

12. The Andhra Pradesh Preservation of Private Forest Rules, 1978

[Vide G.O.Ms.No. 410, Forests and Rural Development (Forests III) 7th June, 1978, published in A.P. Gazette RS to Pt.II, dated 20-7-1978]

In exercise of the powers conferred by Section 28-G of the Andhra Pradesh Forest Act, 1967 (Act I of 1967) in its application to the scheduled areas in the State of Andhra Pradesh, the Governor of Andhra Pradesh hereby makes the following rules.

RULES

1. The Rules may be called "The Andhra Pradesh Preservation of Private Forest Rules, 1978".

2. In these rules unless the context otherwise requires—

(a) "Prohibited Trees", shall mean the trees specified in Schedule-I.

(b) "Reserved Trees", shall mean, the trees specified in Schedule-II.

3. (1) No permission to fell a "prohibited tree" shall be granted.

(2) Permission to cut "Reserved Trees" shall not be granted unless the trees exceed 120 cms. in girth at 1.3 mtrs. height from ground level :

¹[The felling of trees for this purpose shall be felled as close to the ground as possible.

²[x x x]

³[Provided that the Collector of the District may in the interest of conservation fix a higher girth limit than one mentioned in this sub-rule].

(3) ⁴[x x x]

CASE LAW

(i)(a) The Forest area situated in Patta land is a Private Forest. The petitioner is estopped from questioning the validity of imposition of Security Deposit and Regeneration Deposit having cut and removed the trees on condition of making payment of the charges.

(b) Article 51(A) casts fundamental duty on every citizen of India to regenerate the forest from which he is allowed to cut and remove trees. *Gutlameedi Potanna and Others vs. Divisional Forest Officer, Nirmal*, 1998 (3) ALD 716.

4. The Collector of the District shall grant permission for cutting bamboos subject to such conditions as may, in consultation with the Divisional Forest Officer concerned, be fixed.

1. Sentence added by G.O.Ms.No. 80 EFEST (For-III) Dept., dt. 10-3-1989, published in A.P. Gazette, RS to Part II, No. 8, dt. 20-3-1989.

2. First proviso omitted by *ibid*.

3. Subs. by *ibid*.

4. Sub-rule (3) omitted by *ibid*.

5. ¹[Every application by the owner of forest for permission to cut trees shall contain the following particulars—

- (1) Name of the Revenue Mandal.
- (2) Name of the village.
- (3) Full name of land owner.
- (4) Whether tribal or non-tribal
- (5) S.No....., extent, Boundaries of S. Nos.
- (6) Particulars of tree growth available on the land.
- (7) Purpose for which tree growth is proposed to be sold.
- (8) What are the special reasons if the value of the trees proposed to be cut exceeds Rs. 5000.
- (9) Whether the following documents are enclosed:—
 - (a) to prove ownership of the land ;
 - (b) survey sketches of the Sy. .Nos. mentioned in the application;
 - (c) combined sketch showing the fields of the land-owner and the boundaries and
 - (d) extract of Village Accounts i.e., fair Adangal 10(1) and Adangal.

Signature of the Applicant]

6. No permission shall be required for the cutting and removal in head loads or cart-loads of trees other than reserved or prohibited trees by the local tribals for their *bona fide* domestic needs.

7. ¹[Every application received by the District Collector shall be referred to the Divisional Forest Officer and Sub-Collector or Revenue Divisional Officer for opinion, before the permission for felling trees is granted.] Where the owner is a tribal, the Divisional Forest Officer, while giving his opinion shall state the current market value of the trees to be felled.

8. ¹[(1) Where permission is granted, the cutting and transportation and sale of specified trees shall be done by the Divisional Forest Officer departmentally in such manner as may be specified in an order by the State Government.

(2) The amount of consideration payable to the land owner after deducting the amount actually incurred for felling, transport and other incidental charges and also the amount required to fully regenerate the area as specified by the State Government shall be deposited by the Divisional Forest Officer in a Commercial Bank or a Co-operative Bank in a joint Account of the land-owner and the Project Officer, Integrated Tribal Development Agency concerned or such other officer authorised by the District Collector to be operated jointly by both of them.

1. Subs. by G.O.Ms.No. 80 F & RD (For-III), dt. 10-3-1989.

(3) The District Collector shall take all necessary precautions to protect the land owner from exploitation, by ensuring proper utilisation of the deposited amount for the best of the interests of the land-owner and for this purpose he may exercise such check on the withdrawal of the amount from the Bank as he may deem fit.]

9. All Forest Officers and Revenue Officers not below the rank of Revenue Inspector shall have power to enter into any land with tree growth for the purpose of securing compliance with these rules.

SCHEDULE-I

[See Rule 2 (a)]

1. Vepa	..	(Azadirachta indica)
2. Ippa	..	(Madhuka latifolia)
3. Mamidi	..	(Mangifera indica)
4. Kunkudu	..	(Sapindus emarginatus)
5. Mushti	..	(Strychnos nuxvomica)
6. Chinta	..	(Tamarindus indica)
7. Panasa	..	(Artocarpus integrifolia and Artocarpus hirsuta)
8. Karaka	..	(Termalia chebula)
9. Tuniki	..	(Diospyros malonaxylon)
10. Kaniga	..	(Pongamia glabra)

SCHEDULE-II

[See Rule 2 (b)]

1. Bandaru	..	(Adina cordifolia)
2. Billudu	..	(Chloroxylon Swietenia)
3. Jittegi	..	(Dalbergia latifolia)
4. Yepi	..	(Hardwickia binata)
5. Raktachandanam	..	(Pterocarpus santalinus)
6. Yegisa	..	(Pterocarpus marsupium)
7. Chandanam	..	(Santalum album)
8. Salwa	..	(Seorea robusta)
9. Kusum	..	(Schleichera trijuga)
10. Teku	..	(Tectona grandis)
11. Maddi	..	(Terminalia tomentosa)
12. Konda Tangedu	..	(Xlya dolabriformis)