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The West Bengal Protected Forests Rules, 1956

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(i) THE WEST BENGAL PROTECTED FORESTS RULES

3(i)

(Government of West Bengal, Department of Agriculture, Animal Husbandry and Forests, Forests Branch, notification No 2396 For, dated the 2nd March 1956).

In exercise of the power conferred by section 32 of the Indian Forest Act 1927 (XVI of 1927), Governor is pleased to make the following rules for the protected forests in West Bengal, namely :-

1. (1) These rules may be called the West Bengal Protected Forests Rules 1956.
 - (2) These rules shall apply to all forest-lands and waste-lands in West Bengal declared to be protected forests under section 29 of the Indian forest Act 1927 (XVI of 1927) , from time to time.
 - (3) These rules shall come into force on and from the date of publication of this notification in the "*Calcutta Gazette*".
2. In these rules, unless there is anything repugnant in the subject or context –
 - (a) "felling programme" means a predetermined sequence of fellings in a forest for successive years over any period approved by the Conservator of forests ;
 - (b) "forest" means any forest-land or waste-land declared to be a protected forest under section 29 of the Act;
 - (c) "section" means a section of the Act; and
 - (d) "the Act" means the Indian Forest Act 1927 (XVI of 1927).
3. (1) Except as provided in these rules, no person shall cut, saw, convert or remove or cause to be cut, sawed, converted or removed, any tree or timber, or collect, manufacture or remove or cause to be collected, manufactured or removed, any forest produce, in or from a forest.
 - (2) The cutting, sawing, conversion or removal of trees or timber or the collection, manufacture or removal of forest produce in or from a forest may be permitted under and in accordance with the terms and conditions of a license or permit issued in this behalf by a forest officer upon payment made at rates fixed by the Conservator of Forests :

Provided that the terms or conditions of such license or permit shall not be inconsistent with the provisions of the Act.

4. The holder of license or permit authorising the removal of forest produce from a forest shall be bound to produce such license or permit for examination on demand by a forest officer or a police officer. Failure to produce such license or permit on such demand shall, for the purpose of clause (h) of sub-section (1) of section 33, be deemed to be an infringement of this rule.

5. (1) A forest officer may, for the purpose of bulk disposal of the forest produce of a forest, cause trees in the forest to be marked, or areas therein to be demarcated in lots or sections in different localities according to a felling programme for the time being in force in such forest and dispose of such lots to the best advantage of the State either by tender or by public auction in annual coupes or leasehold, over a period, as may be considered by the Conservator of Forests to be convenient for particular areas.

(2) If the Divisional Forest Officer is, at any time, of opinion that the supply of any kind of forest produce is sufficient only to meet local requirements, he may, by an order in writing, prohibit the removal of such forest produce beyond the limits of any locality specified therein and such forest produce shall not be removed beyond such limits.

6. Every forest produce passing out of a forest shall be marked and checked by a forest officer with reference to the relevant license or permit either in the forest or in transit.

7. (1) Except in the exercise of any right in or over a forest, no person shall, clear or break up any land therein.

(a) for the purpose of growing agricultural or horticultural crops, without the permission in writing of the Divisional Forest Officer, and

(b) for other purposes, without the permission in writing of the State Government.

(2) Every permission granted by the Divisional Forest Officer under sub-rule (1) shall be under a properly executed agreement and for the purpose of clause (h) of sub-section (1) of section 33 the violation of the terms or conditions of such agreement shall be deemed to be an infringement of this rule.

8. (1) No person shall kindle or carry fire in any forest nor shall fire be used in the collection of forest produce or for the improvement of pasture lands therein.

(2) Any person living or occupying or using land in the vicinity of a forest and desirous of clearing by fire any other forest-land or grass-land nearby or in a locality from which such fire is likely to endanger the forest, shall observe the following conditions , namely :-

(i). he shall give at least one week's notice of his intention to do so to the nearest forest office,

(ii). he shall clear a belt of land at least 20 feet broad on the side of the land he proposes to burn nearest to the forest,

(iii). he shall choose for such burning a day and time when high wind is not blowing , and

(iv). he shall light the fire in a direction contrary to that in which the wind is blowing.

9. (1) Cutting of grass or pasturing of cattle may be permitted in a forest on payment made at rates fixed in this behalf by the Conservator of Forests. The Conservator of Forests may, if he thinks it fit to do so in the public interest, refuse permission to pasture cattle in any plantation or natural regeneration area of the forest for a continuous period of ten years or in any coppiced area of the forest for a continuous period of three years.

(2) No person shall cut grass or pasture cattle in a forest unless permitted to do so under sub-rule (1)

10. The rules issued with notifications No 2727 For. Dated the 18th July 1901 , NO 2819 For dated the 8th November 1906, No 622 T.R dated the 25th May 1917 and 5620 For dated the 15th June 1914 are hereby rescinded.

**(ii) PROHIBITIONS AFFECTING PROTECTED FOREST IN
THE JALAPAHAR CANTONMENT (DARJEELING FOREST DIVISION)**

3(ii)

Darjeeling – No 9008 For – The 22nd December 1917 – In exercise the power conferred by section 29 (*) of the Indian Forest Act 1878 (VII 1878) the Governor in Council is pleased –

- (a) to declare all trees in the Jalapahar Cantonment Protected Forest, in the district of Darjeeling, to be reserved trees with effect from the date of publication of this notification in the Calcutta Gazette,
- (b) to prohibit , with effect from the above date, the following acts in the said forest, subject to any rule made in respect of the said forest under section 31 of the said Act, namely :-
 - (1) the quarrying of stone;
 - (2) the burning of lime or charcoal;
 - (3) the collection or subjection to any manufacturing process, or the removal, of any forest produce ; and
 - (4) the breaking up or clearing of any land for cultivation, for building, for herding cattle or any other purpose :

Provided that nothing in this notification shall be deemed to prohibit any act done with the permission in writing of the Cantonment Forest Officer or of the Divisional Forest Officer in charge of Darjeeling Division.

* Replaced by section 30 of the Indian Forest Act 1927 (Act XVI of 1927)

**(ii) PROHIBITIONS AFFECTING PROTECTED FOREST IN
THE LABONG CANTONMENT (DARJEELING FOREST DIVISION)**

(iii)

Darjeeling – NO 2202T.R – The 24th October 1917 – In exercise of the power conferred by section 29(*) of the Indian Forest Act 1878 (VII of 1878), the Governor in Council is pleased –

- (a) to declare all trees in the Labong Cantonment Protected Forest, in the district of Darjeeling, to be reserved trees with effect from the 31st October 1917 ; and,
- (b) to prohibit the following acts in the said forest, subject to any rule made in respect of the said forest under section 31(~) of the said Act, with effect from the said date ,namely :-
 - (1) the quarrying of stone;
 - (2) the burning of lime or charcoal;
 - (3) the collection or subjection to any manufacturing process, or the removal, of any forest produce ; and
 - (4) the breaking up or clearing of any land for cultivation, for building, for herding cattle or any other purpose :

Provided that nothing in this notification shall be deemed to prohibit any act done with the permission in writing of the Cantonment Forest Officer or of the Divisional Forest Officer in charge of Darjeeling Division.

* Replaced by section 30 of the Indian Forest Act 1927 (Act XVI of 1927)

~ Replaced by section 32 of the Indian Forest Act 1927 (Act XVI of 1927)

**(ii) PROHIBITIONS AFFECTING PROTECTED FOREST IN
THE FALAKATA CANTONMENT ESTATE (JALPAIGURI FOREST DIVISION)**

(iv)

Jalpaiguri – NO 2726For – The 18th July 1901 – The Lieutenant- Governor is pleased , under section 29(*) of the Indian Forest Act, 1878 Act VII of 1878 as amended by Act V of 1890), and in reference to the protected Forests of the Maynaguri *** and Falakata Government Estates in the district of Jalpaiguri-

(i). to declare the following species of trees to be reserved from the date of publication of this notification, viz :-

(1) Sal (Sorea Robusta), (2) Sissue (Dalbergia Sisso)

(ii). to prohibit in the said forest, from the same date, subject to the rules made under section 31(~) of the Act, the following acts ,namely :-

(1) the quarrying of stones;

(2) the burning of lime or charcoal;

(3) the collection or subjection to any manufacturing process, or the removal, of any forest produce ; and

(4) the breaking up or clearing of any land for cultivation, for building, for herding cattle or for any other purposes :

*** The Protected Forest in the Maynaguri Government Estate was declared to be observed Forest (Khariar Bandar) from the 1st June 1908 by the Government of Eastern Bengal and Assam Notification No 4369 F, dated the 1st June 1908.

* Replaced by section 30 of the Indian Forest Act 1927 (Act XVI of 1927)

~ Replaced by section 32 of the Indian Forest Act 1927 (Act XVI of 1927)

**(V) PROHIBITIONS AFFECTING PROTECTED FOREST IN
THE 24-PARGANAS DISTRICT (24 PARGANAS FOREST DIVISION)**

(v)

The 13th January 1880 – The Lieutenant-Governor of Bengal is pleased, under section 29(c)* of Act VII of 1878 (The Indian Forest Act, 1878), to prohibit, on and from the 14th day of January 1880, the breaking up or bearing for cultivation or for any other purpose of any land in the protected forest of the Sundarbans (24 – Parganas) by any persons except persons to whom a written lease of such land has been granted by or under the authority of the Government.

* Replaced by section 30(c) of the Indian Forest Act 1927 (Act XVI of 1927)

(vi) **24- Parganas** – No 1839 T.R – The 25th August 1906 – In exercise of the powers conferred by clause (a) of section 29 (~) of the Indian Forest Act, 1878 (VII of 1878) as amended by the Forest Act 1890 (V of 1890) the Lieutenant Governor is pleased to declare the following species of trees in the protected Forests in the Sundarbans of the 24-Parganas district to be reserved from the date of this notification, namely :-

Sundari (Heritiera minor, Buch)

Passur (Carapa moluccensis, Lam)

~ Replaced by clause (a) of section 30(c) of the Indian Forest Act 1927 (Act XVI of 1927)