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Rajasthan Land Revenue (Control and Management of Forest Growth) Rules, 1960

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¹Rajasthan Land Revenue (Control and Management of Forest Growth) Rules, 1960

In exercise of the powers conferred by sub-section (2) of Section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of the 1956), read with Sec. 94 thereof the State Government does hereby make the following rules, namely—

Rule 1. Short title and commencement.—(1) These rules may be called The Rajasthan Land Revenue (Control and Management of Forest Growth) Rules, 1960.

(2) They shall come into force at once.

Rule 2. Interpretation.—In these rules, unless there is anything repugnant in the subject or context —

(1) "Act" shall mean the Rajasthan Land Revenue Act, 1956;

²(2) Forest growth refers to Khejra Khejri or Bhambool or ³[Fog Jhadia] Sandalwood trees as well as to such other classes of trees as may be declared in this behalf by the State Government whether such Khejra Khejri or Bhambool, ³[Fog Jhadia] sandal, or other trees are fully grown or otherwise and whether, they are standing on or have been severed or cut from, the lands of an estate or village, and includes the timber of such trees, whether standing on or severed or cut from the earth;

(3) "Forest land" means the land of an estate or village on which any forest growth stands;

(4) "Form" means a form appended to these rules;

(5) "Removal" with its cognate expression and grammatical variations means the act of removing, uprooting, felling, lopping or otherwise damaging forest growth and includes an abetment of any such act and transporting of the removed forest growth.;

(6) "Section" shall mean a section of the Act.

Rule 3. Forest growth not removable otherwise than under licence.—No person shall remove any forest growth from any forest land or permit or suffer any person to do so, except under and in accordance with a licence granted by the Collector of the district in which the forest land is situated.

Rule 4. Form of application for licence.—An application for a licence under Rule 3 shall be in Form A.

Rule 5. Enquiry by Collector.—On receipt of an application for a licence in Form A, the Collector may, after holding such enquiry as he deems fit, specially

1. Pub. in Raj. Govt. Gaz., Exty., Part 4(ga), dated 24-5-1960.

2. Substituted vide Noti. No. F. 7(198) Rev./A/64, dated 27-7-1972, Pub. in Raj. Govt. Gaz., Part 4(ga)(l), dated 14-9-1972.

3. Inserted vide Noti. No. F. 6(39) Rev/Gr. 4/86/4, dated 3-5-1987, Pub. in Raj. Govt. Gaz., Part 4(ga)(l), dated 8-10-1987.

in regard to the justification or need of the removal of forest growth applied for, either reject the application or grant a licence in Form B.

Rule 6. Further condition which may be imposed by Collector.—In addition to the conditions mentioned in Form B, the Collector may, if he deems fit, impose a condition that any forest growth removed under any licence granted under these rules, shall not be carried or moved within or out of the limits of his district except by means of a transport to be specified by the Collector or through a check post to be similarly specified.

Rule 7. Notices under Sec. 94(4).—Before issuing a proclamation under sub-section (4) clause (a) of Section 94, the Collector shall issue a notice in Form C asking the estate holders or other persons to show cause why the proclamation may not be issued.

Rule 8. Form of proclamation under Sec. 94(4).—The proclamation under clause (a) of sub-section (4) of Section 94 shall be in Form D.

Rule 9. Transport of forest growth to be controlled.—On the issue of a proclamation under Rule 8, the Collector may require the railway Administration or a Transport Company not to book or accept for transport any forest growth to any place outside the district except under permit to be given by the Collector.

Rule 10. Duty of Patwari.—(1) Every patwari shall enter in his daily the necessary details of all removal of forest growths, within his circle together with the name of the person or persons responsible therefore and the particulars of the licence, if any, and whenever he finds a breach of the provisions of the Act or of these rules to have been committed, he shall forthwith report the matter in writing to the Collector.

(2) It shall be the duty of every licensee to inform the Patwari of the particulars of the licence obtained by him and to communicate to him well in advance the date on which he proposed to remove the forest growth by the licence.

Rule 11. Duty of Lambardar, Sarpanch and Panchas.—Every Lambardar shall be responsible to see that the provisions of the Act and of these rules are being duly observed within the area of which he is the lambardar.

Rule 12. Penalty.—Any person who commits a breach of these rules shall, on conviction by a Criminal Court of competent jurisdiction, be punished with a penalty not exceeding Rupees one thousand or if the breach be a continuing one, a penalty not exceeding rupees fifty for each day during which such breach continues.

Rule 13. Reward to informants.—The Collector may grant to any person giving information of a breach of the provisions of Section 94 of these rules, if such information results in conviction, a reward of an amount not exceeding one fourth of the penalty recovered.

1[Rule 14. Removal under Section 84, Rajasthan Act 3 of 1955 not affected.—Nothing in these rules shall apply to or affect the removal of trees in pursuance of a right conferred or, under a licence or permission granted under Section 84 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).]

1. Inserted vide Notif. No. F. 15(85) Rev./A/57, dated 19-2-1962, Pub. in Raj. Govt. Gaz., Part 4(ga) dated 17-5-1962.

Form A

(See Rule 4)

To,

The Collector,
District

Subject: Application under Rule 4 of the Rajasthan Land Revenue
(Control and Management of Forest Growth) Rules, 1960.

Sir,

I A.B. son of C D. resident of Tehsil beg to submit as under:

- (1) That I am the estate holder/tenant in respect of Khewat No. Khasra No. of village Tehsil.
- (2) That there is a forest growth on Khasra No. (s) of village Tehsil particulars whereof are given below.—
 - (i) Name of class of trees (Khejra, Khejri, Bambool etc.).
 - (ii) Number.
 - (iii) Age.
 - (iv) Approximate weight and other particulars.
- (3) That I desire to remove trees for the purpose stated below—
(Purpose to be given)
- (4) That I declare that the removal of said forest growth is not likely to result in defforestation or denundation or impair the fertility of the soil because..... (reasons to be stated).
- (5) That the last application for removal of forest growth was submitted by me on..... and was refused/allowed.

Or

..... that I last removal forest growth namely trees..... of..... class before the commencement of the aforesaid rules for..... (give purpose).

- (6) That if permission is given, the wood will be used for..... (purpose to be stated) or transported to..... (place to be mentioned).
- (7) That I hereby undertake to abide by the terms and conditions of the Act and of the rules of the licence, if granted to me.

Yours faithfully

Name of applicant and address

Form B

(See Rule 5)

Licence under Rule 5

1. Serial No.
2. Date
3. Name, address and status (estate-holder/tenant) of licensee.
4. Period during which removal is permitted.

5. Forest growth allowed to be removed.

- (a) Name of class of trees, viz. Khejra, Khejri, Bambool.
- (b) Number of trees.
- (c) Approximate age.
- (d) Approximate weight.
- (e) Other particulars.

Conditions:

(1) The licensee above named is hereby authorised to remove the forest growth within the period mentioned above subject to the terms and conditions thereof and the provisions of the Rajasthan Land Revenue (Control and Management of Forest Growth) Rules, 1960.

(2) The licensee shall inform the Patwari of the village of the particulars of this licence and communicate to him well in advance the date on which he proposes to fell the trees covered by this licence.

(3) This licence must be produced for inspection when demanded by a Revenue Officer, Forest Officer or Police Officer not below the rank of Sub-Inspector of Police.

(4) The forest growth removed shall be used for..... (state purpose) and for no other purpose.

(5) The forest growth removed shall not be despatched to a place outside..... district/or that the forest growth removed may be transported to (mention place) by rail/road but this licence must be produced and endorsed by the Officer incharge..... of Police Station.

(6) This licence will be liable to cancellation in the event of any breach of the conditions, in addition to the imposition of penalties provided by the law and the rules.

(7) This licence must be surrendered to the Collector.... within..... days of the expiry of the period of licence.

..... Collector

..... District

Form C

(See Rule 7)

**Notice under Rule 7 of the Rajasthan Land Revenue
(Control and Management of Forest Growth) Rules, 1960**

To,

A.B..... on of..... C D.

Village..... Tehsil.....

Whereas it has been reported to me that you are guilty of material violation of the provisions of Section 94 of the Rajasthan Land Revenue Act, 1956 and the Rajasthan Land Revenue (Control and Management of Forest Growth) Rules, 1960 applicable to the forest growth standing on the estate land/village and of I..... Collector..... District hereby call upon you to show cause why a proclamation may not be issued by me under clause (a) of sub-clause (4) of Section 94 of the

said Act, that the forest growth of the estate/village be protected by the State Government/or why you should not be excluded from the possession of the forest land.

Take notice that if no cause is shown to my satisfaction within a period of..... (not less than one week) the proclamation mentioned above will be issued.

Issued under my hand and the seal of this Court this..... day of..... 20.....

..... Collector

..... District

Form D

(See Rule 8)

Proclamation under Section 94(4) of the Rajasthan Land Revenue Act, 1956

Whereas I..... Collector..... District and satisfied after full enquiry and after giving the estate holders or other persons of..... state/village..... Tehsilreasonable opportunity of being heard that the said estate holders or other persons have been guilty of a material violation of the Rules made under Section 94 of the Rajasthan Land Revenue Act, in respect of the forest growth standing on, I hereby declare —

That the forest growth of..... estate/village will be protected by the State Government.

†[That..... estate holder or other person shall be excluded from the possession of the forest land specified below and I hereby assume the direct management thereof for a term of..... (Mention period).

Details of Forest Land —

Village with name of Tehsil

Khewat No.

Khasra No.

Area, class of trees, approximate age.

Markings, if any, and other particulars.

Take notice that in accordance with the provision of sub-section (5) of Section 94 of the said Act until this proclamation is withdrawn it shall be unlawful for any person to cut for sale or for conveyance or use outside the village area any timber or brushwood save with my previous permission and in the manner and to the extent permitted by me.

Issued under my hand and seal of this Court this day of..... 20.....

Seal

Collector.....

..... District

†. Deleted wherever is not relevant.

□□□