservator of Forests, Maharashtra State, Poona.

3. Validity and duration of licences:- Grazing licences shall be valid for the grazing unit only, and shall cover a period not exceeding one forest year. All licences shall lapse on the last day, i.e. the 30th June of the Forest year for which they are issued.

Note:- In exceptional circumstances the Divisional Forest Officer may permit cattle for which a pass has been taken for one unit to graze in another on the same licence without a fresh fee.

4. Licences to whom given and for what areas available:-

(i) All grazing in the forest (whether free or otherwise) should be on permit granted by the Forest Department.

Grazing licences at prescribed rates will be issued to excess cattle of cultivator family and others and may be taken out for any grazing unit in a grazing division provided there is room in the grazing unit.

Note:- The issue of licence is subject to such definite allotment of villages to particular grazing unit, to such limitation on the number of cattle to be grazed in any such unit as may have been ordered by Government after special enquiry, and also to such closure to grazing as may be enforced in accordance with the prescriptions of sanctioned Working Plans.

(ii) Grazing licences for free grazing of cattle of cultivator family and others will be issued during the period 15th June to 31st July only. From August 1st no grazing licence for free grazing will be issued; licences at prescribed rates only then be available and they will be issued by Round Officers and Range Forest Officers.

Provided that if the issue of licences for free grazing cannot be completed by the end of July, and the Divisional Forest Officer is satisfied that there is good and sufficient reason, he may extend the period of issue to a date not later than August 20th. This power is to be exercised only in exceptional cases.

(iii) A grazing licence may be refused over a period of one year to any individual who has been guilty of persistent illicit grazing, on the order of the Conservator of Forests. Grazing Licences may be refused over a like period in the case of communities whose members have been guilty of persistent illicit grazing, on the order of the Government.

5. The Divisional Forest Officer may from time to time, fix and alter sites for cattle camps in the forests. While fixing the sites the suggestions made by Grazing Settlement Officer will be taken into account. If such a site has been fixed in any forest, licences wishing to keep their cattle in such camps shall utilize the site selected.

6. Cattle Units:- The cattle units should be computed as follows:

(a) Adult buffalo	...	...	...	2 units.
(b) Adult cow, bull or bullock	...	...	...	1 unit.
(c) Buffalo calf under three years of age at the commencement of the grazing year	...	...	...	1 unit.
(d) Cow calf	...	...	...	$\frac{1}{2}$ unit.

7. Grazing concessions and rates of Grazing fee:- Grazing units should be formed where in specified number of animals should be permitted to graze.

Essential cattle, subject to a maximum of two plough units per cultivator family should be allowed free grazing in forests. Plough unit shall mean four cattle units computed in accordance with rule 6 above.

8. Grazing Fees:- Essential cattle exceeding the aforesaid limit for free grazing and all non-essential cattle should be charged grazing fees at the following rates:-

(a) Adult buffalo	Fees per annum	Rs.2/-
(b) Adult cow, bull or bullock	"	Re.1/-
(c) Buffalo calf (less than 3 years but more than 6 months old)	"	Re.1/-
(d) Cow calf (less than 3 years but more than 6 months old)	"	Re.0.50

Calves upto the age of 6 months should be exempted from the payment of grazing fees.

9. Condition as to ownership when free and ordinary rates are allowed:- In all cases the concession of grazing cattle free is subject to the condition that the animals to be so grazed are actually owned by the cultivator family.

10. Certificate to be obtained from Patwari:- Any person who wishes to obtain a licence for free grazing must obtain a certificate from the Patwari, Talathi, Gramsevak as provided for in rule 19.

11. Admission of buffaloes at free rates:- Buffaloes may be included in the number of animals allowed by rule 7 to be grazed free only on the condition that the bulls, bullocks and cows owned by the cultivator family concerned shall be counted first against that number.

12. Ordinary rates:- For all cattle, other than those admissible for free grazing, licences shall be taken out at prescribed rates but no cattle owner is required to take out a licence for more than the actual number of cattle he desires to graze in Government forests.

If a cattle owner wishes to graze his cattle in different herds, he shall be given separate licences for each herd. The licence issuer should not compel cattle owners to obtain licences for all the cattle owned by them as shown in the columns 4, 5, 6, 7, 8 and 9 of Patwari certificate but should, as soon as possible after the last August, report to the Range Officer the name of any person who takes out a pass for a smaller number than the total owned.

13. Calves:- Calves less than six months old on 1st July of the Grazing year may graze free when accompanying other cattle which are being grazed under licence.

14. Free Transit within grazing Division:- Except in the case mentioned in the rule next following, holders of licences are allowed a reasonable time for the passage of their cattle, free of charge, through every unit within the grazing division in which the owner resides, which they are obliged to traverse in order to reach that for which they have taken out grazing licences.

Note:- No transit pass, as described below, is required for cattle subject to this rule.

15. Transit:- A transit pass is required to be taken out for all cattle proceeding to graze in a Government forest outside the grazing division in which their owner resides, if on the way there, they are obliged to pass through Government forest and if owner has not previously taken out a licence for the grazing division to which he is proceeding. If he has taken out a licence before proceeding to the selected unit with his cattle the licence can be produced as authority for passing through Government Forest in lieu of a transit pass.

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Note:-1 All cattle proceeding to graze in a Government forest outside the grazing division in which their owner resides, are charged for at prescribed rates (See rule 8). If the owner has not previously taken out a licence for the grazing division to which he is proceeding, he must do as soon as the cattle reach the grazing division in which they are to be grazed.

Note:-2 When a cultivator (family) who has not taken out a grazing licence wishes to graze his cattle in areas, other than Government forest while to reach such areas he is obliged to pass through Government forest he may be allowed transit passes at the discretion of the Divisional Forest Officer. In these cases the transit passes shall not be issued by licensed vendors, but by Range Officers, and only on the definite order of the Divisional Forest Officer.

16. Issue of transit passes:- Transit passes shall be issued in the form of Appendix-C and at the rate of ten paise per animal for a period not exceeding one month, excluding calves (vide rule 13), and shall be subject to the condition that the cattle covered by the pass shall not stay more than a reasonable time in each grazing unit through which they are obliged to pass, and while passing through any such unit shall be halted only at recognized forest paraos, at any one of which they shall not ordinarily halt for more than two nights. Transit passes (other than annual transit passes, vide rule 18) are valid only for the journey specified on the pass and must be given up on reaching destination.

Note:- Should the journey occupy more than one month a further monthly fee must be paid.

17. No transit pass shall be required for animals accompanying ordinary travellers, including cartmen.

18. Transit passes for professional carriers and cattle dealers:- Professional carriers and cattle dealers, such as Banjaras, Rasdeva, Kathewaris, Thelaris and Gawalis are allowed to take out transit passes under the conditions, detailed in rule 16, when journeying through Government forests. But persons of this description, if they prefer, may take out annual transit passes in the form given in Appendix-D on payment of Rs.2/- per buffalo, Rs.1/- per bull, bullock, cow, horse or pony. Such annual passes, in addition to being transit passes, shall cover the grazing of the animals entered therein in any one grazing unit while the pass holders are resident at their homes during the rainy season. The name and situation of such unit shall be specified on the pass.

II. PROCEDURE FOR GRANT OF LICENCES

19. Certificates to be issued by Patwaris/Talathis/Gram Sevaks to applicants entitled to graze their cattle free:- The Patwaris/Talathis/Gram Sevaks shall issue the certificate on demand to all cultivator families within his jurisdiction, subject to any orders passed under Sub-Rule (ii) of rule 4 in the prescribed form in Rule 22 and he shall be entitled to charge a writing fee of 5 Paise per certificate. Certificates may be obtained from the Patwaris/Talathis/Gram Sevaks at any time from 1st to 31st May. The Patwaris/Talathis/Gram Sevaks will not issue any certificate for the ensuing grazing year after 31st May.

20. In case of loss of a certificate, a duplicate copy can be obtained from the Patwaris/Talathis/Gram Sevaks concerned who shall be entitled to charge a writing fee of 10 Paise for such copy. The word "Duplicate" should be written across the copy by the Patwari/Talathi/Gram Sevaks.

21. New Settlers:- If a new settler wishes to obtain a certificate, the Patwari/Talathi/Gram Sevaks shall prepare one for him after satisfying himself that he has taken up land for agricultural purposes. This certificate shall not be valid unless endorsed by the Revenue Inspector/to the effect that the person to whom the certificate is given to a bonafide cultivator.

22. Patwari/Talathi/Gram Sevaks Certificate:- See Appendix No.E.

These certificate books shall be written by the Patwari/Talathi/Gram Sevaks between 1st and 31st May. The Patwari/Talathi/Gram Sevaks shall sign and date each certificate.

Part I of the Certificate shall be retained in the certificate book by the Patwari/Talathi/Gram Sevaks. Parts II and III shall be given to the cultivator (families), and shall be presented by him to the licence-vendor when he applies for a licence.

23. Certificate holders entitled to licence for free grazing:- Subject to the provisions of rule 4 a cultivator (family) personally producing his certificate to a licence-vendor, shall be entitled to obtain a licence for free grazing and at prescribed rates for such animals as are admissible under these rules.

Note:- If the applicant is unable to appear in person, he should endorse the certificate, stating the number and kind of animals he wishes to graze.

24. Licences to be issued by Forest Licence Vendors:- Licences will be issued in the form given in Appendix-E. They will be issued by Licence-Vendors persons authorised to issue licence from 15th June to 31st July (or such later

date as the Divisional Forest Officer may order under the proviso to rule 4(ii); after this date they will be issued only by Range Officers and Round Officers.

25. How licence Vendors are to deal with certificate:- The licence vendor shall sign and date both parts of each certificate presented to him by the cultivator, before he issues a licence for free grazing and shall attach part III of the certificate to the part of the licence form that remains in his possession. Part II of the certificate shall be returned to the cultivator concerned.

26. Information to be supplied to Licence Vendors:- Licence Vendors shall be supplied with a list showing the allotment of villages to particular units in their own grazing divisions and the limits fixed as regards the numbers of cattle to be grazed in particular unit, where any such allotment, or limitation has been ordered by Government.

27. Lost grazing licences:- Licence holders can obtain copies of lost grazing licences by purchasing a 50 Paise rated pass or remitting the amount in the treasury per copy from the Commission Vendor, and presenting it to the Range Forest Officer with an application. The latter will issue a copy of the lost licence.

III. CHECK OF CERTIFICATES AND LICENCES

28. Check of certificate by Revenue Inspectors:- The Revenue Inspector shall check the entries in Part I of the certificate book but shall in no case call cultivators away from their villages for this purpose. Ordinarily the Revenue Inspector shall check at least 50% of the entries in column 8 to 9 with the aid of the latest Titamma milan khasra or village form No.15, but the Collector may, in consultation with the Divisional Forest Officer reduce the standard wherever advisable.

29. Check of certificates by the Superintendent of Land Records:- The Superintendent of Land Records and his Assistant shall make it a point of touring during June and July and checking as such as possible of the work of Patwaris/Talathis/Gram Sevaks and Revenue Inspectors under these rules.

30. Certificate books after check to be sent to the Divisional Forest Officer:- On the 1st August the Patwari/Talathi/Gram Sevak shall send Part I of the certificate book to the Revenue Inspector who shall, thereupon, forward it to the Divisional Forest Officer for comparison with Part III (see rule 31). Should the Divisional Forest Officer find any discrepancies between Part I and Part III he shall report to the Collector for necessary action.

31. Licence Vendors to forward counterfoils to the Divisional Forest Officer:- The Licence Vendors shall forward to the Divisional Forest Officer the counterfoils of the licences issued by them with Part III of the certificates attached vide rule 25.

32. Certificate and Licences to be produced on demand:- The Range Forest Officer or any Forest Official authorised by him may call on the Patwari/Talathi/Gram Sevak or Cultivator to show him the parts of the certificates, licences and transit passes in his possession.

33. Check by Forest Department:- The Divisional Forest Officer or Range Officer when touring through a Patwari's/Talathi's/Gram Sevak's circle may call on the Patwari to produce the Titamma milan Khasara or the village form No.15 for purposes of check, but patwaris shall on no account be called away from their circles for this purpose.

IV. INSTRUCTIONS FOR THE COLLECTION AND REMITTANCE OF GRAZING REVENUE

34. Grazing revenue shall be collected in cash paid for grazing licences. The agency employed for issuing grazing licences for cattle grazing in Government forests will mainly be the same as that employed for sale of rated passes for forest produce, viz. Commission Vendors shall ordinarily be paid a commission of 10 Paise for each rupee of grazing revenue collected by them provided that the Conservator of Forests may, for reasons to be recorded in an order in writing, fix the rate of discount to a figure not exceeding 30 Paise in a rupee. Such sanction shall hold good for a period of not more than 12 months at a time from the date of its grant and shall be subject to revision each year. The grazing year for which licences shall be valid shall commence on the 1st July and end of the 30th June.

Note:- Whenever possible Gram Panchayat will be appointed as Vendor.

35. The Range Officer shall by the end of April every year, report to the Divisional Forests Officer whether the number of Commission Vendors in his range is adequate, and whether all the vendors are efficient enough to carry on the work of issuing grazing licences if he requires any additional vendors from the permanent forest establishment. The Divisional Forest Officer shall then proceed on the recommendation of the Range Office to appoint a licence issuer either a Commission Vendor or Round Officer, for each grazing unit.

36. Each grazing unit and the villages served by it shall constitute a Grazing Circle. For each such circle a headquarter shall be fixed where the licence vendor shall ordinarily reside. Each circle shall further be sub-divided

into a convenient number of sub-circles and a centrally situated village shall be fixed for each sub-circle at which licence shall be issued for the sub-circle. Such Sub-Division shall be approved by the Divisional Forest Officer and shall remain in force until altered by a special order of that officer, who shall also fix the dates for the issue of licences at the headquarters of each sub-circle shall be formed to prevent any owner of cattle from having to go more than 6 K.M. for his licence. A list of such dates shall be published by the 15th May in all the villages concerned through the Patwaris and village Kotwals. Three to four days should ordinarily be allotted for the issue of licence for each sub-circle. Commencing from the 15th June the licence issuer shall visit each sub-circle headquarters in turn and issue at each, licences for the villages allotted to the Sub-circle. During at least the last week of July he shall be present at the headquarters of the circle for the issue of licences for the whole circle.

37. Every licence issuer shall be personally responsible for all forest, revenue collected by him. No licence issuer shall without special reason to be reported in writing with his next remittance, retain a cash balance on account of forest revenue exceeding the amount of security furnished by him.

38. The Range Officer shall arrange to have all grazing revenue collected by licence issuers in his range remitted into the treasury or sub-treasury promptly. For this purpose he should arrange to have the money brought to him by members of the forest staff who have furnished adequate security. The Range Officer will remit the revenue from time to time to the treasury under a treasury challan, as in the case of other forest revenue.

39. Grazing licence book shall be kept under lock and key in the custody of the licence clerk in Divisional Office. They should be treated in the same way as blank cheque books and a complete account of their issue and use maintained both in divisional and range offices.

The stock of grazing licence books shall be checked monthly by the Head Clerk and quarterly by the Divisional Forest Officer or his Gazetted Assistant. The Divisional Forest Officer or his Gazetted Assistant, must, however check the stock himself before the grazing licence books are issued to the range officer in the middle of May and again immediately after all the un-used and partly used grazing licence books are returned to the Divisional Office as prescribed in rule 47.

Each grazing licence form shall bear a rubber stamp impression showing the year and the name of the Division for which it is valid. Before making a Range Office inspection the Divisional Forest Officer shall obtain from his stock register, an abstract of the grazing licence books issued to the Range and check this carefully with the Range Stock Register and verify the entries in that register.

40. During the time of issue of grazing licences the Range Officer and his Round Officers should constantly tour in their respective charges, paying surprise visits to issuing stations as often as possible and checking the work. Such tours will enable the Range Officer and Round Officers to hear and promptly redress cattle owner's grievances and also to detect and prevent corruption and will facilitate the safe transmission of grazing revenue as provided above.

41. The licence issuer shall maintain a separate grazing cash book (Form IX-A-27); in which he shall enter all grazing licences issued by him. This form shall be filled in daily and the totals of different columns entered daily. Separate forms shall be used for different units, if the same licence issues licences for more than one unit.

42. As soon as possible after the 1st August, the Range Officer should check the grazing cash book of each of his licence issuers with the licences issued by him and tally the amount of revenue recovered with the treasury challans. This check should be very elaborate. Each licence should be checked with the patwari certificates and also with the entry in the grazing cash book. The rates should also be checked. An abstract of the total number of cattle for which licences have been issued should be prepared village by village unit by unit, the figures compared with those of the previous year and all fluctuations explained. Those abstracts should be submitted to the Divisional Forest Officer by the end of August, at the latest.

After the check is completed the Range Officer should recover all counterfoils of used licence books, all unused and partially used books and the grazing cash book and deposit them in his office until they are sent to the divisional office as prescribed in rule 47.

43. After the 31st July, the Range Officer shall arrange for the check of the cattle in the forest by the Round Officers and if necessary, senior literate Forest Guards. The check should be completed by the middle of September, at the latest. The Range Officer should also furnish each checking officer with a list of cattle owners who obtained licences for a smaller number of cattle than that owned by them. He should closely participate in the work of checking.

44. The Divisional Forest Officer may temporarily transfer Special Duty Staff from charges during the period of checking set out in rule 43.

45. The checking officer, should check the number of cattle actually grazing in the forests with the number entered in the licence, verify the entries in the licence with those in the Patwari/Talathi/Gram Sevak certificate and check the rates of grazing duty recovered. In the case of cattle not covered by licences, he should submit the usual offence report to the Range Officer and should also report any discrepancies in the licences. In token of having checked the cattle he should sign and date both the

second and third parts of the licences produced by the grazier, noting thereon any discrepancies discovered, and take away with him the third part of the licence, returning the second part and the Patwari/Talathi/Gram Sevak certificate to the grazier. The percentage of checking of grazing licences and collection of the third parts in the forests should at least be 75 per cent.

46. If a grazier is in charge of cattle of more than one owner, it is not sufficient to check the total number of cattle found grazing with the total number entered in all the licences taken together. The grazier should be made to state the number of cattle of each owner found grazing that day and each such number actually grazing is in excess of that entered in the licence of an owner, the excess number should be created as not covered by licence, though the total number in the herd may tally with or is found to be even less than the total entered in all the licences taken together.

47. The checking officer shall prepare a list of all the third part of licence recovered by him and send the list, together with the third parts, to the Range Officer immediately. On receipt of the third parts in the Range Officer the Range Clerk should paste each of them on the corresponding counterfoil and check at least 50 per cent. of such counterfoils, bringing any discrepancies or irregularities discovered by him during the course of check to the notice of the Range Officer. The checking and pasting of the counterfoils should be completed by the Range Clerk at the latest by the end of November. While the Range Clerk is checking and pasting the third parts, the Range Officer should scrutinize his work by checking at least 5 per cent. of the third part of the licence himself.

When all the third parts of licences recovered have been checked and pasted and not later than the 31st December in any case, the counterfoils of grazing licence books together with all the unused and partially used books shall be sent to the Divisional Office for further check.

At least 50 per cent. of the counterfoils should be checked in the Divisional Office by the clerk concerned and 5 per cent. by a Gazetted Officer.

Before these are submitted, a limited number of licence books will be sent to the Range Officers and Round Officers for the issue of licences during the remainder of the year. All such books, whether used or unused, will be again returned to the Divisional Office after receipt in Range Offices of the new stock of books in May. It is essential that on receipt in the Divisional Office all books, whether used or unused, should be checked with the stock register to ensure that none have been kept back by the Range Officer.

ANNEXURE 18.03

Grazing Policy.
Priorities for grazing.

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department.
Resolution No. MFP-1369/63695-Z.
Sachivalaya, Bombay-32(BR), Dated 2nd August 1971.

READ:- 1) Government Resolution, Revenue and Forests Department No. MFP-1365/132211-Y, dated 6th December 1968. U10
2) Chief Conservator of Forest's Letter No. D/GRS/991, dated 19th May, 1969. (10) (10)

RESOLUTION:- Rule 5 of the grazing rules annexed to Government Resolution, Revenue and Forests Department No. MFP-1365/132211-Y, dated 6th December 1968, envisages fixing of priorities for grazing where demand for it is heavy. Government after careful consideration is pleased to lay down the following priorities for admitting cattle in over-grazed units:- 100

1. Plough cattle and milch cattle of cultivators subject to the maximum of 4 cattle units.
2. Additional plough cattle and milch cattle, if any, of cultivators subject to the maximum of 4 cattle units.
3. Milch cattle of non-cultivators subject to the maximum of 4 cattle units.
4. Remaining essential cattle including milch cattle of cultivators.
5. Milch cattle of non-cultivators and non-essential cattle of cultivators.
6. Non-milch cattle of non-cultivators.
7. Cattle from non-listed villages.

2. Government is also pleased to direct that the following categories of cattle will be considered as essential cattle for the purposes of priorities :-

ESSENTIAL CATTLE:

- A. Milch Cattle :- All cattle actually yielding milk will be considered as milch cattle.
- B. Agricultural Cattle :- Will include up to 4 cattle units per "plough" (Agriculturist having upto 20 acres cultivable land is considered to have one "plough").

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

A.N. HIRDE,
Under Secretary to the Government of Maharashtra,
Revenue and Forests Department. P.T.O.

1. ROTA/R. & F. D. /H-418(3,000+5-8-71)

To

The Chief Conservator of Forests, Maharashtra State, Poona,
All Conservators of Forests,
All Divisional Forest Officers and Sub-Divisional Forest
Officers in-charge of independent Sub-Divisions,
All Divisional Commissioners,
All Collectors,
The Dairy Development Commissioner, Bombay,
The Director of Animal Husbandry, Poona,
The Director of Agriculture, Poona,
All other Heads of Departments,
The Accountant General, Maharashtra State, Bombay,
The Accountant General, Maharashtra, Nagpur Branch, Nagpur,
The General Administration Department (X Branch),
The Agriculture and Co-operation Department ('D' Branch),
The Rural Development Department ('E' Branch),
The Finance Department (Branch III),
All other Secretariat Departments,
The Director of Publicity (with a request to issue a suitable
Press Note),
All Branches of the Revenue and Forests Department,
The 'Z' Branch, Revenue and Forests Department, Select File.
Personal Assistant to Minister (Forests),
Personal Assistant to Minister for State (Forests),
Personal Assistant to Deputy Minister (Forests).

No. of 1971.

Copy forwarded for information and guidance to -

ANNEXURE 18.04

Grazing Policy
Regulation of sheep Grazing

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department.
Government Resolution No. MFP 1365/132211-Z.
Sachivalaya, Bombay-32(BR), Dated 22nd December 1971.

H/1328
7-4-71
cc

READ:- Government Resolution, Revenue and Forests Department
No. MFP 1365/132211-Y, dated the 6th December 1971.

The Chief Conservator of Forests' Letters
No. DGRS/157(68-69)/A 7271, dated the 11th March 1971
and No. DGRS/157(68-69)-A-2286, dated the 19th July 1971

GOVERNMENT RESOLUTION:- Rule 7 of Grazing Rules, annexed to the Government Resolution, Revenue and Forests Department No. MFP-1365/132211-Y, dated 6th December 1968, lays down that specific area should be set apart and separate incidence and rate of fees should be fixed for sheep grazing after obtaining Government's approval. Government, on careful consideration, is pleased to direct that each sheep should be considered as 1 unit and Re.1/- per annum should be charged for each of them for grazing, in areas specifically set apart for the purpose.

2. This Government Resolution issues with the concurrence of the Finance Department (vide its un-official reference No. 21558/736-F-9, dated the 20th December 1971).

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

V.S. KULKARNI,
Under Secretary to Government.

Copies to :-

The Chief Conservator of Forests, Maharashtra State, Poona,
All Conservators of Forests,
All Divisional Forests Officers and Sub-Divisional Officers,
in-charge of independent Sub-Divisions,
All Divisional Commissioners,
All Collectors,
The Dairy Development Commissioner, Bombay,
The Director of Animal Husbandry, Poona,
The Director of Agriculture, Poona,
All other Heads of Departments,
The Accountant General, Maharashtra State, Bombay,
The Additional Accountant General, Maharashtra,
Nagpur Branch, Nagpur,

ANNEXURE 18.05

Annexure XIV (4), (Vide Article - 14.02)

भेंदगाच्या चराईबाबत पोण्यात येत असलेले
चराई शुल्क.....

महाराष्ट्र शासन,
महसूल व वन विभाग,
प्रमाणे निर्णय क्र. समसमी-२१९५/प्र.क्र. १०२/क-१,
संत्रालय, मुंबई-४०० ०३२,
दिनांक : ११ सप्टेंबर, १९९५.

वर्षा : १] महसूल व वन विभाग, शासन निर्णय क्र. समसमी-१३६५/१३२३११/
डी३, दि. २२ डिसेंबर, १९७१,
२] महसूल व वन विभाग, शासन निर्णय, क्र. समसमी-१३६५/१३२३११/
वाय, दि. ६ डिसेंबर, १९६८.

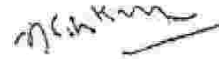
शासन निर्णय :

शासनाने पर संदर्भित दि. ६ डिसेंबर, १९६८ च्या शासन निर्णयान्वये
वन अधिकारीवर भेंदगाच्या चराईसाठी वेळे क्षीत्र निर्धारित करण्यात यावे, संश्लेष
भेंदगाच्या चराईसाठी विशिष्ट दराचे शुल्क आकारण्यात यावे असे आदेश काढले
आहेत. त्याचप्रमाणे पर संदर्भित शासन निर्णय, दि. २२ डिसेंबर, १९७१ अन्वये प्रत्येक
मेंढी ही एक घाऊक मानून त्यासाठी रु. १/- प्रतिवर्षी असे चराईशुल्क आकारण्यात
यावे असे ठरविण्यात आले आहे.

२. वरील आदेशाचे अंमलबजावणी करून शासन आला असे आदेश देत
आहे की, अनुज्ञात मेंढ्यांच्या चराईसाठी कोणतेही चराई शुल्क वापुढे आकारण्यात
येऊ नये असे असे तरी, भेंदगाच्या चराईसाठी तय्यार अक्षितत्वात असलेली परवाना
देणे बाबतीची पद्धत चालू राहिल.

३. हा शासन निर्णय, वित्त विभागाच्या सहमतीने त्यांच्या अनौप-
चारिक संदर्भ क्र. ४५७/२५/व्यय-१०, दि. ७.८.१९९५ ला अनुषंगाने निर्गमित करण्यात
येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,



[नि. ड. काकोडकर]

विशेष कार्य अधिकारी, महसूल व वन विभाग.

प्रधान वन कार्यक्षेत्र, महाराष्ट्र राज्य, नागपूर.

ANNEXURE 18.06

राज्यातील ४८ वन विभागाचे चराई जमाबंदी
अहवालास मान्यता देणेबाबत...

महाराष्ट्र शासन

शासन निर्णय क्रमांक : एमएफपी-२१०३/प्र.क्र.१३५/फ-१

महसूल व वन विभाग

मंत्रालय, मुंबई - ४०० ०३२

दिनांक : ६.५.२००८

- वाचावे :** (१) शासन निर्णय, महसूल व वन विभाग क्रमांक एमएफपी-१३६५/१३२२११-वाय, दि.६.१२.६८.
(२) शासन निर्णय, महसूल व वन विभाग क्रमांक एमएफपी-१३६९/६३६९५-झोड दि.२.८.१९७१.
(३) शासन निर्णय, महसूल व वन विभाग क्रमांक एमएफपी-१३७१/२३७०३५-झोड
दि.३.११.१९७३.
(४) अपर प्रधान मुख्य वनसंरक्षक उत्पादन व व्यवस्थापन यांचेकडील पत्र क्रमांक
कक्ष-१४/वनचराई/३९२, दि.२०.०३.२००४.
(५) शासन निर्णय, समक्रमांक दिनांक २३.१२.२००३. व दिनांक २१ मार्च, २००५
(६) प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे पत्र क्रमांक : कक्ष-१६/आर-३/चराई
जमाबंदी/३५६/०७-०८, दिनांक ८.६.२००७.
(७) शासन निर्णय, समक्रमांक दिनांक २९.१०.२००७
(८) शासन पत्र समक्रमांक दि.१८.१.२००८
(९) प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे पत्र क्रमांक : कक्ष-१६/आर-३/च.ज.स्थ/
प्र.क्र.६६(०७-०८)/१५७५, दिनांक २७.२.२००८.

शासन निर्णय :-

शासन पत्र समक्रमांक दि.१८.१.२००८ अन्वये शासन निर्णय समक्रमांक दिनांक २९.१०.२००७ च्या शासन निर्णयास दिलेली स्थिती उठविण्यात येत आहे तसेच आता या शासन निर्णयान्वये प्रधान मुख्य वनसंरक्षक, यांनी त्यांचे दिनांक २७.०२.२००८ चे पत्राच्या अनुषंगाने प्रस्तावित केल्यानुसार राज्यातील ४८ वन विभागातील चराईजमाबंदी अहवालास मान्यता प्रदान करण्यात येत आहे व त्यानुसार राज्यातील अमरावती, पश्चिम मेळघाट, पूर्व मेळघाट, उस्मानाबाद, बीड, परभणी, अहमदनगर, पूर्व नाशिक, पश्चिम नाशिक, सोलापूर, भोर, पुणे, जुन्नर, ठाणे, जळार, शहापूर, रोहा, अलिबाग, डहाणू, मेवासी, यावल, जळगांव, भामरागड, ब्रम्हपुरी, चिपळूण, यवतमाळ, पांढरकवडा, या २७ वन विभागात चराई जमाबंदी अहवालानुसार मेंढी चराईसाठी वनक्षेत्र उपलब्ध करण्यात येत नाही व राज्यातील बुलढाणा, वर्धा, भंडारा, नागपूर, गोंदीया, औरंगाबाद, नांदेड, पश्चिम धुळे, उत्तर धुळे, सिरोंचा, आलापल्ली, मध्यचांदा,

गडचिरोली, वडसा, चंद्रपूर, सावंतवाडी, सातारा, कोल्हापूर, अकोला व सांगली आणि पुसद अशा एकूण २१ वन विभागात मेंढी चराईसाठी काही प्रमाणात क्षेत्र उपलब्ध करून देण्यात येत आहे.

खालील १ ते ३ मध्ये नमूद मुद्यांवर सर्व चराई जमाबंदी अहवालात पूर्तता करण्याच्या अधिन राहून उपरोक्त ४८ वन विभागातील चराई जमाबंदी अहवालास शासनाची सदर मान्यता प्रदान करण्यात येत आहे.

(१) चराई जमाबंदी अहवाल मुंबई वन संहिता भाग ३, दिनांक ६.१२.१९६८ च्या शासन तसेच संबंधित वन विभागाच्या कार्यआयोजनेनुसार असावे.

(२) संरक्षित वने, वृक्षाच्छीत वन, गीण वने, चराईसाठी संरक्षित करणे असे क्षेत्राचे वर्ग चराईची क्षमता निश्चित करण्यात यावी.

(३) मेंढीसाठी तरतूद करतांना सुध्दा मेंढीचा चराई युनिट १ असून यानुसार मेंढी चराई उपलब्ध करून द्यावे तसेच मुंबई वन संहिता भाग ३ मधील तरतूदीनुसार १५ सप्टेंबर ते १५ मे परवानगी देण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(शिरीष राणे)

विशेष कार्य अधिकारी,
महसूल व वन विभाग

प्रति,

प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर

प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर

सर्व अपर प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर

सर्व मुख्य वनसंरक्षक (प्रादेशिक/वन्यजीव)

सर्व विभागीय आयुक्त

सर्व वनसंरक्षक (प्रादेशिक/वन्यजीव)

सर्व जिल्हाधिकारी

सर्व उप वनसंरक्षक (प्रादेशिक/वन्यजीव)

उपविभागीय वन अधिकारी, भोर, चिपळूण, सांगली, बीड, उस्मानाबाद.

सर्व संबंधित चराई जमाबंदी अधिकारी.

वन कक्षातील सर्व कार्यासने, महसूल व वन विभाग, मंत्रालय, मुंबई.

नियड नस्ती, फ-१ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई.

ANNEXURE 18.07

वनक्षेत्रात मेंढीचराई संदर्भात उदभवत असलेल्या अडचणीबाबत तोडगा काढण्याच्या दृष्टीने प्रायोगिक तत्वावर बुलढाणा व जळगाव जिल्ह्यात पावसाळ्यात चराईकरीता परवानगी देण्याबाबत....

महाराष्ट्र शासन
महसूल व वन विभाग
शासन निर्णय क्रमांक :- एमएफपी-२१०३/प्र.क्र.१३५/फ-१
मंत्रालय, मुंबई-४०० ०३२
दिनांक:- ०२ जानेवारी, २०१७

वाचावे-

- १) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-१३६५/१३२२११-वाय, दिनांक ०६ डिसेंबर, १९६८.
- २) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-१३६९/६३६९५-झोड, दिनांक ०२ ऑगस्ट, १९७१.
- ३) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-१३७१/२३७०३५-झोड, दिनांक ०३ नोव्हेंबर, १९७३.
- ४) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-२१०३/प्र.क्र.१३५/फ-१, दिनांक २३ डिसेंबर, २००३.
- ५) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-२१०३/प्र.क्र.१३५/फ-१, दिनांक २१ मार्च, २००५.
- ६) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-२१०३/प्र.क्र.१३५/फ-१, दिनांक ०६ मे, २००८.
- ७) महसूल व वन विभाग शासन निर्णय क्रमांक:- एमएफपी-२१०३/प्र.क्र.१३५/फ-१, दिनांक ०२ सप्टेंबर, २०१५.
- ८) प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख) यांचेकडील पत्र क्रमांक कक्ष-१६/आर-३/मे.च.बै./ प्र.क्र. ४५ (२०१५-१६)/जी-१०, दिनांक २८ एप्रिल २०१६.

प्रस्तावना:-

१. संदर्भ क्रमांक १ अन्वये राज्यात वनक्षेत्रात गुरेचराई संदर्भात धोरण निश्चित करण्यात आले आहे. संदर्भ क्रमांक २ अनुसार गुरांना वनक्षेत्रात चराई परवाना देण्यासाठी प्राधान्यक्रम निश्चित करण्यात आलेला आहे. त्या अनुषंगाने संदर्भ क्रमांक ३ अनुसार वनक्षेत्रात गुरेचराई संदर्भात नियमावलीस मान्यता देण्यात आली आहे.
२. मेंढीपालन हा मेंढपाळ कुटुंबांचा परंपरागत व्यवसाय आहे. तथापि, संदर्भ क्रमांक २ मधील शासन निर्णयानुसार ठरविण्यात आलेल्या प्राधान्यक्रमात मेंढीचा विशिष्टपणे उल्लेख नाही. राज्यात वनक्षेत्राची व्याप्ती एकूण भौगोलिक क्षेत्राच्या सुमारे २० टक्के इतकी आहे. त्यातही वनक्षेत्राचे प्रमाण सम-समान नाही. बहुतांश वनक्षेत्र एकट्या नागपूर महसूल विभागात (गडचिरोली व चंद्रपूर) आहे. औरंगाबाद महसूल विभागात वनक्षेत्र कमी आहे. अमरावती महसूल विभागात उपलब्ध वनक्षेत्रापैकी जवळ-जवळ एक तृतीयांशपेक्षा जास्त वनक्षेत्र अभयारण्य व राष्ट्रीय उद्यानात अंतर्भूत असून त्यात चराईवर निर्बंध आहेत. वर नमूद केल्याप्रमाणे राज्यात बहुतांश ठिकाणी चराईसाठी मागणी इतके क्षेत्र उपलब्ध नाही. उपलब्ध वनक्षेत्रात गुरांच्या ठरविलेल्या प्राधान्यक्रमानुसार चराई परवाने दिले जातात.
३. प्रचलित शासन धोरणानुसार व वन व्यवस्थापनासंदर्भात शास्त्रोक्त तत्वदृष्टी विचारात घेऊन वनक्षेत्रात मेंढीचराईशी निगडित समस्यांवर तोडगा काढण्यासाठी संदर्भात शासन निर्णय क्रमांक ४ व ५ अन्वये राज्यात प्रत्येक वन विभागासाठी सहाय्यक वनसंरक्षक दर्जाच्या अधिकाऱ्यांची चराई जमाबंदी अधिकारी म्हणून नियुक्ती करण्यात आली. उक्त सर्व चराई जमाबंदी अधिकाऱ्यांकडून प्राप्त झालेल्या

अहवालांना संदर्भ क्रमांक ६ येथील शासन निर्णयानुसार औपचारिक मान्यता प्रदान करण्यात आली. त्यानुसार राज्यात त्यावेळेस असलेल्या एकूण ४८ वन विभागांपैकी २७ वन विभागांमध्ये मेंढीचराईस क्षेत्र उपलब्ध नसल्याबाबत आणि २१ वन विभागात उपलब्धतेनुसार काही प्रमाणात चराई क्षेत्र उपलब्ध असल्याचा उल्लेख सदर शासन निर्णयात करण्यात आला आहे. मेंढीचराईकरीता उपलब्ध असलेल्या आणि उपलब्ध नसलेल्या विभागांचा तपशील खालीलप्रमाणे आहे :-

३.१. मेंढी चराईसाठी वनक्षेत्र उपलब्ध असलेले वन विभाग (एकूण-२१) :-

बुलडाणा, वर्धा, भंडारा, नागपूर, गोंदिया, औरंगाबाद, नांदेड, पश्चिम धुळे (धुळे), उत्तर धुळे (नंदूरबार), सिरोंचा, आलापल्ली, मध्य चांदा, गडचिरोली, वडसा, चंद्रपूर, सावंतवाडी, सातारा, कोल्हापूर, अकोला, सांगली आणि पुसद अशा २१ वन विभागात काही प्रमाणात वनक्षेत्र उपलब्ध करून देण्यात आले आहे.

३.२. मेंढी चराईसाठी वनक्षेत्र उपलब्ध नसलेले वन विभाग (एकूण-२७) :-

अमरावती, पूर्व मेळघाट, पश्चिम मेळघाट, उस्मानाबाद, बीड, परभणी, अहमदनगर, पूर्व नाशिक, पश्चिम नाशिक, सोलापूर, भोर, पुणे, जुन्नर, ठाणे, जव्हार, शहापूर, रोहा, अलीबाग, डहाणू, मेवासी, यावल, जळगांव, भामरागड, ब्रम्हपूरी, चिपळूण, यवतमाळ, पांढरकवडा अशा २७ वन विभागात वनक्षेत्र उपलब्ध करून देण्यात आले नाही.

४. तथापि, उक्त शासन निर्णयात असेही नमूद आहे की, मुंबई वन संहिता, खंड-३ नुसार मेंढी चराईकरीता परवाने देण्याचा कालावधी १५ सप्टेंबर ते १५ मे दरम्यान राहिल. वनाचे अस्तित्व कायम ठेवण्याच्या दृष्टीने वनक्षेत्रातील नैसर्गिक पुनर्निर्मिती अबाधित ठेवणे क्रमप्राप्त आहे. त्यासाठी जून ते सप्टेंबर या कालावधीत मेंढी चराईबाबत परवानगी देता येत नसल्याने या कालावधीत वन क्षेत्रात चराईस परवानगी देण्याबाबतच्या मेंढपाळांच्या मागणीचे समाधान वन विभागाकडून होत नाही.

५. मेंढपाळांकडून वेळोवेळी प्राप्त होणा-या निवेदनांवर विचार करून महाराष्ट्र राज्यात मेंढीचराईबाबत उपलब्ध असलेल्या आणि नसलेल्या वन विभागांच्या क्षेत्राबाबत अभ्यास करण्यासाठी संदर्भ क्रमांक ७ येथील शासन निर्णयानुसार खालीलप्रमाणे एक अभ्यास समिती गठीत करण्यात आली:-

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|---|------------|
| १. प्रधान मुख्य वनसंरक्षक (उत्पादन व व्यवस्थापन), म.रा.नागपूर | अध्यक्ष |
| २. मा. श्री. गणपतराव देशमुख, विधानसभा सदस्य | सदस्य |
| ३. अपर प्रधान मुख्य वनसंरक्षक (संसाधन उपयोग), म.रा. नागपूर | सदस्य |
| ४. मुख्य वनसंरक्षक (प्रादेशिक), धुळे | सदस्य |
| ५. मुख्य वनसंरक्षक (प्रादेशिक), नाशिक | सदस्य |
| ६. मुख्य वनसंरक्षक (प्रादेशिक), अमरावती | सदस्य सचिव |
| ७. श्री. लहूजी शेवाळे, औरंगाबाद | सदस्य |
| ८. डॉ. विकास महात्मे, महात्मे आय बँक आय हॉस्पिटल, नागपूर | सदस्य |

६. उक्त शासन निर्णयान्वये समितीची कार्यकक्षा पुढीलप्रमाणे ठरविण्यात आली :-

६.१ महाराष्ट्र राज्यातील वनक्षेत्रातील गुरे चराई नियमावली तसेच मेंढी चराई जमाबंदी अहवालाचे पुनर्निरीक्षण करणे.

६.२ महाराष्ट्र राज्यालगतच्या राज्यातील उदा. कर्नाटक, मध्य प्रदेश, छत्तीसगढ, तेलंगणा इ. राज्यात मेंढी चराईबाबत धोरण, नियम, तरतुदींचा अभ्यास करणे.

- ६.३ महाराष्ट्र राज्यात जून ते सप्टेंबर या कालावधीत चराईसाठी वन क्षेत्रावर अवलंबून असणा-या मेंढ्यांची जिल्हानिहाय संख्या तसेच उपलब्ध वनक्षेत्राची चराई क्षमतेचा विचार करून उक्त कालावधीत मेंढीचराईसाठी वन क्षेत्र उपलब्ध करता येईल किंवा कसे, याबाबत अभ्यास करणे.
- ६.४ वनक्षेत्राबाहेर उपलब्ध पडीक जमिनीवर मेंढी चराईसाठी पोषक स्थिती तयार करण्याबाबत अभ्यास करणे.

७. उक्त शासन निर्णयाच्या अनुषंगाने अभ्यास समितीने राज्यातील विविध भागात असलेल्या मेंढपाळांचे प्रतिनिधी व मेंढीचराईकरीता वनावर निर्भर असणा-या लोकांना तसेच मेंढपाळ व धनगर समाजाच्या प्रतिनिधींना त्यांचे म्हणणे मांडण्याची संधी देऊन तसेच त्यांच्या अडीअडचणी व मत जाणून घेतले. अभ्यास समितीने महाराष्ट्र व लगतच्या मध्य प्रदेश, छत्तीसगढ, कर्नाटक, तेलंगणा व आंध्र प्रदेश या राज्यांतील वनक्षेत्रात गुरेचराईबाबत धोरणाचा सखोल अभ्यास केला. अभ्यास समितीने महाराष्ट्र राज्यात गुरांचे प्रकार, संख्या, इत्यादीचे आकलन करण्यासाठी पशुसंवर्धन आयुक्त, महाराष्ट्र राज्य, पुणे यांचेकडून प्रसिध्द झालेल्या १९ व्या पशुगणनेतील आकडेवारीचा आधार घेतला व या सर्व बाबींबाबत सर्वकष विश्लेषण करून दिनांक २८.०३.२०१६ रोजी शासनास अहवाल सादर केला.

८. उक्त अभ्यास समितीने सादर केलेला अहवाल व त्यावर संदर्भ क्रमांक ८ नुसार प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) महाराष्ट्र राज्य, नागपूर यांनी सादर केलेल्या तांत्रिक अभिप्रायाचा साकल्याने विचार करून वनक्षेत्रात मेंढीचराई संदर्भात शासनाने पुढीलप्रमाणे निर्णय घेतला आहे :-

शासन निर्णय :-

९. अनुज्ञेयता, चराईकरीता परवाना कालावधी, शुल्क व प्राधान्यक्रम

जून ते सप्टेंबर हा कालावधी नैसर्गिक पुनर्निर्मितीचा कालावधी असल्याने वनाचे शास्त्रोक्त व्यवस्थापन व वनांचे अस्तित्व चिरस्थायी टिकविण्याच्या दृष्टीने चराईकरीता परवानगी देणे संयुक्तिक नसल्याने शासन निर्णय दिनांक ०६/०५/२००८ मधील तरतुदीप्रमाणे मेंढी चराई कालावधी १५ सप्टेंबर ते १५ मेपर्यंत निश्चित करण्यात आला आहे. तथापि मेंढपाळांना जून ते सप्टेंबर ह्याच कालावधीत मेंढी चराईकरीता क्षेत्र उपलब्ध नसल्याने प्रायोगिक तत्वावर दोन वर्षांच्या काळासाठी (सन २०१७ व २०१८) दिनांक १ जून ते ३० सप्टेंबर या कालावधीत बुलढाणा व जळगाव जिल्ह्यातील खालील तपशीलानुसार ३००० पेक्षा जास्त मेंढी संख्या असलेल्या तालुक्यांसाठी वनक्षेत्रात (वन्यजीव (संरक्षण) अधिनियम १९७२ अंतर्गत घोषित संरक्षित क्षेत्र वगळून) मेंढी चराई परवाने अनुज्ञेय राहतील.

अ. क्र.	जिल्हा	तालुका	पशुसंवर्धन आयुक्तालयामार्फत झालेल्या १९ व्या पशुगणना अहवालानुसार मेंढ्यांची संख्या
१	जळगाव	चाळीसगाव	१२,१९९
		मुक्ताईनगर	१६,१९९
२	बुलढाणा	बुलढाणा	३,३५७
		चिखली	६,४०८
		खामगाव	४७,९८२
		मोताळा	३५,७३९
		सिंदखेडराजा	३,५०१

१०. बुलढाणा व जळगाव जिल्ह्यातील ज्या तालुक्यातील मेंढ्यांची संख्या ३००० पेक्षा कमी आहे, त्या तालुक्यातील वनेतर क्षेत्र मेंढीचराईकरीता पुरेसे राहिल. सबब अशा तालुक्यात पावसाळ्यात मेंढीचराई परवाने अनुज्ञेय ठरणार नाहीत.

११. चराई परवाने फक्त उदरनिर्वाहासाठी (Livelihood) मेंढीचराईवर निर्भर मेंढपाळांना अनुज्ञेय राहतील. वाणिज्यिक (Commercial) तत्वावर मेंढी चारणा-यांना परवाने अनुज्ञेय राहणार नाहीत.
१२. वनक्षेत्रात मेंढीचराई परवाने मंजूर करतांना संदर्भ क्र. २ च्या शासन निर्णयामधील निर्धारित केलेला खालील प्राधान्यक्रम पाळला जाईल. तथापि प्रथम येणाऱ्यास प्रथम मिळेल (first come first serve) या तत्वावर मेंढी चराई परवाने उपलब्ध करण्यात यावेत. तसेच हे करताना समन्यायी वाटप (equitable distribution) या तत्वाचे काटेकोरपणे पालन करावे.
- Plough cattle and milch cattle of cultivators subject to the maximum of ४ cattle units.
 - Additional plough cattle and milch cattle, if any, of cultivators subject to maximum of ४ cattle units.
 - Milch cattle of non-cultivators subject to the maximum of ४ cattle units.
 - Remaining essential cattle including milch cattle of cultivators.
 - Milch cattle of non-cultivators and non-essential cattle of cultivators.
 - Non-milch cattle of non-cultivators.
 - Cattle from non-listed villages.

ESSENTIAL CATTLE :

- A. Milch Cattle** : All cattle actually yielding milk will be considered as milch cattle.
- B. Agricultural Cattle** : Will include up to ४ cattle units per "plough" (Agriculturist having upto २० acres cultivable land is considered to have one "plough").

१३. अपवादात्मक परिस्थितीत चराई क्षमतेच्या अधिन राहून व दिनांक २ ऑगस्ट १९७१ च्या शासन निर्णयातील प्राधान्यक्रम पाहून लगतच्या तालुक्यातील चराईक्षेत्र मेंढयांकरिता उपलब्ध करून देता येईल.
१४. मेंढीचराईकरीता उपलब्ध क्षेत्राचे आकलन करण्याप्रयोजनार्थ मेंढी हयास १ गुरे घटक (One Cattle unit) असे गृहीत धरण्यात यावे. मेंढीकरीता चराई परवाना शुल्क रु ५/-प्रति मेंढी या दराने आकारण्यात यावे.
१५. परिच्छेद ९ मधील तक्त्यात दिलेल्या क्षेत्राव्यतिरीक्त राज्यातील उर्वरीत क्षेत्राकरीता वन्यजीव (संरक्षण) अधिनियम १९७२ अंतर्गत घोषित संरक्षित क्षेत्र (Protected Areas) वगळून संदर्भ क्रमांक ६ मधील शासन निर्णयातील इतर तरतुदी कायम राहतील.
१६. उक्त शासन निर्णयाच्या अनुषंगाने बुलढाणा व जळगाव जिल्ह्यामध्ये सन २०१७ व २०१८ मध्ये मेंढी चराईसाठी देण्यात आलेले परवाने व मेंढी चराईमुळे निदर्शनास असलेले अनुकूल / प्रतिकूल परिणाम याबाबत मुख्य वनसंरक्षक (प्रादेशिक) अमरावती/ धुळे ह्यांनी अभ्यास करावा व अहवाल प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर ह्यांना सादर करावा. प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य, नागपूर यांनी त्यांचे चिकीत्सात्मक अभिप्रायासह त्यांचा अहवाल दिनांक ३०.११.२०१८ पर्यंत शासनास सादर करावा.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून, त्याचा संकेतांक २०१७०१०३१७२७४५७५१९ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Prakash
Kashinath
Mahajan

Digitally signed by Prakash Kashinath Mahajan
DN: c=IN, o=Government Of Maharashtra, ou=Joint Secretariat, postalCode=400032, st=Maharashtra, cn=Prakash Kashinath Mahajan
Date: 2017.03.03 17:31:57 +05

(प्रकाश महाजन)
सह सचिव (वने)

प्रति,

१. प्रधान मुख्य वनसंरक्षक (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर
२. प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर
३. प्रधान मुख्य वनसंरक्षक तथा महासंचालक, सामाजीक वनीकरण, पुणे
४. व्यवस्थापकीय संचालक, एफ.डी.सी.एम. लिमिटेड, नागपूर
५. अपर प्रधान मुख्य वनसंरक्षक (उत्पादन व व्यवस्थापन), महाराष्ट्र राज्य, नागपूर
६. अपर प्रधान मुख्य वनसंरक्षक (सर्व)
७. मुख्य वनसंरक्षक (प्रादेशिक), (सर्व)
८. मुख्य वनसंरक्षक (वन्यजीव) व क्षेत्र संचालक, व्याघ्र प्रकल्प (सर्व)
९. विभागीय आयुक्त (सर्व)
१०. वनसंरक्षक (प्रादेशिक/वन्यजीव), (सर्व)
११. पशुसंवर्धन आयुक्त, महाराष्ट्र राज्य, पुणे
१२. जिल्हाधिकारी, (सर्व)
१३. उपवनसंरक्षक (प्रादेशिक/वन्यजीव), (सर्व)
१४. विभागीय वन अधिकारी/उप विभागीय वन अधिकारी, (सर्व)
१५. फ-१, कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई/निवड नस्ती.

ABBREVIATIONS

[A] Rules; etc., from Financial Publications of the Government of Maharashtra are quoted thus-

“F.P.I-37” means Financial Rule 37 of Financial Publication No.I, “F.P.-II-T.O.28 means Treasury order 28 of F.P.No.II”, “F.P.II-S. R.31” means Subsidiary Rule 31 of Financial Publication No. II, “F.P.V-27” means Rule 27 of F.P. No. V, “F.P. V-App. I” means appendix I means appendix I to Financial Publication No. V, and so on.

The following is the list of Financial Publications

F.P.I	Financial Rules under Devolution Rule 37 (e)
F.P.II	Treasury Orders and Subsidiary Rules made thereunder
F.P.V	Bombay Civil Services Rule Manual
F.P.VII	Manual of Financial Power
F.P.IX	Manual of Contingent Expenditure, 1st Edition, 1935
F.P.X	Bombay Budget Manual, 1942

[B] Other abbreviations used are as follows

AAR	Annual Administration Report
A.C.I	Account Code, Volume I, 1st Edition, 1940
A.C.II	Account Code, Volume II, 1st Edition, 1940
A.C.III	Account Code, Volume III, 1st Edition, 1940
A.C.F.	Assistant Conservator of Forests
ACR	Annual Confidential Report
A.G.	Accountant General
A.I.S.	All India Services
APCCF	Additional Principal Chief Conservator of Forests
B.B.M.	Bombay Budget Manual
B.C.S.R.	Bombay Civil Services rules
B.D.S.	Budget Distribution System
B.F.M.	Bombay Forest Manual
B.F.R.	Bombay Forest Rules, 1942 / Bombay Financial Rules, 1959
B.F.S.	Bombay Forest Service
B.G.G.	Bombay Government Gazette
B.T.R.	Bombay Treasury Rules
C & AG	Comptroller and Auditor General
C.B.O.	Cut Back Operation
C.C.F.	Chief Conservator of Forests
C.F.	Conservator of Forests
C.S.R.	Current Schedule Rate
CAGsMSO (Audit)	Comptroller and Auditor General's Manual of Standing Orders (Audit)
CAMPA	Compensatory Afforestation Fund Management & Planning Authority
CAP	Central Audit Party
CIDA	Cultural Industrial Development Agency
CPF	Contributory Pension Fund
CSPO	Central Store Purchase Organization
D.D.O.	Drawing & Disbursing Officer
D.F.O.	Divisional Forest Officer

DGS & D	Director General of Supplies & Disposal
DPAP	Drought Prone Area Programme
Dy.C.F.	Deputy Conservator of Forests
EGS	Employment Guarantee Scheme
EMD	Earnest Money Deposit
FD	Forest Department
FDCM	Forest Development Corporation of Maharashtra Limited
F.D.T.	Forest Development Tax
F.L.C.S.	Forest Laborers Co-operative Society
F.R.I.D.D.	Forest Research Institute, Dehra Dun
FSO	Forest Settlement Officer
FUO	Forest Utilization Officers
G.A.D.	General Administration Department
G.I.S.	Group Insurance Scheme
G.N.	Government Notification
G.O.I.	Government of India
G.R.	Government Resolution
H.B.A.	House Building Advance
HQ	Head Quarter
ICFRE	Indian Council for Forestry Research & Education
I.D.T.	Inter Divisional Transfer
I.F.A.	Indian Forest Act
I.F.S.	Indian Forest Service
IRDP	Integrated Rural Development Programme
ISD	International Subscriber Dialing
IUFRO	International Union of Forest Research Organization
JFMC	Joint Forest Management Committee
LAQ	Legislative Assembly Question
LCQ	Legislative Council Question
L.R.C.	Land Revenue Code
M.B.M.	Maharashtra Budget Manual
M.C.E.R.	Maharashtra Contingent Expenditure Rules
M.C.S.R.	Maharashtra Civil Services Rules
MFD	Maharashtra Forest Department
M.F.M.	Maharashtra Forest Manual
MFP	Minor Forest Produce
M.M.S.	Maharashtra Medical Service
M.O.	Money Order
MP	Madhya Pradesh
MS	Maharashtra State
MSSIDC	Maharashtra Small Scale Industries Development Corporation
MTR	Maharashtra Treasury Rules
NTFP	Non Timber Forest Produce
O & M	Office & Management
OSD	Officer on Special Duty
P.A.R.	Performance Appraisal Report
P.C.C.F.	Principal Chief Conservator Forests
P.C.C.F.(HoFF)	Principal Chief Conservator Forests (Head of Forest Force)
P.F.S.	Provisional Forest Service
PIO	Public Information Officer
P.O.	Post Office

PWD	Public Works Division
R & FD	Revenue & Forest Department
R.F.O.	Range Forest Officer
R.L.A.	Remembrancer of Legal Affairs
RTI	Right to Information Act
RVP	River Valley Project
SFDA	State Forest Development Agency
SFS	State Forest Service
SIDA	Swedish International Development Agency
SR	Subsidiary Rule in F.P.II
STD	Subsidiary Trunk Dialing
TA	Transport Allowance
T.R.	Treasury Rules
UPSC	Union Public Service Commission
W.P.	Working Plan