3. Any suggestions will be received by the Government for consideration before 20th of March, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

THE GOA, DAMAN AND DIU FOREST RULES, 1964

In exercise of the powers conferred by sections 26, 32, 41, 42, 51 and 76 of the Indian Forest Act, 1927 (XVI of 1927), and of all other powers enabling it in this behalf and in supersession of all previous rules made in this behalf, the Government of Goa, Daman and Diu is pleased to make the following rules:—

CHAPTER I

Preliminary

1. Short title and extent.— These rules shall be called the Goa, Daman and Diu Forest Rules, 1964,

and shall apply to the territory of Goa, Daman and Diu.

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

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

(b) The expression "Protected animal" means an animal killing of which has been prohibited under these rules;

(c) "Section" means a Section of the Act; and

(d) all words and expressions used nut not defined in these rules shall have the meanings assigned to them in the Act.

CHAPTER II

Protection Of Reserved Forests From Fire

"Section 26 (1) (b)"

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

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

(i) there is between such boundary and the spot on which materials are ignited a space at least 25 feet in width which is clear of vegetation capable of carrying fire such spot to the forest; and

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

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

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

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

CHAPTER III

Hunting And Shooting Etc., In Reserved And Protected Forests

"Section 26 (i)(1), 320) and 76 (d)"

A General Rules

8. Acts Prohibited in reserved and protected forests.— The following acts are prohibited in all reserved and protected forests

(a) the poisoning of rivers or other waters, the explosion of dynamite or other explosive therein, and the setting of cruives or basket traps for the purpose of killing or catching fish.

(b) The setting of spring guns, snares or traps;

(c) the catching, wounding or killing of-

(i) game, other than carnivore, bear or pig, over water salt-licks, or paths leading directly to water or salt-licks;

(ii) any bird or animal for which a close-time has been prescribed by the Conservator of Forests Goa, Daman and Diu;

(iii) such animals as may from time to time be notified in this behalf by the Conservator of Forests.

(d) shooting from a motor car except in the case of small game, and wild dogs and pigs; and

(e) shooting after sunset and before sunrise, except in the case of-

(i) small game and wild pigs; and

(ii) tigers and panthers, from machans over live or killed ties:

Provided that any of the above acts may be done with the written permission of the Conservator of Forests, or in the case of snares or traps, of the Divisional Forest Officer.

Note: (1) — For the purpose of this rule the word "carnivore" includes tiger, panther, wolf, hyena and wild dog; the words "small game" include all game birds and hare; and "reserved and protected forests" include all roads and tracks within such forests.

9. Hunting and shooting prohibited in certain areas except under a licence.— No person, shall except under license granted in this behalf by the Conservator of Forests, hunt or shoot in any reserved or protected forest.

Explanation.— The term "hunting" used in this Chapter includes tracking for the purpose of discovering the lie of wild animals.

10. Power to refuse or cancel a license.— (1) The Conservator of Forests shall have discretion to grant or refuse a license for hunting and shooting.

(2) The Conservator of Forests may, at any time, cancel any license for a breach of any provision of the Act or these rules, whether committed by the licensee or by any of his retainers or followers, or for any interference with the work of the forest officers on the part of the licensee or of any of his retainers or followers, which in the opinion of the Conservator is unwarranted; or in the event of fire breaking out in any forest in respect of which the license has been granted.

(3) Forest official may accompany the camp of any licensee— In any case where the Conservator of Forests or the Divisional Forest Officer thinks it advisable, he may direct that a forest guard or other person or himself shall accompany the camp of any licensee hunting and shooting in a forest, with the object of seeing that these rules are not infringed.

11. License not transferable.— A license granted under rule 9 shall not be transferable.

12. License to be produced on demand for inspection.— Every licensee hunting or shooting in any forest shall, on demand by any Forest or Police Officer, produce his license for inspection.

13. Limitation on putting out ties.— No licensee shall put out ties at a distance of more than 20 miles from his camp or residence.

Note: For the purposes of this rule "camp" implies a half of not less than one night.

14. Intimation to be given when animals are wounded but not killed.— When any licensee wounds but fails to kill any animal of the following species, viz. elephant, tiger, panther, bear or bison, he shall forthwith give intimation of such fact in writing to

the nearest round forest officer and shall also send within 24 hours from the time the animal is wounded a report in writing to the Divisional Forest Officer. He shall also notify the fact to the inhabitants of the nearest village.

15. License to be returned on expiry of period.— On the expiry of the license, the licensee shall return it to the Conservator of Forests, with an endorsement thereon showing the number and kind and the horn dimensions in the case of protected animals, or length in the case of carnivore and bear, of all game killed by him.

16. Period and scope of license. — (1) Every license issued under rule 9 shall permit the holder only to hurit and shoot, and shall be valid for a period of one year from the date of its grant, in any reserved or protected forests of this Union territory by the Conservator of Forests and to which rules 9 to 20 have been made applicable under rule 8, subject to the condition that before it has effect in anv forest division in which the licensee does not reside or exercise any jurisdiction, it must be countersigned by the Divisional Forest Officer.

(2) No licensee shall hunt or shoot more than two males of each species of animals specified in the license. A list of species of such animals shall be prepared for each forest division by the Conservator of Forests.

(3) Wounded game may be pursued into the forests of the division adjoining that for which the license is valid or into a forest closed under rule 18,

17. Fees for licenses.— (1) The fee for a license shall be Rs. 50/- for small game and Rs. 300/- for big game per annum.

(2) Gazetted Forest Officers travelling on duty are exempted from the payment of fees for licenses.

18. Closing of Forests to hunting and shooting.— (1) the Conservator of Forests may, on the recommendation of the Divisional Forest Officer declare that any particular forest or part of the forest is wholly closed for a term of years or annually for specified period.

(2) The Conservator of Forests may also prohibit the taking, wounding or killing of any particular species of animals in any specified tract of forests, with a view to the preservation of such species.

(3) A license granted under these rules shall not be valid—

(a) in any forest or part of the forest which has been closed under sub-rule (1) during the period it is closed, and

(b) in the tract of forest specified in an order made under sub-rule (2) in respect of the species of animals specified in such order:

Provided that Gazetted Officers whose jurisdiction extends to such forests, or persons holding licenses on which the Divisional Forest Officer has endorsed special permission to that effect, may kill pig, tiger and other dangerous or destructive animals in such forests. Such special permission shall not be given for a longer period than one month in any case.

19. Employment of Shikaris.— A licensee may employ any number of trackers. The Divisional Forest Officer shall have full discretion to prohibit the employment for tracking, stalking, tying up for carnivore, or conducting drives or beats, of any persons other than those to whom permits to act as "Shikaris" have been given by him.

20. Shikar cards to be filled in.— The licensee shall fill in the shikar card in the printed form which a forest guard may present to him, while he is found hunting or shooting in any forest.

CHAPTER IV

Pasturing Of Cattle In Reserved And Protected Forests

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

21. Pasturing of cattle in forest prohibited in areas specially notified for the purpose.— No person shall pasture or allow pasturing of cattle in the Government forests specially notified in the Government Gazette as prohibited areas,

CHAPTER V

Transit Of Forest Produce

"Section 41"

A. FOREST PASSES

22. Regulation of transit of forest-produce by means of passes.— [1][(1) The routes by which alone timber or other forest produce shall be imported, exported or moved into, from or within the Union Territory shall be those passing through Dodamarg, Patradevi, Molem, Polem and Mormugao."]

[2][(2)] No forest-produce shall be moved into, or from, or within the Territory of Goa, Daman and Diu, except as hereinafter provided, without a pass from some officer or person duly authorised by or under these rules to issue such pass, or otherwise than in accordance with the conditions of such pass or by any route or to any destination other than the route or destination specified in such pass:

Provided that no pass shall be required for the removal—

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

(i) of any forest produce which is being removed for private consumption by any person, in exercise of a privilege granted in this behalf by the Government, or of a right recognized under the Act, within the limits of a village;

(ii) of twigs, leaves, brushwood and glass intended solely for conversion into ash-manure.

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[1] 'Sub-rule (1) inserted by (Amendment) Rules, 1985 (O. G. Series I No. 51 dated 23-3-1985).

[2]Renumbered as sub-rule (2) by Amendment Rules, 1985 (0. G. Series I No. 51 dated 23.3.1985).

[3]Proviso inserted by (Amendment) Rules, 1985 (0. G. series I No. 51 dated 23.3.1985).

(b) of firewood not exceeding three inches in diameter at the thickest part, grass or leaves, the property of one person or the joint property of two or more persons, which is conveyed in quantities not exceeding one headload once in 24 hours unless it be brought to a bunder, landing place or railway station or to any areas to which the Government may from time to time declare by notification in Government Gazette that this exemption shall not extend, or

(c) of such forest produce as may be exempted by the Government from the operation of the rules in this Chapter by notification in the Government Gazette:

[3]["Provided further that no pass as required under sub-rule (2) shall be issued for import or export or moving into, from or within the Union Territory of timber or other forest produce except by the routes prescribed in sub-rule (1)."]

23. Officers and persons to issue passes.— (1)The following officers and persons shall have power to issue passes under these rules (namely):—

Officers

(a) for forest produce from land which is not included in a reserved or protected forest and is more than ten miles distant from a reserved or protected forest, the revenue patel, or the police patel of the village if the revenue patel is illiterate, or village accountant, and

(b) for forest-produce from land other than that described in clause (a), the Conservator of Forests, the Divisional Forest Officer, the sub-Divisional Forest Officer or any other officer including a revenue patel or a police patel or village accountant, authorised in this behalf in writing by the Conservator of Forests, Divisional Forest Officer or Sub-Divisional Forest Officer;

Other Persons

(c) for forest-produce owned by any person, such person or his agent, if so authorised in writing by the Conservator of Forests, or by any Divisional Forest Officer or Sub-Divisional Forest Officer specially empowered in this behalf in writing by the Conservator of Forests; provided that such authorization shall specify the period during which it shall remain in force.

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

24. Passes what to contain.— (1) Every forest pass issued under rule 23 shall specify:—

(a) the name of the person to whom such pass is granted;

(b) the quantity and description of forest-produce covered by it;

(c) in the case of forest-produce referred to in clause (a) of sub-rule (1) of rule 23, the name of the village and survey number in which it was produced;

(d) the places from and to which such forest-produce is to be conveyed;

(e) the route by which such forest-produce is to be conveyed; and

(f) the period of time for which the pass is to be in force, which shall be calculated as follows:—

The day of issue plus, in the case of transport by a motor vehicle, a day for transit to any point up to 80 miles from the village of origin plus an additional day for every additional 80 miles or fraction thereof, and, in the case of any other form of transport, a day for transit to any point up to 15 miles from the village of origin plus and additional day for every additional 15 miles or fraction thereof.

(2) The colour and form of each pass and the sum to be paid in respect of [4]["each forest pass"] will be such as may be prescribed by the Conservator of Forests, with the previous sanction of the Government.

(3) It will be obligatory on the part of the person receiving such passes for the forest-produce transported by them, to retain such passes at least for a period of one year from the date of issue of such passes to prove subsequently the bonafides of the forest-produce carried by such person,

25. Separate pass for each load.— No forest pass shall ordinarily cover more than one load, whether such load be carried by a person, any animal or in a vehicle. But the Divisional Forest Officer, subject to the control of the Conservator of Forests, may, whenever he deems fit, order that one pass may cover any number of headloads or animal loads not exceeding 50 and any number of cart loads not exceeding 10 for journeys not exceeding 15 miles from and to the same places and undertaken at one and the same time.

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

B. PASSES ISSUED BY PRIVATE PERSONS

27. Books of blank passes to be supplied to persons authorized to issue them.— (1) When the Conservator of Forests or any duly empowered Divisional Forest Officer authorises any person or the agent of any person under clause (c) of sub-rule (i) of rule 23 to issue forest passes, he shall furnish such person from time to time with authenticated books of blank passes.

(2) The said person to whom such book is supplied shall pay the sum, if any, fixed under rule 24(2).

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

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

(5) *Counterfoils of used pass books to be returned*:— The counterfoils of all used passes shall be returned to the officer from whom the book of passes was received and no fresh

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[4] 'These words have been substituted for the words "each book of forest passes" vide Notification No. 2-15-73-LSG dated 23-6-1975 (O. G. Series I No. 14 dated 3-7-1976).

pass-book shall be supplied until the counterfoils of all passes previously used have been so returned.

(6) *Counterfoils to be produced for inspection on demand:*— Any person or the agent of any person who has been authorised to issue forest passes under clause (c) of sub-rule (1) of rule 23 shall be bound if called upon by any forest officer .to produce for inspection or to give up the counterfoils of all passes which have been issued by such person or agent.

(7) *Procedure on cancellation or expiry of authority to issue passes:*— In the event of any authority given under clause (c) of sub-rule (1) of the rule 23 being at any time cancelled under sub-rule (2) of the said rule or on the expiry of the period specified in such authority, the person whose authority is so cancelled or the person, the period whose authority has so expired, as the case may be shall forthwith return to the officer who gave the authority every unused book of forest passes and the unused portion of any such book in his possession, together with the counterfoils of used passes, if any, which he has not already returned, and the said person shall be entitled when he has returned all such unused books or portions thereof and the counter foils of used passes as aforesaid, to receive a refund of the amount paid by him in respect of every such unused book but no refund shall be allowed in respect of any portion of such book.

(8) *Forest passes issued by private persons when invalid:*— No forest pass issued by any person or by the agent of any person authorised under clause (c) of sub-rule (1) of the rule 23 to issue forest passes shall have any validity.

(a) if such pass is not prepared on a blank form supplied for this purpose under sub-rule (1) of rule 27 or

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

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

C. FOREST-PRODUCE IMPORTED OTHERWISE THAN BY SEA

28. Foreign pass.— All forest produce imported into the territory of Goa, Daman and Diu otherwise than by sea shall be covered by a foreign pass registered under rule 29 and, in the case of timber exceeding the dimensions mentioned in rule 38 and of scented sandalwood, near a foreign property mark registered under rule 29.

29. Form, etc. of foreign-passes must be registered in Conservator's office.— Every foreign pass must be in a form which, and must be signed by an official whose designation, have been registered in the office of the Conservator of Forests of Goa, Daman and Diu into which it is sought to import forest-produce thereunder, and every foreign property mark must be of a description which has been registered in the said office:

Provided that, at the request of any State, the forest-produce from such State may be allowed to be imported in the Union Territory of Goa, Daman and Diu

(i) if the import of such forest-produce is covered by foreign pass signed by a contractor or his agent whose specimen signature shall have been registered in the Office

of Divisional Forest Officer in charge of the Division in which the forest-produce is sought to be imported, and

(ii) if the office stamp of the official of the State, who shall have been authorised by the State to issue books of foreign passes to contractors for the export of forest produce, shall have been affixed to or imprinted on the pass under which the forest-produce is sought to be imported.

30. Divisional Forest Officer may refuse to register signature.— In cases under the proviso to rule 29 the Divisional Forest officer, may, for reasons to be recorded in writing, refuse to register the specimen signature of any contractor or his agent.

31. Imported forest-produce may be conveyed to first depot without a pass under rule 23.— Any forest produce which is imported otherwise than by sea may be conveyed within the limits of the Union Territory of Goa, Daman and Diu as far as the first depot established under rule 34 without a pass issued under rule 23 if it is covered by a foreign pass registered under rule 29 and if stacked or deposited in any place between such limits and such depot the foreign pass covering the material shall at once be delivered at that depot.

32. Conservator may direct use of a transit mark for imported timber.— If the Conservator of forests shall so direct, no timber exceeding the dimensions mentioned in rule 38 and no scented sandalwood which has been imported as aforesaid shall be moved beyond such first depot, without first having stamped upon it a Government transit mark of such description as the Conservator shall prescribe.

D. SAVING OF RECOGNISED PRIVILEGES

33. Saving of recognised privileges.— Nothing in rules 22 to 32 inclusive shall be deemed to require or to have required the possession of a pass in cases where exemptions from such possession for enjoyment of certain privileges recognised by the Government of Goa, Daman and Diu have been granted before the passing of the rules.

E. FOREST DEPOTS

34. Depots and their purposes.— The Conservator of Forests may establish at such places as he shall think fit, depots to which forest-produce shall be taken

(a) for examination previous to the grant of a pass in respect thereof under these rules; or

(b) for determining the amount of money if any, payable on account thereof to Government; and for the payment of any money so found to be due; or

(c) in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

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

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

37. Vessels conveying forest produce by river to call at depot on banks.— The person in charge of any vessel which carries forest produce on a river, on the banks of which one or more depots established under these rules are situated, shall call and stop his vessel at every such depot which he has to pass, in order that the forest produce may be examined, if necessary, under the provisions of rule 41 and the person in charge of such vessel shall not proceed with such vessel past any such depot without the permission of the forest officer in charge of such depot.

F. PROPERTY AND TRANSIT MARKS

38. Property and transit marks to be affixed to timber exceeding a certain size.— Except when it is the property of the Government timber exceeding 12 inches in girth at the thickest part and 6 feet in length. and scented sandalwood or any dimensions shall not he moved from or within any parts of the Territory of Goa, Daman and Diu unless it bears a distinguishable private property mark of the owner of such timber of a description which has been registered in the office of the Conservator of Forests or of the Divisional Forest officer, and also if the Conservator so directs unless it bears a Government transit mark of such description as shall from time to time be prescribed in this behalf by the said Conservator.

39. Registration of forms of passes or marks.—The conservator of forests or the Divisional Forest Officer shall upon receipt of an application for registration of any form or mark for the purpose of rule 290 or rule 38 enquire into the authenticity of the same, and if he sees no objection, shall on payment by the application of such fee as shall from time to time be prescribed by the Government in this behalf, register such form or mark in office. Every such registration shall hold good for a period of one year only, except in the case of forms and marks of other State Governments, the registration of which shall hold good till they are modified or replaced by new forms or marks.

40. Government marks not be imitated or effaced.— No person or other than a forest officer whose duty it is to use such marks shall use any property mark for timber identical with, or nearly resembling, any Government transit mark, or any mark with which timber belonging to the Government is marked; and, no person shall, while any timber is in transit under a pass issued by any person or by the agent of any person authorised in this behalf under clause (c) of sub-rule (1) of rule 23 alter or efface any mark on the same.

G. STOPPAGE IN TRANSIT

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

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

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

[5][(3) "Movement of vehicles loaded with forest produce is prohibited between 8 p.m. to 6 a.m. in the State of Goa."]

H. OBSTRUCTION OF CHANNELS

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

43. Measures to be taken for removal of obstructions.— (1) Any forest officer not lower in rank than an Assistant Conservator of Forests, may take such measures as he shall at any time deem to emergency necessary for the prevention or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of forest-produce; but any such case which is not emergent shall be reported to the Collector, who may by written notice require the person whose act or negligence has caused or is likely to cause the obstruction, to remove or take steps for preventing the same within a period to be named in such notice, and, if such person fails to comply with such notice, may himself cause such measures to be taken as he shall deem necessary.

(2) The cost reasonably incurred by a forest officer or by the Collector under these rules shall be payable to the Government by the person whose act or negligence has necessitated the same,

I. CONVERSION OF TIMBER WITHIN TEN MILES OF FORESTS

[6]**["(44). Control of private saw pits, saw mills or any other sawing**

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[5] Sub-section (3) substituted by (Amendment) Rules, 1989 (0. G. Series I No. 48 dated 2-3-1989). Earlier the same was amended by (Amendment) Rules, 1975. (0, G. Series I No.43 dated 22-1-1976). The original rule (Series I No- 4, dated 22-4-65) reads as follows:—

. "41 (3) Movement of vehicles loaded with forest produce is prohibited between 9 p.m. to 6 a. m. in n the Union territory of Goa."

[6] Rule 44 substituted by (First Amendment) Rules, 1973 (0. G. Series I No. 16 dated 19-7-1973). The original rule 44 reads as follows:

44. Prohibiting conversion of timber within 10 miles of forest.— (i) Within the limits of any reserved or protected forest in charge of the Forest Department and within ten miles of such limits, no person shall establish a saw-pit, erect any machinery or other plant for the cutting, converting or fashioning of timber, or manufacture charcoal without the previous sanction in writing of a forest officer not lower in rank than a range forest officer.

contrivances.– (1) No saw pit or any other hand-sawing contrivance or cutting or converting timber shall be established within any reserved forest and protected forest or within 15 kilometres of the limits of such forests without obtaining a licence from the concerned Range Forest Officer.

(2) No person shall establish a saw mill or erect machinery or plant or any other sawing contrivance other than those specified in sub-rule (1) for cutting or converting of timber, anywhere in the Union territory without obtaining a licence from the concerned Divisional Forest Officer.

(3) *Application for grant or renewal of licence shall be made to the concerned Forest Officers in such form as the Conservator of Forest in Goa, Daman and Diu may, by notification in the Official Gazette, prescribe.

(4) Fees at the following rates shall be charged for the issue or renewal of licences:—

(a) Licence fox a saw pit or any hand-sawing contrivance— Rs. 10/- for each pit or contrivance for an official year or a fraction thereof.

(b) Licence for a saw mill, machinery or plant or any other sawing contrivance other than those mentioned in (a) above — Rs. 200/- for an official year or a fraction thereof.

(5) The Forest Officer receiving the application may, if he is satisfied after making such enquiry as he deems necessary, that there is no objection to grant the licence, having regard to the safeguarding of the timber in any reserved forest and protected forest, grant a licence in Form I appended to these rules subject to the provisions of the Act and these rules and to any other reasonable restrictions or conditions which shall be issued for works to be carried out in different places.

(6) Such Forest officer may, after giving the applicant an opportunity of being heard, for reasons to be recorded in writing, reject any application for grant or renewal of a licence, whereupon the applicant, unless he appeals against the orders of rejection under sub -rule (10), shall be entitled to the refund of the fee remitted by him under sub-rule (4).

(7) If the officer issuing the licence is satisfied that the original licence issued to a licensee is lost, destroyed or otherwise rendered useless, he may, on payment of a fee of Rs. 2/- issue a duplicate of the licence originally issued.

When an applicant does not receive within a month a definite reply to his written request for permission to saw private timber under this rule, he may start the work forthwith, provided that this will not absolve him from liability to proceedings if it is found that any timber is the property of the Government.

Explanation. — This rule does not apply to the ordinary operations of domestic carpentry or to the other similar work on a small scale.

(ii) No person shall establish a saw-mill or put up any machinery for conversion of any forest produce within a distance of 25 miles of any forest without the written permission from the Divisional Forest Officer."

* See page 168-169 for application forms,

(8) The officer issuing the licence may, at any time, for reasons to be recorded in writing, cancel or suspend any licence; provided, no such rejection shall be made before giving the applicant an opportunity of being heard in the matter.

(9) Copy of every order under sub-rule (6) or under sub-rule (8) shall be granted to the applicant or licensee, as the case may be, by the Forest Officer passing such order.

(10) Any person aggrieved by an order under sub-rule (6) or (8) may, within three months of the receipt of the copy of the order under sub-rule (9), present an appeal thereupon in writing to the Divisional Forest Officer, if the order is in respect of a licence under sub-rule (1) and to the Conservator of Forests, if the order is in respect of a licence under sub-rule (2) and their decisions shall be final. Appeal applications received after the specified period shall be summarily rejected.

[7][**"44- A. Duties of the licensee.**— (1) No licensee shall undertake sawing of timber belonging to other persons on job-work, unless he is satisfied about the bonafides of such timber by examining the connected pass or way-permit and the marks on the timber. If he suspects the bonafides of the timber, he shall detain the timber and immediately report the fact to the nearest Forest Officer or Police Officer for taking further action.

(2) The licensee shall stack the timber of other persons received by him for sawing on job-work separately, both before and after it is sawn.

(3) Every licensee shall maintain registers in Forms 11 and III appended to these Rules and produce the same for checking when demanded by any Forest Officer not below the rank of a Forester".]

J. EXCLUSION OF LOCAL AREAS FROM APPLICABILITY OF RULES

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

CHAPTER VI

Trees In Occupied Lands

"Sections 41 and 76"

A. Preservation, protection and exploitation of reserved and other trees in occupied lands

46. Mode of application for permission to cut and remove trees or timber.— Every person seeking to obtain permission for cutting or uprooting any trees or removing any timber shall apply in writing to the Divisional Forest Officer. Every such application shall clearly specify the survey numbers, the names, of the villages, the name of the taluka and

[7] Rule 44-A inserted by (First Amendment) Rules, 1973 (0. G, Series I No. 16 dated 19-7-1973).

the number and kinds of trees sought to be cut or up-rooted or the kind and quantity of the timber sought to be removed from each survey number. In case the survey numbers containing the trees or timber are held by a number of persons, a joint application shall be made by all the occupants; if however one of the occupants applies for permission, the written consent of the remaining occupants to allow the applicant to cut or uproot the trees or remove the timber shall be appended to the application.

47. Enquiries to be made by the Divisional Forest Officer and grant of permission.— On receipt of an application under rule 46 the Divisional Forest Officer shall make enquiry as he deems necessary regarding the title of the applicant to the trees or timber, and on the conclusion of such enquiry he shall, unless there is any reason to the contrary give the permission in writing applied for:

48. Conditions of the permission to be observed by the applicant.— Every applicant shall be bound by the conditions contained in the permission granted under rule 47. Such permission shall specify inter alia the name of the officer to whom the permit is to be shown by the applicant prior to the cutting or uprooting of the trees or removal of the timber and the period within which the trees are to be cut or uprooted or the timber is to be removed.

49. Cutting, etc., to be done after marking.— On receipt of the permission the applicant shall take it to the officer named therein and shall cut or uproot the trees or remove the timber after they have been marked by that officer with such mark as may be prescribed for the purpose by the Conservator of Forests.

50. Transit rules in Chapter V to apply in the matter of removal and conversion.— The rules in Chapter V shall apply in the matter of removal and conversion of the timber referred to in this Chapter.

B. Conversion of trees other than sandalwood

51. Mode of application for conversion of timber other than sandalwood.— If the timber obtained from trees other than sandalwood is sought to be converted at a place to which the provisions of rule 44 are applicable, the applicant shall apply in writing for permission to the Range Forest Officer giving him the particulars as to the place, time and quantity of timber sought to be converted and such other particulars as may be required by that officer.

52. Enquiries to be made by the Range Forest Officer and issue of sawing permit.— On receipt of an application under Rule 51, the Range Forest Officer shall make such enquiry regarding the timber to be converted and the place where the saw- pit is to be erected and on satisfying himself as to the source and ownership of the timber to be converted and on seeing that it is not stolen from the forests he shall issue a sawing permit to the applicant.

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

54. Return of sawing permit.— On expiry of the period entered in the sawing permit issued under Rule 52 the applicant shall return the same to the Range Forest Officer.

CHAPTER VII

Drift And Stranded Timber

"Section 51"

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

(2) The Forest Officer in charge of the Range in which the timber has been found shall, pending completion of the proceedings under Sections 46 to 48, take possession of the timber and unless in his opinion the probable proceeds of the sale of timber are not likely to exceed the cost incurred on collecting it together with the probable cost of conveying it to a depot appointed for the reception of drift-timber, he shall convey the timber to such depot.

56. Registration of boats for salving and collecting timber.— Any person may register in the office of the Conservator of Forests one or more boats for use in salving and collecting timber on payment of a fee of one rupee for each boat.

Such registration shall hold good for the period of one year only, but may be repeated from year to year.

57. Persons collecting timber entitled to recompense.— Every person, whether Forest Officer or riot, who collects any such timber, shall be entitled to receive a recompense equal to 50 per centum of the estimated value of the timber. Such estimate shall be made by any Forest Officer not lower in rank than an Assistant Conservator of Forests, whom the Conservator specially authorizes in this behalf and the recompense shall be paid at once by the Government.

Provided that in special cases the Conservator may increase the amount of the recompense to a sum not exceeding 75 per centum of the value of the timber collected.

58. When collected timber belongs to private person such person to pay all costs.— If the timber collected shall be proved to be the property of any person other than the Government, such person shall be liable to pay to the Government under section 50 of the Act the following amounts, viz:-

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

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

(3) on account of storing, such fees as shall from time to time be fixed by the Conservator of Forests, with the previous sanction of the Government for the storing of timber at such depot.

59. No person other than authorised Forest Officer to mark timber.— No person other than a Forest Officer authorized in this behalf by the Conservator of Forests shall-mark any timber to which the rules in this Chapter apply.

CHAPTER VIII

Powers And Duties Of Forest Officers And Revenue Officers

"Section 76 (a)"

60. Conservator, his powers and duties.— The Conservator of Forests is the head of the Forest Department and the technical adviser of the Government in forest matters. He is empowered to deal on his own authority with purely technical question, such as the operation of sanctioned working plans, fire protection and silvicultural operations generally, and with matters regarding which powers have been delegated to him. In regard to all purely technical matters he will be the controlling authority over the D. F Os. and in regard to the other matters he shall be in the position of advised, being consulted by the Government as the case may be.

61. Powers of Divisional Forest Officer regarding local supply, public right, pastures, etc.— In all matters relating to supply of forest produce including grass for the domestic and agricultural requirements of the villagers, grazing and the rights and privileges of the people in or in respect of forest, orders shall be issued by the Divisional Forest Officer.

62. Orders of forest officers to village officers to be ordinarily sent through Mamlatdar.— Orders by forest officers to village officers shall ordinarily be sent through the Mamlatdar to whom the village officers are subordinate but may, if urgent, be sent direct: provided that in the latter case a copy of the order shall at the same time be sent to such Mamlatdar as aforesaid.

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

64. Action to be taken when felling of a compartment is delayed beyond due time.— (1) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would, according to regular rotation, be due, the Divisional Forest Officer shall, subject to the orders of the Conservator as regards deviations from sanctioned working plans make arrangements for meeting the requirements of villagers in the locality.

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

CHAPTER IX

Contracts

"Sections 76(d) and 85"

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

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

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

(b) binds himself not to withdraw his tender or bid during the time that may lapse before its acceptance or refusal is communicated to him, shall be deemed to have been required by such Forest officer to bind himself as aforesaid, and in case (a) on the acceptance of his tender or bid, or in case (b) on the making of his tender or bid, to have bound himself accordingly, within the meaning of this rule; and any such person need not enter into a separate written instrument for the purpose, unless specially so required by the Forest officer with whom he contracts.

CHAPTER X

Penalties And Rewards

"Sections 42, 51 and 76 (b)"

***66. Penalties for breach of certain rules.**— Whoever contravenes the provisions of rules 22, 26, 27(3) to (7), **28,** 31, 32, 36, to 38, 40, 41(2), 42, 44, 51, 53 to 55 or 59 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

67. As per powers vested in the Government under Section 76 (b) the following provisions are made to regulate rewards to be paid to officers and informants out of proceeds of fines and confiscations.

(a) The officer whose efficiency led to the detection of offence and booking of the culprits, the discretion in deciding which vests with the Conservator of Forests, will be entitled as reward to 1/3rd the proceeds which accrued to Government in the form of fines and confiscations.

(b) The informant, whose information led to the detection of offence and booking of culprits, the discretion in deciding which vests with the Conservator of Forests will be entitled as reward to 1/3rd the proceeds which accrued to the Government in the form of fines and confiscations.

(c) The Conservator of Forests is authorised to grant and disburse such rewards.

*Rule 66 prescribed penalties for breach of only those rules for which the Government can prescribe penalties under sections 42 and 51 of the Act. Penalties for breach of other rules are prescribed in the relevant sections of the Act itself, viz, in section 26(1) for breach of rules framed with reference to section 26(1) (b) and (I) for reserved forests, in section 33 (1) (h) for breach of rules made under section 32 for protected forest, and in section 77 for breach of other rules for which no special penalty is provided. For voluntary obstruction to the officer acting under rule 92(2) the penalty will be that prescribed in section 186 of the Indian Penal Code.

(Published in the Government Gazette, Series I, No. 11, dated 16-3-1865).

DEPARTMENT OF LAW

(Legal Advice)

Notification

7/1/80-LGL

The following Central Acts namely:—..... The Forest (Conservation) Act, 1980 (69 of 1980) which were recently passed by the Parliament and assented to by the President of India and published in the Gazette of India, Part II, Section I are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 16th February, 1981.

THE FOREST (CONSERVATION) ACT, 1980

AN

ACT

to provide for the conservation of forests and for matter 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.

2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.— Not withstanding 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.

Explanation.— For the purposes of this section "non-forest purpose" means breaking up or clearing of any forest land or portion thereof for any purpose other than aforestation.

3. Constitution of Advisory Committee.— The Central Government may constitute a Committee consisting of such number of persons as it 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.

4. Power to make rules.— (1) The Central Government may, by notification in the Official Gazette, make 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 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.

5. Repeal and saving.— (1) The Forest (Conservation) Ordinance, 1980 is 17 of 1980. 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.

(Published in the Official Gazette Series I No. 16, (Extraordinary) dated 18-7-1931).

THE FOREST (CONSERVATION) RULES, 1981[1]

In exercise of the powers conferred by sub-section (1) of Sec. 4 of the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government hereby makes the following rules, namely:

1. Short title, extent and commencement.— (1) These rules may be called the Forest (Conservation) Rules, 1981.

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

(a) "Act" means the Forest (Conservation) Act, 1980 (69 of 1980);

(b) "Committee" means the Committee constituted under Section 3;

(c) "Chairman" means the Chairman of the Committee;

(d) "Member" means a member of the Committee;

(e) "Section" means a section of the Act.

[4][2-A. **Composition of the Committee.**— (1) The Committee shall be composed of the following members:

(i) Inspector-General of Forests, Ministry of Environment and Forests	— Chairman
(ii) Additional Inspector- General of Forests, Ministry of Environment and Forests	— Member
(iii) Joint Commissioner (Soil Conservation), Ministry of Agriculture	— Member
(iv) Three Eminent Environment Scientists (non-official)	— Members
(v) Deputy Inspector- General of Forests (Forest Conservation),Ministry of Environment and Forests.	— Member Secretary

(2) Additional Inspector- General of Forests shall act as the Chairman in the absence of Inspector-General of Forests.

2-B. Terms of appointment of non-official members.— Terms of appointment of non-official members shall be as follows:

(i) A non-official member shall hold his office for a period of two years.

(ii) A non-official member shall cease to hold office if he dies, resigns, becomes of unsound mind, becomes insolvent or is convicted by a court of law on a criminal offence involving moral turpitude.

(iii) Any vacancy in the membership caused by any reason mentioned in sub-rule (ii) shall be filled by the Government for the unexpired portion of 2 years', terms.

(iv) Travelling and daily allowances shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Groups A under the rules and orders made by the Central Government and for the time being in force:

Provided that the payment of travelling allowance and daily allowance to a member who is a member of the Parliament or a member of a State Legislature shall be regulated in accordance with the Salary, Allowance and pension of Members of Parliament Act, 1954 or the respective provisions of law pertaining to the members of the concerned State Legislature.]

3. Conduct of business of the committee.— [1][(1) The Chairman shall call the meeting of the committee as often as necessary, but not less frequently than only in a month.]

(2) The meetings of the committee shall normally be held at New Delhi, however, in a case where the Chairman is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes would be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (1) of rule 4, he may direct that the meetings of the committee will be held at a place other than Delhi from where such inspection of site or sites can be undertaken conveniently.

(3) The Chairman shall preside over every meeting of the Committee at which he is present:

Provided that if the Chairman is absent from a meeting and it is not expedient to adjourn the meeting, the senior-most member of the committee shall preside over the meeting.

[1][(4) Every question upon which the committee is required to advise shall be considered at its meeting provided that in urgent cases if the meeting of the committee cannot be convened within a month, the Chairman may direct that necessary papers may be sent to the members for their opinion by a stipulated date.]

[(5) The quorum for the meeting of the committee shall be three.]

[4. (1) Every State Government or other authority seeking the prior approval under Sec. 2 shall send its proposal to the Central Government in the Form appended to these rules:

Provided that all proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reforestation shall be sent in the form of Working Plan/Management Plan,

(2) Every proposal referred to in sub-rule (1) shall be sent to the following address, namely:

Secretary to the Government of India,
Ministry of Environment and Forests,
Paryavaran Bhavan, C. G. O. Complex,
Lodi Road, New Delhi 110003:

Provided that all proposals involving forest land upto twenty hectares and proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using if for reforestation shall be sent to the Chief Conservator of Forests/Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.]

5. Committee to advise on proposals received by the Central Government.— (1) The Central Government shall refer every proposal received by it under sub-rule (1) of rule 4 of the Committee for its advice thereon if the area of the forest land involved is more than twenty hectares:

Provided that all proposals involving forest land upto twenty hectares and proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reforestation shall not be referred tot he Committee for its advice.

(2) The committee shall have due regard to all or any of the' following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:

(a) Whether the forest land proposed to be used for non-forest purpose forms part of a nature reserve, national park, wild life sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;

(b) Whether the use of any forest land is for agricultural purpose or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;

(c) Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose; and

(d) Whether the State Government or the other authority undertakes to provide at its cost for acquisition of land or an equivalent area and afforestation thereof.

(3) While tendering the advice, the committee may also suggest any conditions or restrictions of the use of any forest land for any non-forest purpose which, in its opinion, would minimise adverse environmental impact.

6. Action of the Central Government on the advice of the Committee.— The Central Government shall, after considering the advice of the committee rendered under rule 6 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same.

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[1][FORM

Form for seeking prior approval under Sec. 2 of the proposal by the State Governments and other authorities

(See rule 4)

1. Project details:

(i) Short narrative of the proposal and project/ scheme for which the forest land is required.

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[1] [Sub. by G. S. R. 563 (E), dated 21st May, 1992.

(ii) Map showing the required forest area, boundary of adjoining forest and item-wise break-up of the required forest area for different purposes (to be authenticated by an officer not below the rank of Deputy Conservator of Forests)

(iii) Total cost of the project

(iv) Justification for locating the project in the forest area giving alternatives examined and reasons for their rejection

(v) Financial and social benefits

(vi) Total population benefited

(vii) Employment generated

2. Location of the project/scheme:

(i) State/Union Territory

(ii) District

(iii) Forest Division, Forest Block, Compartment, etc.

3. Item-wise break-up of the total land required for the project/scheme alongwith its existing land

4. Details of forest land involved:

(i) Legal statutes of the forest (namely, reserve, projected/unclassed, etc.)

(ii) Details of flora and fauna existing in the area.

(iii) Density of vegetation.

(iv) Species-wise and diameter class-wise abstract or trees.

(v) Vulnerability of the forest area to erosion, whether it forms a part of seriously eroded area or not.

(vi) Whether it forms a part of national park, wild-life sanctuary, nature reserve, biosphere reserve, etc., and if so details of the area involved. (Specific comments of the Chief Wildlife Warden to be annexed).

(vii) Item-wise break-up of the forest land required for the project/scheme for different purposes.

(viii) Rare/endangered species of flora and fauna found in the area.

(ix) Whether it is a habitat or migrating fauna or forms a breeding ground for them.

(x) Any other significance of the area relevant to the proposal.

5. Details of displacement of people due to the project:

(i) Total number of families involved in displacement.

(ii) Number of Scheduled Castes/Scheduled Tribes families involved in displacement.

6. Details of compensatory afforestation scheme:

(i) Details of non-forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forests number of patches, size of each patch.

(ii) Map showing non-forest degraded forest area identified for compensatory afforestation and adjoining forest boundaries.

(iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.

(iv) Total financial outlays from compensatory afforestation scheme.

(v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view (to be signed by an officer not below the rank of Deputy Conservator of Forest.)

(vi) Certificate from the Chief Secretary regarding non-availability of the non-forest land for compensatory afforestation (if applicable).

7. Details regarding Transmission Lines (only for Transmission Line proposals):

(i) Total length of the Transmission Line.

(ii) Length passing through forest area.

(iii) Right of way.

(iv) Number of towers to be erected.

(v) Number of towers to be erected in forest area.

(vi) Height of transmission towers.

8. Details of Irrigation/Hydel Projects (only for Irrigation/Hydel Projects):

(i) Total catchment area.

(ii) Total command area.

(iii) Full Reservoir Level.

(iv) High Flood Level.

(v) Minimum Drawal Level.

(vi) Break-up of area falling in catchment area of the project (Forest land, cultivated land, pasture land, human cultivation and others).

(vii) Area of submergence of at High Flood Level.

(viii) Area of submergence at Full Reservoir Level.

(ix) Area of submergence at 2 metres below Full Reservoir Level.

(x) Area of submergence at 4 metres below Full Reservoir Level (For medium and major projects only).

(xi) Area of submergence at Minimum Drawal Level.

(xii) Details catchment area treatment plan.

(xiii) Total financial outlays and details regarding availability of funds for Catchment Area Treatment Plan.

9. Details regarding Road/Railway line (only for Roads/Railway line proposals).

(i) Length and width of the strip .....required and forest area required.

(ii) Total Length of the road.

(iii) Length of the road already constructed.

(iv) Length of the road passing through the forest,

10. Details regarding Mining proposals (only for mining proposals):

(i) Total mining lease area and forest required.

(ii) Period of mining lease proposed.

(iii) Estimated reserve of each mineral/ore in the forest area and in the non-forest area.

(iv) Annual estimated production of mineral/ ore.

(v) Nature of mining operations (opencast/underground).

(vi) Phased reclamation plan.

(vii) Gradient of the area where mining would be undertaken.

(viii) Copy of the Lease Deed (to be attached only for renewal purposes).

(ix) Number of labourers to be employed.

(x) Area of forest land required for

(a) Mining.

(b) Storing mineral/ore.

(c) Dumping of overburden.

(d) Storing tools and machinery.

(e) Construction of building, power stations, workshops, etc.

(f) Township/housing colony.

(g) Construction of road-ropeway/ railway lines.

(h) Full land use plan of forest area required.

(xi) Reasons why any of the activities referred to in (a) to (h) above under the project for which forest land has been asked for cannot be undertaken/located outside forest area.

(xii) The extent of damage likely to be caused and the number of trees affected on account of mining and related activities.

(xiii) Distance of the mining area from perennial water-courses, national and State highway, national parks, sanctuaries and biosphere reserves.

(xiv) Procedure for stocking of the topsoil for re-use.

(xv) Extent of subsidence expected underground mining operations and its impact on water, forest and other vegetation.

11. Cost benefit analysis.

12. Whether clearance from environmental angle is required (Yes/No)-

If, yes, whether, requisite details for the same have been furnished (Yes/No)

13. Whether any work in violation of the Act has been carried out (Yes/No)

If Yes,

(i) Details of the same including date of commencement.

(ii) Officers responsible for violation of the Act.

(iii) Action taken/being taken against erring officers_

(iv) Whether work in violation of the Act is still in progress.

14. Any other information.

15. Details of certificates/documents enclosed.

16. Detailed opinion of. the Chief Conservator of Forests/Head of the Forest Department concerned covering the following aspects, namely:

(i) Out-turn of timber, fuel wood and other forest produce from the forest land involved;

(ii) whether the district is self-sufficient in timber and fuel wood;

(iii) the effect of the proposal on

(a) fuel wood supply to rural population;

(b) economy and livelihood of the tribals and backward communities;

acceptance or otherwise of the proposal with reasons thereof.

Certified that all other alternatives for the purpose have been explored and the demand for the required area the minimum demand for forest land.

Signature of the authorised officers of the State Government/Authority.

N. **B. (1)** While furnishing details of flora and fauna, the species should be described by their scientific names.

N. **B. (2)** If the space provided above is not sufficient to specify any information please attach separate details/documents.]

FOREST AND AGRICULTURE DEPARTMENT

Notification

7-2-77-FOR

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu Preservation of Tees Act, 1984 (Act No. 6 of 1984), the Government of Goa, Daman -and Diu hereby appoints the 23rd day of August, 1984 as the date on which the provisions of the said Act shall come into force in the whole of the Union Territory of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 23rd August, 1984-

[Published in the Official Gazette (Extraordinary) Series I, No. 21, dated 23-8-1984].



DEPARTMENT (LEGAL ADVICE)

Drafting Section

Notification

LD/9/7/84-(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 1st day of August, 1984 and assented to by the Administrator of this Union territory on 16-8-1984, is

hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) Panaji, 20th August, 1984.

THE GOA, DAMAN AND DIU PRESERVATION OF TREES ACT, 1984

(Act No. 6 of 1984)

AN

ACT

to provide for the preservation of trees in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fifth Year of the Republic of India as follows.-

CHAPTER I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the Goa, Daman and Diu Preservation of Trees Act, 1984.

(2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

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

(a) "Appellate Authority" means an authority appointed by the Government as appellate authority under this Act;

(b) "blank area" means any piece of land (not being under cultivation) measuring one-half of an hectare or more, which has five or less number of trees growing on it per every half hectares;

(c) "Conservator of Forests" means the Conservator of Forests, Goa, Daman and Diu;

(d) "Deputy Conservator of Forests" means a Forest Officer in-charge of a Forest Division and exercising jurisdiction over the area;

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "forest produce" includes—

(a) the following whether found in, or brought from, a forest or not, that is to say —

timber, charcoal, caoutchouc, catechu wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say-

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts of produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);

(g) "notification" means a notification published in the Official Gazette;

(h) "rural area" means an area as specified in Schedules I and II;

(i) "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bull-dozing, cutting, girding, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(j) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetres in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level

(k) "Tree Officer" means a Forest Officer appointed as such by the Conservator of Forests for the purposes of this Act;

(l) "urban area" means an area comprised in a Municipality and includes such area as may be notified as urban area by the Government from time to time for the purposes of this Act;

(m) "wood lot" means any piece of land of which trees form the main crop, the number of such trees in each hectare being not less than twenty-five;

(n) "prescribed" means prescribed by rules made under the Act;

(o) words and expressions used in this Act and defined in the Indian Forest Act 1927 but not defined in this Act, shall have the meanings respectively assigned to them in that Act. Central Act 16 of 1927

CHAPTER II

Tree Authority

3. Establishment of the Tree Authority.— (1) The Government shall, by notification, constitute a Tree Authority for each revenue district in the Union territory of Goa, Daman and Diu.

(2) The Tree Authority shall consist of the following members, namely: —

(i) Development Commissioner or any other officer not below the rank of Secretary to the Government nominated by the Government — Chairman;

(ii) Collector of the concerned revenue District	— Member.
(iii) Two Members of the Legislative Assembly nominated by the Government	— Members.
(iv) Two Representatives of the local bodies nominated by the Government	— Members.
(v) Conservator of Forests or his nominee	— Member Secretary.

(3) The Tree Authority may co-opt as members in such manner and for such period as it may determine not more than three representatives of non-official organisations and Government Departments having special knowledge or practical experience in the preservation of trees.

4. Meetings of the Tree Authority.— (1) The Tree Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the Tree Authority shall be three members referred to in sub-section (2) of section 3.

(3) No co-opted member shall have the right to vote at a meeting.

(4) In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

CHAPTER III

Officers and Servants

5. Appointment of Tree Officer.— The Conservator of Forests may, appoint one or more, Forest Officers of a rank not below that of a Deputy Conservator of Forests, as Tree Officers for the purposes of this Act.

6. Appointment of other Officers.— The Conservator of Forests may, from time to time, appoint such other officers and servants as he may consider necessary who shall be subordinate to the Tree Officer.

CHAPTER IV

Duties of Tree Authority

7. Duties of free Authority.— Notwithstanding anything contained in any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for—

(a) the preservation of all trees within its jurisdiction;

(b) carrying out census of the existing trees and obtaining, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;

(c) specifying standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to a minimum of five trees per hectare in the case of rural areas;

(d) development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;

(e) planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;

(f) organisation of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;

(g) planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores;

(h) undertaking such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;

(i) undertaking critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and

(j) promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.

CHAPTER V

Restrictions Of Felling And Removal Of Trees And Liabilities For Preservation Of Trees

8. Restriction on felling and removal of trees.— Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer.

Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

9. Procedure for obtaining permission to fell, cut, remove or dispose of a tree.— (1) Any person desiring to fell or remove or otherwise dispose of by any means a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of the documents as may be

prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measured at a height of 1.85 metres from ground level and the reasons therefor, survey sketch showing clearly the site and survey numbers of the property.

(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing refuse permission:

Provided that such permission shall not be refused if the tree —

(i) is dead, diseased or wind-fallen; or

(ii) is silviculturally mature provided it does not occur on a steep slope; or

(iii) constitutes a danger to life or property; or

(iv) constitutes obstruction to traffic; or

(v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or

(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof or any part thereof for bonafide use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time

(4) If the Tree Officer fails to communicate his permission or refusal within the period specified under sub-section (3), the permission referred to in section 8 shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

10. Obligation to plant trees.— Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission, as may be directed by the Tree Officer:

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.

11. Planting of adequate n umber of trees in blank areas.— (1) Every owner of land shall, within a period of two years from the date of commencement of this Act or within such extended period as the Tree Authority may specify in this behalf, plant trees

in blank areas so as to conform to the standards specified by it under clause (c) of section 7.

(2) Where the Tree Officer is of the opinion that the number of trees in any land is not adequate according to the standards referred to in sub-section (1), he may issue a notice to the owner of such land to show cause as to why trees as may be specified in such notice should not be planted in such land.

(3) The notice referred to in sub-section (2) shall be given in such form and shall contain such particulars and shall be served in such manner as may be prescribed.

(4) The Tree Officer may after considering the cause, if any, shown by the owner of such land, direct him to plant such number and class of trees as may be specified in the direction.

12. Preservation of trees.— (1) Subject to the provisions of section 14, it shall be the duty of the owner of the land to comply with an order made under section 9, or a direction issued under section 10 or section 11 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners shall effectively protect all the trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner to take such measures as, are considered necessary to protect trees from carriage. In case of default, the tree officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner.

13. Implementation of order made or directions given under sections 9, 10 and 11 and recovery of expenditure on failure to comply with them.— (1) Every person who is under an obligation to plant trees under an order made under section 9 or a direction given under section 10 or section 11 shall start preparatory work within thirty days of the date of receipt of the order or direction, as the case may be, and shall plant trees in accordance with such order or direction in the ensuing or following rainy season or within such extended time as the Tree Officer may allow and shall provide adequate and effective protection to the trees that exist or are planted in the land or the area from any damage.

(2) In case of default by such person, the Tree Officer may cause trees to be planted and may recover the cost of plantation from such person in the prescribed manner.

14. Adoption of trees.— 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, after giving notice to the owner of the tree to show cause, if any, as to why the tree should not be given in adoption, allow, by a written permission, any body corporate or institution to adopt the tree for such period as may be specified in .the permission and during such period, the said body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

15. Appeal.— (1) An appeal shall lie against the order or direction of the Tree Officer under sections 9, 10, 11 and 12 to the Appellate Authority within a period of thirty days:

Provided that an appeal may be admitted after the expiry of the said period of thirty days if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within that period.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and shall be accompanied by a fee of rupees ten.

(3) In disposing of an appeal, the Appellate Authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

CHAPTER VI

Penalties and Procedure

16. Seizure of property.— Where the tree Officer has reasons to believe that an offence under this Act is committed in respect of any tree, he may seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, alongwith the tree or part thereof which has been severed from the ground or the trunk, as the case may be.

17. Forfeiture of timber and other produce from the tree, implements used for felling and the vehicle and animal used for transport of such trees.— (1) Where any person is convicted of an offence under this Act, any timber or the tree in respect of which an offence is committed, the tools and implements used for felling, and any boats, vehicles, animals or other conveyances used for its, transport, may be ordered by the court to be forfeited to Government.

(2) Any timber produce from the tree, tools and implements etc. and any boats, animals or other conveyances forfeited under sub-section (1) shall be disposed off by the Tree Officer in such manner as may be prescribed.

18. Power to release property seized under section 16.— The Tree Officer may release the property seized under section 16 if the owner of the land executes a bond in such form as may be prescribed for its production whenever required.

19. Power to arrest without warrant.— (1) Any Tree Officer or a Forest Officer not below the rank of a Forest Ranger or a Police Officer not below the rank of a Sub-Inspector may, without a warrant, arrest any person reasonably suspected of having been concerned in any offence under this Act, and such person refuses to give his name or address or gives a name or address which the concerned officer has reason to believe to be false or if he has reason to believe that the person will abscond.

(2) Any person arrested under sub-section (1) shall-be informed, as soon as maybe, of the grounds for such arrest and shall be produced before the nearest Magistrate having jurisdiction in the case within twenty four hours of such arrest excluding time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.

20. Power to release person arrested.— Any officer who has arrested any person under the provisions of sub-section (1) of section 19 may release such person on his executing a bond with proper surety to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the Police or the Forest Officer not below the rank of Deputy Conservator of Forests or the Tree Officer.

21. Power to prevent commission of offence.— Every Tree Officer or his subordinates or any Forest Revenue or Police Officer shall prevent and may interfere for the purpose of preventing the commission of any offence under this Act.

22. Power to compound offence.— The Government may, by notification, empower a nee Officer or any Forest Officer not below the rank of Deputy Conservator of Forests—

(a) to compound any offence committed under this Act on payment of —

(i) a sum not exceeding rupees ten thousand 'by way of composition for the offence which such person is suspected to have committed, and

(ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed.

(b) to release any property seized or liable to confiscation, on payment of the value thereof, as estimated by such officer and the amount determined as payable for composition of the offence as ordered by the Tree Officer or any Forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such Officer, the property seized and the offender, if in custody, shall be released and no further proceedings shall be taken against such offender or property.

23. Contravention of Act to be reported by certain Officers.— It shall be the duty of every forest officer, Panchayat Secretary, Police Constable or any Officer superior to him and every Officer of the Departments of Agriculture, Land Survey and Revenue—

(a) to give immediate information coming to his knowledge, of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests;

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

24. Offences by Companies.— (1) If the person committing an offence under this Act is a Company, the Company as well as every person in-charge of and responsible to the Company for the conduct, of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly:

Provided that nothing contained in this sub-section shall render any, such person liable to any punishment provided in this Act, 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 under this Act has been committed by a Company and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, treasurer or other officer of the Company such director, manager, secretary, treasurer or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section — (a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

25. Penalty.— (1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Every Forest Officer or Police Officer who vexatiously and unnecessarily arrests or seizes any property on pretence of such property being liable to forfeiture under this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

26. Award of penalty or forfeiture not to interfere with other punishment.— The award of penalty or forfeiture 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.

CHAPTER VII

Miscellaneous

27. Officers to be public servants.— 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. Central Act 45 of 1860.

28. Bar of proceedings.— No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.

29. Executions of order for payment of money.— Any sum including any amount for composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

30. Act not to apply to certain areas.— Nothing in this Act shall apply to the Government, a Government forest under the control of the Forest Department, a forest or forest land notified under the Indian Forest Act, 1927. Central Act 16 of 1927.

31. Power of the Government to exempt.— Subject to such conditions, if any, as may be imposed, the Government may, if it considers it necessary so to do in the public interest, by notification, exempt any area or any species of trees' from all or any of the provisions of this Act.

32. Power of the Government for Preservation of trees.— (1) The Government may in the interest of general public, declare by notification that any class, of trees shallot be felled for such period as is specified in that notification.

(2) The management of such trees shall be regulated in the prescribed manner.

33. Investing Tree Officer with certain power.— (1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely:

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) powers of a civil court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search warrant under the Code of Criminal Procedure., 1973; Central Act 2 of 1974

(d) power to hold enquiries into offences under the Act and in the course of such enquiry to receive and record evidence;

(e) power to take possession of property under the Act;

(f) power to direct release of property or withdrawal of charges; and

(g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate if such evidence has been taken in the presence of the accused person and recorded in the manner provided by section 274, section 276 or section 277 of the Code of Criminal Procedure, 1973. Central Act 2 of 1974

34. Transit of felled material.— The provisions of section 41 of the Indian Central Act Forest Act, 1927 and Chapter V of the Goa, Daman and Diu Forest Rules, 1964 shall mutatis mutandis, apply to the transit of the felled trees under this Act. Central Act 2 of 1974.

35. Power of the Government to give direction.— The Government may from time to time give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act and such Tree Officers and other officers shall comply with the directions issued.

36. Power to make rules.—The Government may, by notification, make rules to carry out the purposes of this Act.

37. Provision of this Act to be in addition to any other law for the time being in force.— Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Act and rules made thereunder.

38. Repeal and saving.— (1) The Goa, Daman and Diu Preservation of Trees(No. 2) Ordinance, 1984 (Ordinance No. 2 of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

SCHEDULE I

(See section 2)

Areas comprising of land, outside the urban areas, under cultivation of coconut, areca-nuts, rubber, cocoa, cashewnut, mango, sapota or any other horticultural crop, including woodlots and land belonging to the Government and leased out in favour of others.

SCHEDULE II

(See section 2)

Areas comprising of lands outside the urban areas other than those included in Schedule I.

Secretariat,

Panaji-Goa,

U. D. SHARMA

Secretary to the Government of

Goa, Daman and Diu,

Law Department (Legal Advice).

Dated:- 20th August, 1984.

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FOREST AND AGRICULTURE DEPARTMENT

Notification

7-1-83-FOR-Part-II

In exercise of the powers conferred by section 36 of the Goa, Daman and Diu Preservation of Trees Second Ordinance, 1983 (Ordinance No. 2 of 1983), the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa, Daman and Diu Preservation of Trees Rules, 1983.

(2) They shall come into force at once.

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

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

(b) "Ordinance" means the Goa, Daman and Diu Preservation of Trees Second Ordinance, 1983 (Ordinance No. 2 of 1983);

(c) "Section" means a section of the Ordinance;

(d) Words and expressions which are used in these rules or in the Ordinance shall have the meaning respectively assigned to them in the Indian Forest Act, 1927 (Central Act 16 of 1927).

3. Form of Report.— Every report under section 8 shall be made in Form 'A',

4. Form of Application under section 9.— (1) Every application for permission for felling a tree shall be made in Form 'B'.

(2) Every application for removal or disposal of a tree or forest produce shall be made in Form 'C'.

(3) Court fee stamps of the value of Rs. 1.50 paise (Rupee one and paise fifty only) shall be affixed on every application made under this rule_

5. Form of Register.— A register of applications made under section 9 shall be in Form 'D'.

6. Form of Permission.— The permission which may be granted under section 9 shall be in one of the following Form and shall be subject to the terms and conditions specified therein:—

(i) in respect of felling of a tree ... Form E.

(ii) in respect of removal or disposal. of a tree or forest produce ... Form F.

7. Obligation to plant trees.— The Tree Officer, while granting permission to fell or dispose of a tree or forest produce under section 9, shall, after giving the applicant a reasonable opportunity of being heard and having due regard to his wish for planting any particular kind of tree, his capacity to plant the required kind and number of trees and also the nature of land, make an order directing the applicant to plant such number and kind of trees as deemed proper by him.

8. Form of Notice.— The notice to be given under sub-section (3) of section 11 shall be in Form 'G'.

9. Preservation of Trees.— (1) Where a Tree Officer has reason to believe that the owner or occupier of any property has failed to carry out any direction given by him under the Ordinance or these rules with regard to the taking of measures for the protection of any tree in such property, he shall issue a notice in Form 'H' to such owner or occupier of the property, as the case may be.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard and having due regard to his wishes in capacity and nature of law, make an order, specifying the measures which he proposes to take for protection of the tree and the cost thereof, which such owner or the occupier shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

10. Implementation of orders made under sections, 9, 10 or 11.— (1) Where the Tree Officer has reason to believe that any person has failed to carry out the obligations regarding planting of trees pursuant to an order made under section 9 or a direction given under section 10 or 11, he shall issue a notice in Form 'I' to such person.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard, as regards the cost of which the trees shall be planted or the measures for the protection of the trees shall be taken by him, pass an order, as regards the cost, which such person shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

11. Procedure of Appellate Authority.— (1) Every petition of appeal shall be presented to the Appellate Authority in person or through a legal practitioner or a duly authorised agent.

(2) Every petition shall state succinctly the grounds of appeal and the relief prayed for.

(3) The Appellate Authority shall, on receipt of a petition of appeal, cause it to be registered in Form 'Y and give notice of such appeal to all persons concerned who, in his opinion, may be interested in the same.

(4) The Appellate Authority may, after holding such enquiry as it deems fit and after giving the persons concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against or pass such order as it may deem fit.

12. Record of forfeited property.— The Tree Officer shall maintain a register of the property forfeited to the Government under section 10 in Form 'K'.

13. Preparation of valuation report of forfeited property.— (1) On receipt of the property forfeited to the Government, the Tree Officer shall prepare a valuation report of such property.

(2) In preparing the valuation report, the tree Officer shall give due regard to the condition of such property and shall follow the instructions issued by the Government from time to time in the matter of preparing such report.

(3) The Tree Officer shall make a report along with a copy of the valuation report to the Conservator of Forest and dispose of the forfeited property in accordance with the instructions issued by the Conservator of Forests from time to time in that behalf,

14. Release of seized property.— The bond to be executed by the owner or occupant for release of the property seized under section 16 shall be in Form 'L'.

15. Management of certain classes of trees.— (1) Every owner or occupant of the land on which trees notified under section 32 exist shall, within 60 days of the date of the Notification, number such trees and furnish the following particulars of such trees to the Tree Officer, with a copy thereof to the Conservator of Forests:—

(1) Species-wise number of the trees.

(2) Age of the trees.

(2) Where such owner or occupant is not in a position to number such trees and make a report within the specified period in sub-rule (1), he may seek extension of time for making such report and the Tree Officer, if satisfied with the reasons given, may extend the time limit by another 30 days.

(3) The Tree Officer shall cause all such trees to be marked by suitable identification marks, within 60 days of the date of receipt of the report under sub-rule (1) or sub-rule (2) and report compliance to the Conservator of Forests.

(4) The Tree Officer shall also keep a record of such trees in a Register in Form 'N'.

16. Service of Notice.— (1) Every notice under the Ordinance or these rules inay be served in any of the following manners namely:—

(a) by delivery or tender of a copy of the notice to the addressee or his agent or other person duly authorised to receive notice on his behalf;

(b) by registered post acknowledgement due; provided that if the Tree Officer is satisfied that the addressee is deliberately avoiding service or if, for any reason, the notice cannot be served by any of the above methods, he shall order the service of the notice by affixing, in the presence of two witnesses, who are residents of that locality, on some conspicious part of the place of business or the place of ordinary residence of the addressee al) d such service shall be effective as if it had been made on the addressee personally.

(2) When the serving Officer delivers or tenders the notice to the addressee personally or to his agent or other person on his behalf, he shall obtain the signature or thumb impression of the person to whom the notice is so delivered or tendered, on the copy of the notice and make a report thereon of such delivery or tender and return the same to the Tree Officer.

(3) When the notice is served by affixing the same in accordance with sub-rule (1), the serving officer shall return the copy. thereof to the Tree Officer who issued the notice with a report endorsed thereon stating that he has so affixed the notice, the circumstances under which he did so and the names and address of persons, who, identified the place of business or ordinary residence of the addressee and in whose presence the notice was so affixed.

(4) When service by post is effected by correctly addressing, pre-paying and posting the notice by registered post with acknowledgement due, then unless contrary is proved, the said service shall be deemed to have been effected at the time at which the, notice would have been delivered in the ordinary course of transmission.

(5) If the person to whom the notice was issued does not appear at the appointed time, the Tree Officer may, if he is satisfied from the report of the serving officer or the postal acknowledgement, or after taking such evidence as he deems proper, that the notice has been served in accordance with this rule, pass an order to that effect and proceed to dispose of the matter. If he is satisfied that the notice has not been properly served, he may direct the issuance of a fresh notice.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Nark, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 23rd December, 1983.

FORM A

(See rule 3)

The Tree Officer,

...

...

Sir,

I have to report that I have felled on ...(date) at ... (time) ... (number)/tree/trees from the property owned by me/ /under my occupation in the village ...Taluka ...and District ...I declare that if the said tree/s had not been immediately felled, it/they would have posed grave danger to life/property/traffic (delete inapplicable words).

2. The following details are furnished: —

(i) Name and full address of the signatory (In Block letters).

(ii) Title in respect of land in which trees) was/were situated.

(iii) Location of the site from which tree/s felled (give name and survey number of plot and indicate as clearly as possible the actual situation of the tree)

(iv) (a) Species of the tree felled

(b) Its approximate age

(c) Its girth measured at a height of 1.35 metres from ground level.

(v) Justification for felling the tree/trees (Here describe the way in which the tree posed danger and the reasons why you could not wait to seek permission for cutting it).

Place:—

Date:—

SIGNATURE

FORM B

(See rule 4.1)

The Tree Officer,

...

...

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ... Taluka ...and District ... I furnish below the following details in support of my application:—

i) Applicant's name and address (In block letters)

ii) Name and address of the owner of the property (if different from applicant)

iii) Title of the applicant i.e. whether owner/occupant of the property, etc.

iv) Name and serial number of property

v) Total area of the property with description of the boundaries

vi) Total number of trees (species-wise) whose trunk or body is not less than 5 cm. in diameter at a height of 30 cms. from the ground and whose height is not less than one metre from the ground

vii) The exact area (in sq. metres) from which felling of trees for which permit is sought description of the boundaries)

viii) Total number of trees to be felled

ix) Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details species-wise are

Species	Number	Girth

x) Purpose for which the felling of trees are intended

xi) Intended use of felled trees (e. g. for sale, for domestic use, etc.)

xii) Intended use of land after felling of trees

xiii) Number and species of trees intended to be planted after felling (give details of arrangements for raising, planting and protecting trees)

xiv) Name/s and address/es of the owners/occupants adjoining property/ies

2. I am enclosing an affidavit and below mentioned papers in support of my application.

Declaration

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: —

Date: — APPLICANT'S SIGNATURE

Attested copies of:—

i) Property/occupancy documents.

ii) Plan of the property showing the survey number.

iii) Enumeration list (duly signed by the applicant).

iv) Boundary list (duly signed by the applicant).

v) Latest index of land record issued by the Mamlatdar.

vi) "No Objection Certificate" from Administrator of Comunidade.

vii) "No Objection Certificate" from adjoining property owners:

Affidavit

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ...aged ...years, resident of ...(locality) ...village ... Taluka, Goa District, wife/son/daughter of ..do hereby solemnly affirm and declare as under:

1. That I am the legal owner/occupant of the private property known as situated at ...village...Taluka bearing caciastral survey number ...of..., boundaries of which are as follows:—

East:

West:

North:

South:

2. That I have applied to the Tree Officer, ..for permission to fell ... (number) trees from the aforesaid property. All the trees have been numbered with paint.

3. That there is no other owner/occupant of this property or of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/occupancy of the said property or the forest produce from the said property.

4. I hereby solemnly declare and affirm that to the best of my knowledge and belief the information is correct and true and nothing material has been concealed and is false.

Place: —

Date: — DEPONENT

FORM C

[See rule 4 (2)]

To

The Tree Officer and

Dy. Conservator of Forests,

.....

.....

Sir,

I apply for grant of permission for removal and disposal of tree/s Located in the property situated in the village ... Taluka ...and District. ..I furnish below the details in support of my application:—

i) Applicant's name and address (In block letters)

ii) Name and address of the owner of the property (if different from applicant) from which trees were felled.

iii) Title of the applicant i.e. whether owner/occupant of the property, etc. from which trees were felled.

iv) Name and serial number of property from which trees were felled.

v) Total area of the property with description of the boundaries.

vi) Total number of trees (species-wise) whose trunk or body is not less than 5 cm. in diameter at a height of 30 cms. from the ground and whose height was not less than one metre from the ground.

vii) Describe the circumstances under which the tree/s was/were felled i. e. whether the tree/(s) was/were felled after obtaining the permit (a copy of the permit is to be enclosed) or under the proviso to section 8 of the Ordinance or had fallen due to natural causes, etc.

viii) Details of material obtained from the felled tree.

First class timber ...cu.m.
Second class matti ...cu.m.
Second class (other)...cu.m
Third class timber ...cu.m.
Firewood ...cu.m.
First Class Poles ...Nos.
Second Class Poles ...Nos.
Third Class Poles ...Nos.

ix) The manner in which the material would be removed i.e. by road, rail, waterways and the mode of transport.

x) Transit route.

xi) Removal of the material completed by (date).

xii) The material is intended to be disposed in the manner indicated below:—

a) For self use

Quantity	
First class timber	...cu.m.
Second class matti	...cu.m.
Second class (other)	...cu.m
Third class timber	...cu.m.
Firewood	...cu.m.
First Class Poles	...Nos.
Second Class Poles	...Nos.
Third Class Poles	...Nos.

b) By sale

Quantity	
First class timber	...cu.m.
Second class matti	...cu.m.
Second class (other)	...cu.m
Third class timber	...cu.m.
Firewood	...cu.m.
First Class Poles	...Nos.
Second Class Poles	...Nos.
Third Class Poles	...Nos.

c) Name(s) and full Address (es) of the persons/parties to whom the material would be disposed by sale.

d) Licence number of the purchaser (if purchaser is holder of a licence issued by Forest Department).

I am enclosing below mentioned papers in support of my application.

Declaration

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place:—

Date:—

APPLICANT'S SIGNATURE

Attested copies of:—

(i) Property/occupancy documents.

(ii) Plan of the property showing the survey number.

(iii) Boundary list (duly signed by the applicant).

(iv) Latest Index of Land record issued by the Mamlatdar.

(v) Report, if any, made pursuant to proviso to section 8 of the Ordinance.

(vi) Permit, if any, granted by the Tree Officer.

FORM D

(See Rule 5)

Register of Applications

Sl. No.	Name & address of the application	Details of the applicant				Name of the village in which trees to be felled or removed/ disposed is/are situated	Details of decision taken			
		Date	Date of receipt	For felling or removal/ /disposal	Last date for disposal		Nature	Date on which taken	Date of communication to the applicant	Remarks
1	2			3		4		5		6

FORM E

(See rule 6)

Tree Officer and
Dy. Conservator of Forests,
Government of Goa, Daman and Diu
Forest Department.
Dated: / /198

Sub: — Permission to fell trees,

With reference to his/her application dated. for grant of permission to fell trees, Shri/Smt... is hereby informed that he/she is granted permission to fell the tree/s (as per details indicated below) from the private property known as ...survey No. situated at ...subject to the satisfaction of the terms and conditions hereinto specified: —

Details of Trees

Sl. No.	Species of trees	No. of trees

(.....)
Tree Officer and
Dy. Conservator of Forests

Shri/Smt. ...

...

...

Terms and Conditions

1. The Range Forest Officer shall mark the trees before cutting them.

2. Permission to fell the trees is granted at his/her own risk and without prejudice to the claim (s) of any other person/s who may be having any right (s) over the land or the trees.

3. Felling of trees shall be completed within ...days.

4. Material produced from felled trees shall not be removed or disposed without permission of the Tree Officer.

5. He/she shall replant trees, as per details given below during the ensuing/next planting season i.e. commencing from June ...to August, An the property from which the trees will be felled,

Sl. No.	Species	No.

6. He/she shall deposit a sum of ...(Rupees ...) as security in the office of ...before starting felling of the tree/s for ensuring the replanting of the trees indicated at serial No. 5 above.

7. In the event of failure on the part of the permit holder to replant the trees as indicated at serial number 5 above, then the Tree Officer shall himself arrange to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the Permit holder or failing that, by recovery as arrears of land revenue.

Copy submitted to:—

(i) The Conservator of Forests for information.

(ii) The Range Forest Officer, Mobile Squad, Ponda for information.

FORM F

(See rule 6)

Tree Officer and
Dy. Conservator of Forests,
Government of Goa, Daman and Diu
Forest Department.
...
...
Dated: / /198

Sub: — Permission to remove/dispose off trees.

With reference to his/her application dated.. - for grant of permission to remove or dispose of felled tree/s or forest produce, Shri/Smt. ... is hereby informed that he/ she is granted permission to remove or dispose off the material (as per details indicated below) from the private property known as ... survey number ... situated at ... subject to the terms and conditions hereunder specified:—

Sl. No.	Description of the material	No.	Volume	No. of trips by which removal will be completed	Period of validity of the permit
1	2	3	4	5	6

(i) From ... to ...

(ii) Mode of transport ... (i. e. by rail, sea or road)

(iii) Route ...

(iv) Vehicle/vessel No.

(v) Name of the driver/tindel ...

(vi) Manner of disposal (if it is by sale, name, address and licence No. of purchaser be indicated) ...

(.....)
Tree Officer and
Dy. Conservator of Forests

FORM G

(See rule 7)

Notice

Whereas Shri/Smt ... is the owner/occupant of the property known as ... bearing survey number ... and situated in the village ... Taluka ... and District ...

And whereas I, Shri (name) ... (designation)/had inspected his/her property on ... /have received a report from ... regarding the number of trees in aforesaid property (copy of the inspection report/report enclosed);

And whereas I am of the opinion that the number of trees in the aforesaid property is not adequate as per standard laid down by the Tree Authority pursuant to the provisions of sub-clause (c) of section 7 of the Ordinance;

Now, therefore I call upon Shri/Smt. ... to show cause within 10 days of the date of receipt of this notice as to why a direction should not be given to him/her for planning of tree in his/her aforesaid property in such number, of such species and in such manner as indicated in the Annexure.

(.....)

Tree Officer

Shri/Smt. ...

...

...

Copy to:—

(i) The Range Forest Officer, ...
...This has reference to his letter No. ...

(ii) The Conservator of Forests, Panaji.

Annexure to show cause notice number ... Dated ...

Sl. No.	Species of trees	No. of trees	Manner in which planting is to be done	Period within which planting is to be completed	Remarks
1	2	3	4	5	6

FORM H

[See rule 9(1)]

Notice

Whereas Shri/Smt. ... is the owner/occupant of the property known as ... bearing survey number ... and situated in the village — Taluka ... and District ...

And whereas , Shri ...Tree Officer and Dy. Conservator of Forests had found that adequate measures were not taken by him/her for protection of the tree/s existing on the aforesaid property and had, therefore, given him/her directions in letter number... dated ...which was received by him/her on or about ...specifying the measures, he/she has to take for protection of the tree/s;

And whereas I have inspected the property on ...have received a report from. ...(copy of the inspection report/ /report enclosed which is self explanatory);

And whereas I am of the opinion that he/she has failed to take the measures as specified in letter number ...dated ... within the stipulated period/measures taken are not adequate for protection of the tree/s (strike off whichever is not applicable).

Now therefore, I hereby call upon Shri/Smt. ...to show cause within 10 days of the date of receipt of this notice as to why the undersigned should not arrange measures as specified in letter number... dated. ..for protection of trees in the aforesaid property at the cost of Rs....(Rupees ...) approximately on his/her behalf and recover the expenses incurred from him/her.

(.....)

Tree Officer and
Dy. Conservator of Forests

Shri/Smt. ...

...

Copy to:—

(i) The Range Forest Officer, ...
...This has reference to his letter No. ...

(ii) The Conservator of Forests, Panaji.

FORM I

(See rule 10)

Notice

Whereas Shri/Smt. ...was ordered/directed to plant trees in the property known as ...bearing survey No. ...and situated in the village.. Taluka ...and District ...vide reference bearing No. ...dated ...in such number of such Species and in such species and in such manner as specified therein;

And whereas I... (name), ... (designation) have inspected his property on .../have received a report ftom ...regarding the number of trees planted etc. in the aforesaid property (copy of the inspection report/report enclosed which is self explanatory);

And whereas I am of the opinion that Shri/Smt. ... has failed to carry out his/her obligation regarding planting of trees as specified under reference bearing No. ...dated...

Now, therefore I hereby call upon Shri/Smt. ...-. to show cause within 10 days of the date of receipt of this notice as to why I should not arrange planting of trees in the aforesaid property in such number, of such species and in such manner as specified under reference No..... dated ...at

the cost of (Rupees) approximately on his/her behalf and recover. expenses incurred thereunder from him/her.

(.....)

Tree Officer and
Dy. Conservator of Forests

Shri/Smt. ...

...

FORM J

[See rule 12(1)]

Register of Appeals

Sl. No.	Name & address or the applicant	Particulars of Appeal			No. & date of the order challenged in appeal	Date of decision	Nature of decision	Date of communi--cation of the decision	Remarks
		Date	Date of receipt	Designation of the authority whose order is challenged in appeal					
1	2	3	4	5	6	7	8	9	10

FORM K

(See rule 13)

Stock Register

Sr. No.	Authority which ordered forfeiture	No. & date of the order	Details of material/animals/tools & plants/vehicles ordered to be forfeited	Approx. value of the forfeited material	The manner in which forfeited material disposed with date of disposal	Remarks
1	2	3	4	5	6	7

FORM L

(Rule 14)

Bond

I/we ... wife/son/daughter of ... resident of ... and owner/s of the below mentioned property which was seized under Panchanama dated ... (here state the description of property) ...

...

...

...

do hereby state that on an application moved by me/us in that regard it has been ordered by the Tree Officer and Dy. Conservator of Forests ... (indicate the office) vide his order No. ... dated ... that the said property be released to me/us on bond of Rs. ... (Rupees ...)

I/we do hereby state that I/we have received this ... day of ... (month) ... (year) the above mentioned property valued at Rs. — (Rupees ...) approximately. I/we hereby undertake to keep the said property with me/us for safe custody I/we further undertake to produce the said property....

...

... (description of the property) intact and in the same condition as they are now (reasonable wear and tear expected) whenever called upon to do so by the Tree Officer and Dy. Conservator of Forests, ... (indicate the address of the officer and not to deliver the same to any person or otherwise dispose or deal with the same without an order in writing from the aforesaid Tree Officer and Dy. Conservator of Forests and the shown undertaking is done voluntarily by me/us.

Witnesses:—

(i) ...

...

(Signature, name and address)

Signature

(ii) ...

...

(Signature, name and address)

Signature

Form M

[See Rule 17(2)]

Form of Register of Notified Trees

Sr. No.	Name & address of the owner/occupant of the land	Date of report	No. of trees (species-wise to be given)	Date on which trees are marked with identification marks	Date on which report submitted to the Conservator of Forests	Remarks
1	2	3	4	5	6	7

[Published in the Official Gazette, Series I No. 39 (Extraordinary) dated 3-1-1984]

APPENDIX

APPENDIX – I

(FORMS)

GOA, DAMAN AND DIU FOREST DEPARTMENT

Forest Rules, 1964

FORM I

[Under rule 44(5)]

Licence for establishing saw-pit, saw-mill or other sawing contrivance.

(Reference application dated

Shri.... of ....is hereby authorised to establish and run a saw-pit/saw-mill/sawing contrivance, viz .... at .... subject to the conditions mentioned below.

.....
Signature and designation
of the Forest Officer issuing licence

Date....

Office seal

CONDITIONS

[12]

1. This licence is not transferable.

2. No sawing should be done after sunset or before sunrise, except under the special permission of the Divisional Forest Officer.

3. On expiry of the period entered in this licence, the licensee should return the licence to the issuing authority and the saw-pit/ saw-mill or any other sawing contrivance for cutting or conversion shall be closed.

4. The saw-pit, saw-mill or other sawing contrivances as well as the timber shall be Open for Inspection by any Forest Officer not below the rank of a Forester.

5. The licensee shall maintain the registers of accounts in the Forms II and III prescribed under rule 44A(3) and they should be produced for inspection and check when demanded by the officers mentioned under condition 4. Monthly consolidated accounts shall be rendered to the Divisional Forest Officer before the 10th of the succeeding month.

6. For breach of sub-rules (1), (2) (4) and (5) of rule 44 and rule 44A of the Forest Rules, or any of the conditions of this licence, the licence is liable to be cancelled and the licensee is liable to be punished under the provisions of the Indian Forest Act, 1927.

[12] Forms I, II and III inserted by (First Amendment) Rules, 1973 (0. G. Series I No. 16 dated 16-7-1973).

GOA, DAMAN AND DIU FOREST DEPARTMENT

Forest Rules, 1964

FORM II

[Under Rule 44-A(3)]

Register showing the receipts issues for sawing, out-turn and disposal of timber belonging to the owner of the saw-pits/saw-mill.

Logs received and disposed								
Log No.	Kind	Length	Girth	Volume	Marks, if any	How & where from obtained (pass No.)	Date of disposal	How disposed off
1	2	3	4	5	6	7	8	9

Logs issued sawing out-turn of sawn materials and								
Sl. No.	Date of issue for sawing	Item No. of stock Register	Log number	Kind	Length	Girth	Volume	Number
10	11	12	13	14	15	16	17	18

their Disposal out-turn						Remarks (Pass No.)
Length	Width	Thickness	Volume	Date of disposal	How disposed (Address of Purchaser)	
19	20	21	22	23	24	25

GOA, DAMAN AND DIU FOREST DEPARTMENT

Forest Rules, 1964

Form III

[Under rule 44A(3)]

Register showing the intake and out-turn of timber undertaken for sawing on job-work

In-take										
Sl. No.	Name & address of the person entrusting sawing on job-work	Whence received	Date of receipt in the saw-pit or saw-mill	Pass or permit No. & date	Marks, if any	Log No.	Kind	Length	Girth	Volume
1	2	3	4	5	6	7	8	9	10	11

		Out-turn and delivery							Remarks
Signature of the person entrusting sawing on job-work	Date of issue for sawing	No.	Length	Width	Thick-ness	Volume	Date of delivery of the sawn materials	Signature of the person taking delivery of the sawn material	
12	13	14	15	16	17	18	19	20	21

APPENDIX – II

Department of Forest

Notification

5/1/95-FD/PART/29

In exercise of the powers conferred by sub-rule (3) of rule 44 of the Goa, Daman and Diu Forest Rules, 1964 and in supersession of all earlier Notifications in this regards, the Conservator of Forests hereby specifies the following form for the purpose of said sub-rule(3) of rule 44 of the said Rules, 1964.

FORM I

See rule 2(1) of Goa, Daman and Diu (First Amendment) Forest Rules, 1973

Application for establishing saw pit or other hand sawing contrivances in the reserved and Protected forest areas and/ or within 15 kms. thereof.

To

The Range Forest Officer,

.....Range,

South/ North Goa Forest Range Division.

I/we ..... son(s) of .....
resident at ..... Taluka ..... District .....
hereby apply for the grant/renewal of licence for establishing a .....
.....
(here give details of saw pit or and sawing contrivances)

at ..... falling near/within the .....
(Name of Reserved/ protected forest or vicinity) (name of round)

Roung in .....Range of ..... Division
(name or range) (name of Forest division)

2. The licence fee of Rs. 10/- (Rupees ten) only for the period ..... to ..... is enclosed herewith.

3. The licence to be renewed bearing No. ..... date ..... is also enclosed herewith.

Signature of applicant

Date:

Address

Place:

Strike out whichever is not applicable.

FORM

(See rule 44(3)]

Form of Application for grant of renewal of licence

To,

The Deputy Conservator of Forests.

.....

.....

I/we ..... son(s) of .....
resident at ..... Taluka ..... District .....
owner of .....hereby apply for the grant/renewal
(Name of Saw Mill)

of licence for establishing ..... at .....
(description of plant/saw mill) in ..... Taluka ..... District .....

The name of other owners/partners are as follows:—

1. S/o
2. "
3. "
4. "

The licence fees for grant/renewal of the following machinery for the period front ..... to ..... is enclosed herewith.

Sr. No.	Description/type of machinery
1	
2	
3	

There is no increase in number of machinery and no change in names and numbers of owners and the unit is at the same site compared to previous financial year ending on.....

The licence to be renewed is bearing No . ..... dated ..... which is enclosed herewith.

In case the above declaration is found to be incorrect the Saw Mill licence may be cancelled.

Date:- Signature of Applicant

Place:-

Inspected physically the above said machinery on ..... dated ..... and I declare that the contents furnished above by the applicant/owner of the Saw Mill are true to the best of my knowledge and belief.

Signature:.....

Name of Round Forester: .....

.....

Stamp:.....

Remarks of the Range Forest Officer

Signature: .....

Name of Range Forest Officer: .....

.....

Stamp:.....

No. .....

Dated .....

Forwarded to Dy. Conservator of Forest .....

Signature of Range Forest Officer

Stamp

Signature and designation of

Forest Officer issuing licence.

Richard D'Souza, Conservator of Forests & Addl. Secretary to Government.

Panaji, 1st April, 1999.

(Published in the Official Gazette, Series I No. 4 dated 22-4-1999)

Order

DF-52-FOR-64

The Forest Department in the Union Territory of Goa has established the following Check Posts:—

Sr. No.	Name	Taluka
1	Dodamarg	Bicholim
2	Usgao Tisk	"
3	Onda	Satari
4	Borim	Ponda
5	Banastarim	"

6	Bali	Quepem
7	Poinginim	Canacona
8	Mollem	Sanguem
9	Sanguem	"

All the vehicles carrying any forest produce should stop at the above check posts for facilitating the checking of the forest produce and the Guia (Transit pass) should be produced before the Guard in charge of Check Posts and got countersigned. Dafaulters will be punished as per Rules in force.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. F. Couto, Development Commissioner. Panjim, 25th March, 1964.

(Published in the Government Gazette, Series I No. 15 dated 9-4-1964).

INDUSTRIES AND LABOUR DEPARTMENT

Forest Department

Notification

The following Check-posts for checking of forest produce in transit have been established by the Forest Department in the Union Territory of Goa with immediate effect.

S. No.	Name of the check-post	Situation (Taluka)
1.	Maulinguem	Bicholim
2.	Bondir	Bardez
3.	Nagorcem-Palolem	Canacona
4.	Agonda	Canacona
5.	Kiranpanim	Pernem
6.	Patradevi	Pernem
7.	Neibaga	Pernem
8.	Betul	Quepem

All the vehicles carrying forest produce should stop at the above Check-posts for facilitating the checking of the forest produce and the Guia or the Transit pass should be produced before the Guard in charge of the check-posts and got countersigned. Defaulters will be punished as per rules in force.

G. R. Mavinkurve, Conservator of Forests.

Panjim, 23rd November, 1964.

(Published in Government Gazette, Series I No. 49 dated 4-12-1964.)

Notification

The following Check-posts for checking of forest produce in transit have been established by the Forest

Department in the Union Territory of Goa with immediate effect.

S. No.	Name of the check-post	Situation (Taluka or Range)
1.	Mavlinguem	Satari
2.	Bondir	Bardez
3.	Nagorcem-Palolem	Canacona
4.	Agonda	Canacona
5.	Kiranpanim	Pernem
6.	Patradevi	Pernem
7.	Neibaga	Pernem
8.	Betul	Quepem

All the vehicles carrying forest produce should stop at the above Check-posts for facilitating the checking of the forest produce before the Guard in charge of the check-posts.

Defaulters will be punished as per rules in force. G. R. Mavinkurve, Conservator of Forests. Panjim, 2nd January, 1965.

(Published in Government Gazette, Series I No, 3 dated 21-1-1965.

Law Department

Corrigendum

LD/20/65

In the Goa, Daman and Diu Forest Rules, 1964 published in the Government Gazette No. 11,

Series I dated 18th March, 1965 places add the following:—

"41. (3) Movement of vehicle-, loaded with Forest produce is prohibited between 9 p.m. to 6 a. m. in the Union Territory of Goa."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. F Couto, Development Commissioner.

Panjim, 20th April, 1965.

(Published in the Government Gazette, Series L No. 4, dated 22-4-1966).

Notification

LD/19/65

The rules made by the Government, of Goa, Daman and Diu under sections 26, 32, 41, 51 and 76 of the Indian Forest Act, 1927, published in the Government Gazette No. 11, Series I dated 16th March 1965, shall come into force from 15th April, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 20th April, 1965.

Notification

2/18/72/LSG

In exercise of the powers conferred by Sections 26, 32, 31, 42, 51 and 76 of the Indian Forest Act,

1927 (16 of 1927) the Administration of Goa, Daman and Diu hereby makes as follows the following rules so as to attend the Goa, Daman and Diu Forest Rules, 1964 (published in Government Gazette No. 11 Series II dated 18-3-65) (hereinafter called the principal rules) namely:

For sub-rule (3) of Rule 41 of the principal Rules the following shall be substituted, namely:-

"(3) Movement of vehicles loaded with forest produce is prohibited between 6.00 p.m. to 6.00 a. m. in the Union Territory of Goa, Daman and Diu."

By order and in the name of the Administrator of Goa, Daman and Diu.

F A. Figueiredo, Under Secretary (Revenue). Panjim, 7th May, 1974.

(Published in the Official Gazette Series I, No. 7 dated 16-5-1974).

Local Self Government Department

Notification

2/18/72/LSG

In exercise of the powers conferred by sub-section (2) of section 41 of the Indian Forest Act, 1927 (XVI of 1927) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Forest Rules, 1964_

1. Short title and commencement.— (1) These rules may be called the boa, Daman and Diu (Forest Amendment) Rules, 1973.

(2) They shall come into force at once.

2. Amendment of rule 44.— For rule 44 of title Goa, Daman and Diu Forest Rules, 1964 (hereinafter referred to as the principal Rules) the following shall be substituted, namely:-

"44. Control of private saw pits, saw mills or any other sawing contrivances— (1) No saw pit or any other hand sawing contrivance for cutting or converting timber shall be established within any reserved forest and protected forest or within 15 kilometres of the limits or such forests without obtaining a licence from the concerned Range Forest Officer.

(2) No person shall establish a saw mill or erect machinery or plant or any other sawing contrivance other than those specified in sub-rule (1) for cutting or converting of timber, anywhere in the Union Territory without obtaining a licence from the concerned Divisional Forest Officer.

(3) Application for grant of renewal of licence shall be made to the concerned Forest Officers in such form as the Conservator of Forests in Goa, Daman and Diu, may by notification in the Official Gazette, prescribe.

(4) Fees at the following rates shall be charged for the issue or renewal of licences:-

(a)Licence for a saw pit or any hand-sawing contrivance—

Rs. 10/- for each pit or contrivance for an official year or a fraction thereof.

(b)Licence for a saw mill, machinery or plant or any other sawing contrivance other than those mentioned in (a) above—

Rs. 200/- for an official year or a fraction thereof.

(5) The Forest Officer receiving the application may, if he is satisfied after making such enquiry as he deems necessary, that there is no objection to grant the licence, having regard to the safeguarding of the timber in any reserved forest and protected forest, grant a licence in Form I. appended to these rules subject to the provisions of the Act and these rules and to any other reasonable restrictions or conditions which he may specify in the licence Separate licences shall be issued for works to be carried out in different places.

(6) Such Forest Officer may, after giving the applicant an opportunity of being heard, for reasons to be recorded in writing, reject any application for grant or renewal of a licence, whereupon the applicant, unless he appeals against the orders of rejection under sub-rule (10), shall be entitled to the refund of the fee remitted by him under sub-rule (4).

(7) If the officer issuing the licence is satisfied that the original licence issued to a licensee is lost, destroyed or otherwise rendered useless, he may, on payment of a fee of Rs.2/- issue a duplicate of the licence originally issued.

(8) The officer issuing the licence may, at any time, for reasons to be recorded in writing, cancel or suspend any licence, provided, no such rejection shall be made before giving the applicant an opportunity of being heard in the matter.

(9) Copy of every order under sub-rule (6) or under sub-rule (8) shall be granted to the applicant or licence, as the case may be, by the Forest Officer passing such order.

(10) Any person aggrieved by an order under sub-rule (6) or (8) may, within three months of the receipt or the copy of the order under sub-rule (9), present an appeal there upon in writing to the Divisional Forest Officer, if the order is in respect of a licence under sub-rule (1) and to the Conservator of Forests, if the order is in respect of a licence under sub-rule (2) and their decision shall be final.

Appeal applications received after the specified period shall be summarily rejected.

3. Insertion of new rule.— After rule 44 of the principal Rules the following shall be inserted, namely:-

"44- A. Duties of the licensee. — (1) No licensee shall undertake sawing of timber belonging to other persons on job work, unless he is satisfied about the bonafides of such timber by examining the connected pass or way-permit and the marks on the timber. If he suspects the bonafides of the timber, he shall detain the timber and immediately report the fact to the nearest Forest Officer or Police Officer for taking further action.

(2) The licensee shall stack the timber of other persons received by him for sawing on job-work separately, both before and after it is sawn.

(3) Every licensee shall maintain registers in Form II and III appended to these Rules and produce the same for checking when demanded by any forest officer not below the rank of a Forester."

4. Insertion of Farms. After the Chapter X of the principal Rules the following Forms shall be inserted namely:—

GOA, DAMAN AND DIU FOREST DEPARTMENT

Forest Rules, 1964

FORM I

[Under rule 44(5)]

Licence for establishing saw-pit, saw-mill oar other sawing contrivance.

(Reference application dated .....

Shri ..... of ..... is hereby authorised to establish and run a sawpit/saw-mill/sawing contrivance, viz ..... at ..... subject to the conditions mentioned below.

Date

Signature and designation of the
Forest Officer issuing Licence.

Office seal

CONDITIONS

1. This licence is not transferable.

2. No sawing should be done after sunset or before sunrise, except under the special permission of the Divisional Forest Officer.

3. On expiry of the period entered in this licence, the licensee should return the licence to the issuing authority and the saw-pit/saw-mill or any other sawing contrivance for cutting or conversion shall be closed.

4. The saw-pit, saw-mill or other sawing contrivances as well as the timber shall be open for inspection by any Forest Officer not below the rank of a Forester.

5. The licensee shall maintain the registers of accounts in the Forms II and III prescribed under rule 44A(3) and they should be produced for inspections and check when demanded by the officers mentioned under condition 4. Monthly consolidated accounts shall be rendered to the Divisional Forest Officer before the 10th of the succeeding month.

6. For breach of sub-rules (1), (2), (4) and (5) of rule 44 and rule 44A of the Forest Rules, or any of the conditions at this licence, the licence is liable to be cancelled and this Licensee is liable to be punished under the provision e the Indian Forest, Act, 1927.

GOA, DAMAN AND DIU FOREST DEPARTMENT

Forest Rules, 1964

FORM II

Under rule 44-A (3)

Register showing receipts issues for sawing, out-turn and disposal of timber belonging to the owner of the saw-pits/saw-mill

Logs received and disposed									
Sl. No.	Date of receipt	Log No.	Kind	Length	Girth	Volume	Marks, if any	How & where from obtained (pass No.)	Date of disposal
1	2	3	4	5	6	7	8	9	10

	Logs issued for sawing, out-turn of sawn materials and their							
How disposal of	Sl. No., date of issue for sawing	Item No. of stock register	Log No.	Kind	Length	Girth	Volume	No.
11	12	13	14	15	16	17	18	19

Disposal out-turn						Remarks (Pass No.)
Length	Width	Thickness	Volume	Date of disposal	How disposed (Address of Purchaser)	
20	21	22	23	24	25	26

GOA, DAMAN AND DIU FOREST DEPARTMENT

Forest Rules, 1964

FORM III

[Under rule 44-A(3)]

Register showing the intake and out-turn of timber undertaken for sawing on job-work.

In-take									
Sl. No.	Name & address of the person entrusting sawing on job-work	Whence received	Date of receipt in the saw-pit or saw-mill	Pass or permit No. & date	Marks, if any	Log No.	Kind	Length	Girth
1	2	3	4	5	6	7	8	9	10

Out-turn and delivery										
Volume	Signature of the person entrusting sawing on job-work	Date of issue for sawing	No.	Length	Width	Thick -ness	Volume	Date of delivery of the sawn materials	Signature of the person taking delivery of the sawn material	Remarks
11	12	13	14	15	16	17	18	19	20	21

By order and in the name of the Administrator of Goa, Daman and Diu.

P. S. Bhatnagar, Revenue Secretary.

Panaji, 6th July, 1973.

Forest and Agriculture Department

Notification

61-1-82-FOR

Whereas a draft of the notification declaring the intention of the Government to issue a notification under sub-section (1) of Section 35 of the Indian Forest Act, 1927 (Central Act 16 of 1927) was published, as it was not expedient to and practically possible to issue individual notices, in the Official Gazette Series I, No. 9 dated 27-5-1982, inviting objections and suggestions from the persons likely to be affected thereby as required under sub-section (3) of Section 35 of the said Act;

And whereas the objections and suggestions received from the affected persons were heard and duly considered.

Now, therefore, in exercise of the powers conferred by Section 35 of the Indian Forest Act, 1927 (Central Act 16 of 1927), and all other powers enabling him in this behalf, the Administrator of Goa, Daman and Diu, hereby prohibits,—

(a) the breaking up or clearing of land for cultivation;

(b) the pasturing of cattle;

(c) the firing or clearing of the vegetation;

in all forests or wasteland areas not being the property of the Government, unless prior permission in writing has been obtained from the Conservator of Forests, Government of Goa, Daman and Diu with a view to preserve the soil on the ridges and slopes and in the valleys or hill tracts, to prevent landslip or of the formation of ravines and torrents and to protect land against erosion and deposit thereon of sand, stones or gravel and to preserve the public health.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 2nd March, 1983.

(Published in the Official Gazette, Series I, No 50 dated 10-3-1983).

Department of Forest

Notification

No. 5/39/97-FD/5957

In exercise of the powers conferred by sub-section (1) of section 61 A of the Indian Forest Act, 1927 (Central Act 16 of 1927) as amended by the Indian Forest (Goa Amendment) Act, 1988 (Goa Act No. 15 of 1989) (hereinafter referred to as the said "Act") and in supersession of the Government Notification No. 14-3(16)83/MISC/FOR/4003 dated 26-10-1987, published in the Official Gazette Series I No. 32, dated 3-11-1987, the Government of Goa hereby anthorises all the Deputy Conservators of Forests, Forest Department, Government of Goa for the purposes of said section 61A of the said Act, within 'heir respective jurisdictions with immediate effect.

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

Richard D'Souza, Conservator of Forest & Ex-Officio Addl. Secretary.

Panaji, 11th March, 1998.

(Published in the Official Gazette, Series I No. 2 dated 9-4-1998).

Order

No. 2-106-97-FD/5627

In continuation to this office order No. 2-33-73-FOR dated 18-10-1978 and in exercise of the powers conferred by section 26 of the Wild Life (Protection) Act, 1972 (Central Act 53 of 1927), the Governor of Goa hereby directs that the Forest Settlement Officer, Office of the Conservator of Forests, Panaji, shall exercise the powers and perform the functions and duties of the Collector under Section 19 to 25 (both inclusive) of the said Act, in respect of the following namely:—

Name of the Sanctuary	Notified under
1. Mollem National Park	Notification No. 8-3-77-FOR dtd. 13-4-1978.
2. Dr. Salim Ali Bird Sanctuary, Chorao	Notification No. 8-10-83-FOR dtd. 16-12-88.

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

Richard D'Souza, Conservator of Forests & Ex-Officio Addl. Secretary,

Panaji, 20th February, 1998.

(Published in the Official Gazette, Series 11, No. 2 dated 9-4-1998).

Law Establishment Division

Notification

4-26-84/LD

In exercise of the powers conferred by rule 1 of Order XXVII of the First Schedule to Code of Civil Procedure, 1908 (Central Act 5 of 1908), the Government of Goa hereby amends the Government Notification No. 3-26-84-LD dated 2-6-1987 (hereinafter referred to as the "said Notification"), as follows

In the Schedule to the said Notification, after entry at Sr. No. 43, the following entries shall be inserted, namely-,—

44 — Range Forest Officers (Territorial):

45 — Range Forest Officers, Wild Life Divisions;

46 — Range Forest Officer, Cashew Divisions;

47 — Assistant Conservator of Forest."

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

N, B. Narvekar, Under Secretary (Law). Panaji, 3rd August, 1998.

(Published in the Official Gazette, Series I, No. 21 dated 20-8-1998).

Department of Forest

Notification

No. 2-86-98-FD

In exercise of the powers conferred by Sections 46 and 47 of Chapter IV of Goa, Daman and Diu Wildlife Protection Rules, 1977 the Government of Goa hereby exempts the bonafide students from various educational institutes of Goa upto Standard

XII from paying any fee for entry into various Wildlife Sanctuaries, Zoos, National Parks and Deer Safari on their educational and environmental tour to these area provided they produce a certificate from the Head of institutions to prove their bonafides and are also accompanied by the teachers/faculty members.

This will come into force with immediate effect. By order

Richard D'Souza, Conservator of Forest & Chief Wildlife Warden & Ex-Officio Addl. Secretary.

Panaji, 27th October, 1998.

(Published in the Official Gazette, Series II No. 38 dated 17-12-2998).