THE TAMIL NADU PRESEVATION OF PRIVATE FOREST ACT, 1949.
TAMIL NADU ACT XXVII OF 1949.

(Received the assent of the Governor-General on the 10th December 1949, first published in the Fort St.George Gazette, Extra ordinary on the 14th December 1949.)

An Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes

WHEREAS it is necessary, to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein: It is hereby enacted as follows:-

1. (1) This Act may be called the Tamil Nadu Preservation of Private Forests Act, 1949.
2. It applies

(i) * * * *

(ii) to forests situated in estates as defined in the Tamil Nadu Estates Land Act, 1908, in the State of Tamil Nadu ;

(iii) to private forests situated in other areas in the State of Tamil Nadu and having a contiguous area exceeding forests for the purposes of this Act, by notification, in the District Gazette, but does not apply to reserved forests constituted under the Tamil Nadu Forest Act, 1882, and lands at the disposal of the Government as defined in that Act.

Explanation - A private forest exceeding 2 hectares in extent shall not cease to be such by reason only of the fact that, in a portion thereof trees, shrubs or reeds are felled or cut with or without the permission of the Committee or lands are cultivated, or rocks, roads, tanks, rivers or the like exist nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstance.

(3) It shall come into force at once

2. In this Act unless there is anything repugnant in the subject or context-

(a) 'Committee' means any Committee constituted under Section 2A and having jurisdiction

(aa) 'Forest' includes waste or communal land containing trees, shrubs and reeds; pasture land and any other class of land declared by the State Government, to be a forest by notification in the Tamil Nadu Government Gazette;

Explanation - For the purpose of the clause, 'communal land' means any land of the description mentioned in sub clause (a) or sub-clause (b) of clause (16) of section 3 of the Tamil Nadu Estates Land Act, 1908;

(b) 'owner' in relation to a forest includes a mortgage lessee or other person having right to possession and enjoyment of the forest;

(c) 'person' includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasanthana family or branch;

(d) 'forest offence' means an offence punishable under the Act;

(e) the expressions 'Forest Officer', 'tree', 'timber' 'Forest produce', 'cattle', 'Magistrate' and 'imprisonment'' shall have the meanings respectively assigned to them in section 2 of the Tamil Nadu Forest Act, 1882.

2-A. **Constitution of Committees** - (1) The State Government may, by notification with effect from such date as may be specified therein, constitute for each district a Committee for the purpose of this Act, consisting of the following members, namely;-

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(a) the District Collector as Chairman of the Committee;

(b) the District Forest Officer having jurisdiction over the district;

(c) the Tahsildar having jurisdiction over the area;

(d) the Executive Engineer of the Agriculture Department in charge of soil conservation;

(e) the Personal Assistant (General) to the Collector of the district, who shall be the Secretary of the Committee.

2-B. Meetings of Committee :- (1) The Committee may meet as often as may be necessary and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by the State Government under this Act, provided that not more than two months shall elapse between one meeting of the Committee and another.

(2) The Chairman of the Committee or in his absence any member nominated by him in that behalf shall preside at a meeting of the Committee.

(3) All questions t a meeting of the Committee shall be decided by a majority of the votes of the members shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman of the Committee or in his absence the person presiding, shall have a second or casting vote.

2-C Vacancy in Committee, etc., not to invalidate acts or proceedings - No act or proceeding of the Committee shall be deemed to be invalid by reason only of the existence of any vacancy in the Committee or any defect in the nomination of a member thereto or on the ground only that more than two months have elapsed between one meeting of the committee and another.

3. (1)(a) No owner of any forest shall, without the previous sanction of the committee, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

Explanation - Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees, timber and reeds in the usual or customary manner, for a period not exceeding two years.

(b) Any alienation in contravention of clause (a) shall be null and void-

(i) if the alienation is of any forest declared by the District Collector to be a forest under clause (iii) of section 1(2) or of any portion of such a forest, and is made on or after the date on which the declaration takes effect.

(ii) * * * * * * * * *

(iii) if the alienation is of any other forest or of any portion of such a forest, and is made on or after the 16th August 1946.

(2) No owner of any forest, and no person claiming under him, whether by virtue of a contract, license or any other transaction entered into before or after the commencement, of the Tamil Nadu Preservation of Private Forest Act, 1946, or any other person shall, without the previous permission of the Committee cut trees or reds or do any act likely to denude the forest or diminish its utility as a forest:

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the State Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

4. Any person aggrieved by an order under clause (a) of sub section (1) of section 3 or under sub-section (3) of that section in regard to the sanction or permission referred to in that clause or sub-section

may, within two months of the receipt of such order, prefer an appeal in writing to the State Government. The State Government, shall pass such orders on the appeal as they may think fit.

5. (x x x x)

6. If, in the opinion of the State Government, it is necessary for the preservation of a forest, or forests, they may, by notification in the Tamil Nadu Government Gazette:-

(i) Prohibit or regulate, the doing of any act likely to be detrimental to the preservation of such forest or forests;

(ii) Regulate the exercise of customary or prescriptive rights in such forest or forests.

6-A The provisions of Chapter VII of the Tamil Nadu Forest Act, 1882, shall apply to offences punishable under this Act subject to the following modifications, namely;-

(i) in section 41, the provision shall be omitted

(ii) in section 42, after the words 'the Magistrate shall, the expression "subject to the provisions of section 8 of the Tamil Nadu Preservation of Private Forests Act, 1949" shall be inserted;

(iii) in section 14 the words "shall, if it is the property of the Central or State Government or has been confiscated, be taken possession of by or under the authority of the District Forest Officer; and in any other case" shall be omitted;

(iv) in sections 45 and 49, for the words "the District Forest Officer" the words "Committee" shall be substituted;

(v) in section 50-

(a) clause (a) shall be omitted;

(b) in clause (c), the word 'or' occurring at the end shall be omitted; and

(c) clause (d) shall be omitted;

(vi) section 56 shall be omitted

7 (1) Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 or any of the terms of a notification under section 6 shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the first class, specially empowered by the State Government in this behalf, to impose a sentence of fine exceeding one thousand rupees.

8. No prosecution shall be instituted against any person without the sanction of the Committee.

9. No order of the State Government or the Committee under this Act and no notification issued by the State Government under section 6 shall be liable to be questioned in any Court of law.

10. (1)) The State Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the classes or kinds of trees which may be permitted to be cut and the girth of such tree.

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(b) the terms and conditions subject to which permissions may be granted;

(c) the procedure to be followed by the committee before ranting permissions.

11. x x x x

12. If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, as occasion may arise by order do anything which appears to them necessary for the purpose of removing the difficulty.

12-A Rules and orders to be placed before the Legislature -

(1) (a) All rules made under this Act, and all orders made under section 12 shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed ot come into force on a particular day, come into force on the day on which they are published.

(2) Every rule under this Act, and every order made under section 12 shall, as soon as possible, after it is made be placed on the Table of both Houses of the Legislature and if before the expiry of the session in which it is so placed or the next session, both Houses agree in making any medication in any such rule or order or both Houses agree that the rule or order should not be made, the rule-or order shall thereafter have effect only in such modified form or be or no effect, as the case may be, an however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

13 (1) Any rule or order made or purporting to have been made, any notification issued or purporting to have been issued, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken or anything done or purporting to have been done-

(a) under any provision of the Tamil Nadu Preservation of Private Forests Act, 1946 (hereinafter in this section and in section 13 referred to as the said Act) and in force immediately before the 3rd December 1948, or

(b) on or after the 3rd December 1948, under any provision of the said Act on the looting that the said Act was in force at the relevant time, or

(c) under any provision of the Tamil Nadu Preservation of Private Forests Ordinance, 1940 (hereinafter in this section referred to as the said Ordinance), shall subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the looting that the said Act was in force at the relevant time or under the said Ordinance be deemed to be a rule or order made, notification issued, decision or direction given, action or proceeding taken or thing don under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, any punishment awarded or purporting to have been awarded and any prosecution commenced or purporting to have been commenced-

(a) under any provision of the said Act before the 3rd December 1948, or

(b) on or after the 3rd December 1948 under any provision of the said Act on the looting that the said Act was in force at the relevant time, or

(c) under any provision of the said Ordinance, shall be deemed to have been incurred or commenced under the corresponding provision of this Act.

14. (1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the State Government or any person acting under his direction or aiding or assisting him

(a) for, or on account of, or in respect of, any sentence passed or any act ordered or done by him in exercise of any jurisdiction or power purporting to have been conferred on him buy the said Act, or

(b) for carrying out any sentence passed by any court in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other any sentence passed by any court in exercise of any such jurisdiction or power as aforesaid.

(3) Sub-sections (1) and (2) shall have, effect although the said Act was not or might not have been in force at the relevant time.

15. The Tamil Nadu Preservation of Private Forests Act,1946, and the Tamil Nadu Preservation of Private Forest Ordinance, 1949, are hereby repealed.

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ANNEXURE

CHAPTER VII OF THE TAMIL NADU FOREST ACT, 1882

Penalties and Procedure

41. When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, ropes, chains, boats, vehicles and cattle used in committing any such offence, may be seized by any Forest Officer or Police Officer.

Every officer seizing any property under this section shall place on such property or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

42. Upon the receipt of any such report the Magistrate shall subject to the provisions of section 8 of the Tamil Nadu Preservation of Private Forests Act, 1939, take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

43. When any person is convicted of a forest offence, all timber, or forest produce in respect of which such offence has been committed, and all tools, ropes, chains, boats, vehicles and cattle used in committing such offence shall be confiscated to the Government.

44. When the trial of any forest offense is concluded, any timber, or forest produce in respect of which such offence has been committed may be disposed of in such manner as the Court may order.

45. When the offender is not known or cannot be found, the Magistrate if he is of opinion that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by or under the authority of the Committee or to be made over to any person whom the Magistrate considers to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

The Magistrate shall cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or shall publish such notice in any way which he thinks fit/

46 (1) Notwithstanding anything herein before contained-

(a) the Magistrate may direct the sale of any property seized under section 41 which is subject to speedy and natural decay; and

(b) if, in the opinion of the officer seizing such property it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself remit the sale-proceeds into the nearest Government treasury and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trail of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) or clause (b) of sub0section (1) in the same manner, as he might have dealt with the property if it had not been sold.

47. Any person claiming to be interested in property seized under section 41 may, within one month from the date of any order passed under sections 43,44 or 45, present an appeal there from which may be disposed of in the manner provided by section 419, Code of Criminal Procedure.

48. When an order for the confiscation of any property has been passed under section 43 or 45, and the period limited by section 47 for presenting an appeal from such order has elapsed and no such appeal has

been presented, or when on such an appeal has been resented, or when on such an appeal being presented the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the State free from all encumbrances.

49. Nothing hereinbefore contained shall be deemed to prevent the Committee from directing at any time the immediate release of any property seized under section 41 and the withdrawal of any charge made in respect of such property.

50. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gains as defined in the Indian Penal Code-

(a) * * *

(b) unlawfully affixes to any timber or standing tree a mark used by Forest Officers; or

(c) alters, declares or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest Officer;

(d) (* *)

shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

51. Any Forest Officer or Police Officer, may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe he will abscond.

Any person arrested under this section shall be informed, as soon as may be, of the grounds, for such arrest and shall be produced before the nearest Magistrate within a period of twenty four hours of such arrest excluding the 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 a Magistrate.

52. Any Forest Officer or Police Officer who vexatously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or will fine which may extend to five hundred rupees, or with both.

53. Every Forest Officer and Police Officer shall present, and may interfere, for the purpose of preventing, the commission of any forest offence.

54. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or form being liable under such other law to any higher punishment or penalty than that provided by this Act or the rules made there-under; Provided that no person shall be punished twice for the same offence.

55. Any Forest Officer specially empowered in this behalf may accept, from any person reasonably suspected of having committed any forest offence other than an offence under section 50 or section 52, a sum of money by way of compensation for the property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

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THE TAMIL NADU PRESERVATION OF PRIVATE FORESTS (EXTENSION TO KANYAKUMARI DISTRICT) ACT, 1979.

ACT No.28 of 1979.

An Act to extend the Tamil Nadu Preservation of Private Forests Act, 1949 to the Kanyakumari District

The following Act of the Tamil Nadu Legislature received the assent of the President on the 3rd May 1979, and is hereby published for general information:-

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:-

1. Short title and commencement - (1) This Act may be called the Tamil Nadu Preservation of Private Forests (Extension to Kanyakumari District) Act, 1979.

2. It shall come into force on such date as the State Government may, by notification, appoint.

2. Definition - In this Act, unless the context otherwise requires, "existing law" means any law, Ordinance, Proclamation, Regulation or Order, By law or Rule passed or made before the date of commencement of this Act by Parliament, or any legislature, authority or person having power to make such a Law, Ordinance, Proclamation, Regulation, Order, By Law or Rule.

3. Extension of Tamil Nadu Act XXVII of 1949 - The Tamil Nadu Preservation of Private Forest Act, 1949 (Tamil Nadu Act XXVII of 1949) as in force immediately before the date of commencement of this Act in the State of Tamil Nadu except the Kanyakumari District, is hereby extended to, and shall be in force in the Kanyakumari District.

4. Repeal of corresponding laws-If, immediately before the date of commencement of this Act, there is in force in the Kanyakumari District any Act, Ordinance, Proclamation, Regulation, Order, By-law, Rule or other law corresponding to the enactment now extended to the Kanyakumari District, whether such Act, Ordinance, Proclamation, Regulation, Order, By law, Rule or other law is in force by virtue of section 199 of the States Reorganization Act, 1956 (Central Act 37 of 1956) or by virtue of any other legislative power such corresponding law shall, on the date of commencement of this Act, stand repealed to the extent within the corresponding law relates to matter with respect to which the State Legislature has power to make laws for the State.

5. Savings - (1) The repeal by section 4 of any corresponding existing law shall nor affect-

(a) the previous operation of any such law or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired accrued or incurred under any such law, or

(c) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid;and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1); anything done or any action taken including any appointment or delegation made, notification order, instruction or direction issued rule, regulation, form, by-law or scheme framed, certificate, permit or license granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment is now extended to, and in force in the Kanyakumari District and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.

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6. Construction of references to laws not in force in the Kanyakumari District (1) Any reference in the enactment now extended to the Kanyakumari District to a law which is in force in the Kanyakumari District shall, in relation to that district, be construed as a reference to the corresponding law if any, in force in that District.

(2) Any reference in any existing law which continues to be in force in the Kanyakumari District after the date of commencement of this Act to any law repealed by section 4 shall in relation to that District be construed as a reference to the enactment now extended to the Kanyakumari District corresponding to the law so repealed.

7. Construction of reference to authorities where new authorizes have been constituted - Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the Kanyakumari District shall, where the corresponding new authority has been constituted by or under the enactment now extended to the Kanyakumari District, have effect as if it were a reference to that new authority.

8. Powers of courts and other authority for purposes of facilitating application of laws- For the purpose of facilitating the application in the Kanyakumari District of enactment now extended to the Kanyakumari District any court or other authority may construe such enactment with such alterations not effecting the substance as may be necessary or proper to adopt to the matte r before the court or other authorities.

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RULES UNDER SECTION 10 OF THE TAMIL NADU PRESERVATION OF PRIVATE FOREST ACT

In exercise of the powers conferred by section 10 of the Tamil Nadu Preservation of Private Forests Act, 1946 (Tamil Nadu Act XVIII of 1946) and in super session of the rules published with Development Department Notification, dated the 3rd September 1946, as pages 211-213 of the Rules Supplement to Part I of the Fort St.Geroge Gazette, dated the 3rd December 1946, the Governor of Tamil Nadu hereby makes the following rules:-

RULES

1. These rules shall apply to all the forests to which the Tamil Nadu Preservation of Private Forests Act, 1946 applies

Explanation :- In the case of forest referred to in section 1 (2) (ii) of the said ?Act, the rules shall apply to all such forest whether or not he provision of Section 26 of the Madras Freest Act, 1882 have been applied to them.

2. Nothing contained in these rules shall apply to-

(a) the cutting of sandalwood trees

OR

(b) the thinning of private plantations of teak, casuarinas and eucalyptus without reference to the girth limits prescribed in Schedule I to these rules provided that such thinning is manifestly done for the silvi-cultural improvement of the crop;

OR

(c) the cutting and removal of fuel small timber reeds and green manure leaf in head for bonafide agricultural or domestic purposes but not for sale;

OR

(d) the cutting and removal of fuel, reeds and small timber granted free of charge by the owner to poor people affected by floods or fires, or for charitable purposes.

3. The cutting of sandalwood trees in a forest and their transport outside it shall be governed by the rules in respect of sandalwood made under section 35 and 36 of the Madras Forest Act, 1882 in the areas I which these rules are in force.

4(1)(a) Before granting permission to cut trees by the clear felling method in a forest, one or more compact block shall be selected so as to provide not less than ten (10) annual coupes in respect of Casuarina, Eucalyptus and wattle trees and twenty (20) annual coupes in respect of silver oak trees fifteen (15) annual coupes in respect of pine trees and twenty-five (25) annual coupes in respect of other trees. Trees shall be permitted to be cut only in one coupe in each block during a specified year.

(b) The boundaries of the private forest in respect of which permission to cut trees is applied for should be demarcated clearly and a topo-sketch drawn to such scale as may be specified in the District Collect prepared showing the location of the private forest, hill tops and stream banks that should not be worked under clear felling or selection methods. This topo sketch should be attached to the application made under section 3 (1) (a) of the Act to the District Collector”

(2) If it is not possible to divide a block of forest into a series of annual coupes permission to cut trees in a whole block may be granted subject to the condition that no permission to cut trees in any block will be granted unless the trees therein have a growth of not less than

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(i) 60 (sixty) can in girth at breast height at the time of first felling and ten (10) years thereafter at the time of subsequent felling in the case of Silver Oak trees. Casuarina, Eucalyptus and Wattle trees;

(ii) 80 (Eighty) Centimetre in girth at breast height at the time of first felling and twenty (20) years thereafter at the time of subsequent felling in the case of Silver Oak trees.

(iii) 80 (eighty) Centi-metre in girth at breast height at the time of first felling and fifteen (15) years thereafter at the time of subsequent felling in the case of Pines tree and

(iv) 70 (Seventy) centimeter in girth at breast height at the time of forest felling and twenty five (25) years thereafter at the time of subsequent felling in the case of other trees"

(3) In any particular area, selection felling shall be allowed only over in 15 years and the number of tees that may be felled should not exceed seven trees per hectare, of girth not less than that specified in Schedule I to these rules.

(4) Before granting permission to cut trees by the selection method, the forest block selected shall be divided into as many annual coupes as the District Collector may direct. Only one coupe shall be worked in each year.

(5) Before granting permission to cut reeds the area shall be divided into four coupes, only one coupe shall be worked in a year.

5. (A) Every application to the District Collector for permission to cut trees made by the owner of a forest or any other person specifically authorized by him inthat behalf shall contain the following particulars and be accompanied by the following documents:-

If the application is for the cutting of trees by the clear-felling method, that is to say, the felling of all trees in the areas for the purpose of utilization mainly as fuel:-

(a) Location, name, survey number and approximate area of the whole forest in which the area containing the trees proposed to be felled is included.

(b) Location, name, survey number and average of the area containing the trees proposed to be felled, preferably in the form of surveyed sketch.

(c) A certificate to the effect that the boundaries of the area containing the trees proposed to be felled, have been demarcated clearly on the ground by lines 1.83 metres (or are defined already by natural features such as streams, beds, bridges etc)

(d) Proof of ownership of the forest of the trees proposed to be felled.

(e) The route by which the felled trees will be taken to the nearest market.

(f) The manner in which the applicant proposes to ensure the regeneration of trees in the place of the tree proposed to be felled.

(g) A certificate that the trees proposed to be felled are in accordance with the specifications prescribed in clause in sub-rule (1) and sub-rule (2) of rule 4, as the case may be is required.

(h) The period, which shall not exceed one year within when the felling will be completed.

(B) If the application is for the felling of trees by the selected method, that is to say, the felling of only selected trees of timber, the following information shall be furnished in addition to that specified in items (a) to (e) above:-

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(a) A statement in duplicate containing a list enumerating the trees proposed to be felled, numbered serially indicating the species and girth at breast height, viz., not less than that specified in schedule I to these rules.

(b) A certificate to the effect that all trees included in the list have been serially numbered in tar in a conspicuous manner (at the base of the tree and at breast height)

(C) If the application is for the cutting of reeds, the following information shall be furnished in addition to those specified for cutting of trees in items (a) to (d) and (f) of clause (A) above:-

(a) A certificate to the effect that the reed coupes proposed to be worked are not less than four years old.

(b) the period, which shall not exceed one year, within which the felling shall be completed.

6. Every application other than an application referred to in rule 12 shall be affixed with a court fee label of Rs.10 which shall not be refunded even if the application is rejected by the District Collector.

7. Every permission granted for the cutting of trees under the clear felling method shall be subjected to the following conditions:-

1. (a) Felling and removal of any tree growth within 20.12 metre of either bank of any stream is prohibited.

(b) All trees except casuarinas shall be felled at a height not exceeding 0.15 metre from the ground the bark being left intact on the stump and adhering to it all round the stump without being torn off or otherwise damaged. In the case of casuarinas trees, the removal of the stump and root will also be permitted.

1 .(c) Every coupe in which trees have been felled in any year shall be demarcated at four prominent corners with coupe stones showing the year of felling and the area felled.

(2) (d) Every coupe in which trees have been felled in any year, shall be planted up by the permit holder within that year and unless this done, the permit holder shall not be granted permission to fell the remaining coupes.

(e) The felled area shall be closed to grazing for a period of five years after felling.

(f) The permission will be valid only for the period specified therein which shall not exceed one year.

(g) The maximum extent of the area for which permission shall be granted for clear felling in forests at any one time for planting rubber or fuel species or timbre or with coffee or tea or other plantation crops shall be twenty hectares.

A Security Deposit of a sum not exceeding Rs.125 per hectare of land to be cleared shall be collected from the applicant before the felling is allowed. Regeneration of the felled are will be done by the Forest Department at the cost of the permit holder in the event of the permit holder failing to plant the clear felled area to the satisfaction of the Collector within the time felled area to the satisfaction of the Collector within the time limit stipulated in the permit. If the Security Deposit is insufficient for regeneration by the Forest Department, the excess amount required will be recovered from the permit holder. If the Security Deposit is found to be in excess of amount spent by the Forest Department for regeneration the excess amount will be refunded to the permit holder three years after the completion of the regeneration by the Forest Department. In case, where the area has been planted within the time after clear felling to the satisfaction of the Collector, the Security Deposit shall be refunded three years after the completion of the planting:

1. G.O.Ms.No.796, Agriculture, dated 19th March 1955.

2. G.O.Ms.No.2060, Agriculture, dated 23rd August 1955.

Provided that none of the conditions mentioned above except conditions (a) (f) and (g) shall apply to permission granted for the felling of trees for purposes of bonafide cultivation of food crops or plantation

crops. If for reasons which are considered bonafide by the Collector, the cleared area could not be brought under cultivation or plantation within a period of one year from the date of the permit, the Collector may grant extension of time

Provided further that in the matter of clearing of forest even for bonafide cultivation of food crops or plantation crops only such forests as are not really covered by any thick growth shall be permitted to be cleared and the District Collector shall satisfy himself before such permission is granted that::-

(1) there will be no denudation of the forest if the permission is granted, and

(2) the area sought to be cleared has been inspected by the District Forest Officer or a Gazetted Assistant having jurisdiction over the area in which the forest is situated, if any, or by the Tahsildar or Deputy Tahsildar having jurisdiction over such area.

(3) clear felling should be confine d to foot hills and easy slopes leaving the top hill of any hillock to selection felling or no working at all.

8.(!) In granting permission for the cutting of trees by the selection method, the District Collector shall have regard to the following:-

(a) In the case of private forests in the State permission to cut the trees specified in column (1) of the Table below shall be granted only if the minimum girth at breast height is not less than the limits specified in the corresponding entries in column (2) thereof.

THE TABLE

Trees	Girth of breast height
(1) Casuarina	60 centimetre
(2) Eucalyptus	60 centimetre
(3) Wattle	60 centimetre
(4) Silveroak	80 centiimetre
(5) Pines	
(6) Other trees not mentioned in Schedule I	70 centimetre

(b) The boundaries of the area containing the marked trees permitted to be felled, shall be defined and demarcated clearly on ground.

(c) Holders of selection felling permits shall maintain a register showing the particulars of the trees felled viz., serial number, species, girth at breast height, date of felling, details of timber extracted from each tree, date of transport of the felled produce and remarks, if any. The register shall be liable for inspection by any Forest or Revenue Officer at any time and a copy of it shall be furnished to such authority as the District Collector may, prescribe I the permit, after the completion of the operation in the forest.

(d) The timber or logs, extracted shall bear at one of the end surfaces serial number of the tree from which it was obtained and the sequence of log in the tree denoted by letter A.B.C, etc.

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(e) Selection felling should be limited to not more than seven trees per hectare of minimum girth specified in Schedule I to these rules and second felling should not be permitted in the same area within 15 years.

(2) Every permission ranted under sub-rule (1) shall be subject to the following conditions.

(a) The serial number of the tree felled shall be marked in a conspicuous manner on the stump.

(b) Not more than two thirds of the number of calms in a clump shall be cut.

(c) No culms less than two years old shall be cut.

(d) No culm shall be uprooted, but shall be cut at a height not exceeding twenty-two centimeters from the ground level.

(e) Every coupe in which reeds have been cut in any year shall be demarcated at four prominent corners with coupe of once showing the year of felling and the area felled.

(f) The permission shall be valid only for the period specified therein; the period shall not exceed one year;

Provided that none of the conditions mentioned above shall apply to permission granted for the cutting of reeds for the purpose of bonafide cultivation of food crops or plantation crops. Only such forests as not really covered by any thick growth shall be permitted to be cleared and the District Collector shall satisfy himself before such permission is granted-

(1) that there will be no denudation of the forest if the permission is granted and

(2) that the area sought to be cleared has been inspected by the Forest Ranger having jurisdiction over the area in which the forest is situated, if any, or by the Tahsildar or Deputy Tahsildar having jurisdiction over such area.

9(1) Permission for the cutting trees under the Selection method below the girth specified in rule 8 (1) (a) and for the use as telegraph or electric transmission poles, shall be granted only in respect of the species of trees specified in Schedule II to these rules provided that the owner of the forest or any person deriving authority from him holds a Contract for the supply of poles to any department of the Government of India or of the Government of Tamil Nadu or to licensee authorized to distribute electric energy in the province

(2) Every such permission shall be subject to the following conditions:-

(a) Only straight poles in accordance with the specifications furnished by the Government Department or licensee referenced to in sub-rule (1) shall be felled.

(b) The felling shall be effected at a height not exceeding 0.15 metre from the ground, if the girth of the tree at breast height is below 0.91 metre and the bank shall be left intact on the stump but shall be cut smooth and clean and adhering to the stump all round

10. Permission for the cutting of tree under the selection method below the girth specified in the rule 8 (1) (a) and (b) for the as masts of country crafts shall be granted and only in respect of Poon (Calophyllum elatum) and Puli (Pallikulium ellpticum).

10.A. In cases., where permission has been granted only for exploitation of bamboos and not for clear felling, the permission for the working of bamboos shall be subject to the following conditions namely:-

(i) A minimum of six mature culms should be left in each clump; a clump shall be considered mature, if it is at least one year old.

(ii) No culm which is less than a year old shall be felled.

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(iii) No culm shall be removed with rhizome.

(iii) Felling shall be made at the side of the clump opposite to that from

which the largest number of new culms spring up.

(vi) All cutting of bamboos shall be below one metre but not below the first

node from ground level.

(vii) Portions of the clum that had been extracted shall not be left hanging on or within the clump

Provided that the conditions specified above shall not apply where permission is granted for clear felling

11. Permission for converting wood into charcoal for running the engine in a tea factory will be considered only in respect of the estates which are using the wood for such purpose, subject to the following conditions, namely:-

(a) Burning of charcoal will not be permitted within a radius of one mile from the boundary of any reserve forest. Burning will not also be allowed in the forest area of the estate where the felling is done. Burning will be allowed only outside the forest area of the estate.

(b) Permission for converting wood and charcoal for running the engine in estate factory will be subject to the other conditions specified under rules 7, and 8, as the case may be.

(c) Any felled material should be stacked at the felling site and shall be removed only after inspection by a Forest Officer not, below the rank of a Forester or by a Revenue Official not below the rank of Deputy Tahsildar and after getting a Transport permit under T.T.Rules.

(d) Necessary permission should be obtained for felling of trees and

preparation of charcoal from the Collector of the District. The application for permission should specify the following, namely:-

(i) the industrial purpose for which charcoal is required;

(ii) the need for charcoal;

(iii) the quantity required

The application should be sent to the Collector of the District

through the District Forest Officer.

(e) Every application for burning charcoal should be affixed with court-fee stamp of Rs.10 (rupees ten only) which will not be refunded on any account.

(f) On receipt of order of the Collector granting permission to burn charcoal the applicant should furnish a Security Deposit of Rs.300 (Three hundred only) to the District Forest Officer concerned.

(g) The Security Deposit or the balance thereof if any deductions have been made for infringement of the rule, shall be refundable to the applicant after completion of work on production of an order from the District Forest Officer releasing the applicant from all liabilities in this regard.

(h) The decision of the Collector of the District whether to grant permission for converting wood into charcoal or not shall be final.

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12. On receipt of an application under rule 5, the District Collector shall eliminate from the list furnished by the applicant in his application such of the trees are below the minimum girth prescribed in Schedule I to these rules and shall not permit the felling of such trees.

13. Every application to the District Collector for permission to alienate land under section 3 (1) (a) of the Act by the owner of the forest or any person claiming under him shall be affixed with Court fee label to the value prescribed under the Madras Court fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955) all applications fro clear felling or selection felling should be made to the District Collector and the permit shall be granted by the District Collector after due enquiry in consultation with the Assistant Conservator of Forests or land the District Freest Officer.

14-A. Every application for clear felling or selection filling made to the District Collector under section 3(2) of the Madras Preservation of Private Forest Act, 1949, shall be accompanied by topo sketch of the entire forest area showing the coupes and blocks, as the case may be, the coupes and blocks proposed for felling in the year of application and the balance area that will be available for felling, etc. The application for clear-felling shall indicated also the year of planting of the previously clear felled areas and the general result of the planting.

14-B The District Forest Officer shall report the result of his inspection of a worked area, timber registered and permit account of the applicant to the District Collector before any request for permission for further work can be considered.

15. If the District Collector has reason to believe that any person to whom permission for felling of trees, for burning charcoal and or cutting or reeds under the Madras Preservation of Private Forests Act, 1946, has been granted, has in his application furnished particulars which are materially incorrect or has contravened any provision of these rules of the conditions under which the permission was granted the District Collector shall have power to cancel such permission immediately or modify the same subject to forfeiture of the Security Deposit in full or part as he may deem fit.

16. All Forest Officers and all Revenue Officers not below the rank of Revenue Inspector shall have power to enter any forest for the purpose of inspection or securing compliance with these rules

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