

# THE INDIAN FOREST (U.P.) RULES, 1964<sup>1</sup>

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### *APPENDIX "A"*

In exercise of the powers under Section 38-M of the Indian Forest Act, 1927, as amended in its application to Uttar Pradesh, the Governor is pleased to made the following rules:

1. **Short title** - These Rules may be called the Indian Forest (U.P.) Rules, 1964.

2. **Definitions** - (a) "*Conservator*" , means the Conservator of Forests incharge of Circle of the Uttar Pradesh Forest Department; and

(b) "*section*" means section of the Indian Forest Act, 1927, as amended in its application to Uttar Pradesh.

3. **Cost of management**- The cost of management of a forest or a forest land to be taken over under Section-38-H shall be recoverable from the income thereof at the rate of 20 percent of such income and shall include expenditure on the following items:

(i) Expenditure on maintenance of boundary, coupe lines, etc.

(ii) Expenditure on markings, thinnings, fellings, cultural and other silvicultural operations considered necessary for the proper management of forest or forest land together with expenditure or staff kept exclusively for these works.

(iii) Expenditure on construction of local and temporary roads, paths, bridges and buildings and maintenance of all roads including bridges and buildings required for the management of forest or forest land in question.

(iv) Supervisory staff, if any, maintained exclusively for the forest or forest land in question.

(v) Expenditure on fire conservancy.

(vi) Overhead charges at 5 percent of the total income for such forest:

Provided that where the cost of management of a forest or a forest land works out at a sum less than 20 percent of its income the actual cost of management calculated thereon shall be recoverable.

4. **Accounting**-(1) The profit and loss account of the forest or the forest land shall be worked out as far as possible annually, but in case there is no income in any particular year, the account may be worked out in the year in which income accrues. All the expenditures on cost of management and development incurred up to date including the years in which there was no income will be taken into consideration while drawing up the profit and loss account.

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1. *Vide* Notification No. 1737/XIV-A-519-60, dated March 23,1964, published in U.P. Gazette (Extra), dated March 23, 1964,

(2) An extract of profit and loss account whenever drawn up will be supplied to the claimant or the owner or tenure-holder of the forest or forest land, as the case may be, and the net profits, if any, shall also be paid to him.

**5. Procedure for taking over of forest or forest land for management-**(1) On receipt of objections under sub-section (2) of Section 38-H the Forest Officer shall inspect the forest or forest land or cause it to be inspected by an Officer/officers subordinate to him and shall also direct the claimant or the owner or tenure-holder of the forest or forest land, as the case may be, to be present at such an inspection with all records and documents in support of his claim. In case the claimant or the owner or tenure-holder of the forest or the forest land, as case may be, fails to appear at such an inspection, the Forest Officer or the subordinate officer/officers authorised by the Forest Officer shall proceed with the inspection. Whenever inspection is made by a subordinate officer, he shall submit his report in writing to the Forest Officer.

(2) After making an inspection or on receipt of an inspection report of the subordinate officer or officers under sub-rule (1), the Forest Officer shall thereafter require the claimant or the owner or tenure-holder of the forest or forest land, as the case may be, to be present on a specified date and place for the disposal of the objections. The claimant or the owner or tenure-holder of the forest or forest land, as the case may be, shall be given a personal hearing by Forest Officer. In case he fails to turn up on the specified date, the Forest Officer shall pass *ex parte* orders and communicate them to him.

(3) The Forest Officer shall send to the State Government through the Conservator of Forest concerned a copy of his orders. On receipt of this report, the State Government may issue notification under sub-section (1) of Section 38-H.

**6.** An application to be submitted by a person under Section 38-K shall be in the form given in Appendix "A" to these Rules:

### **Appendix "A"**

[See Rule 6]

*Form of application under Section 28-K of the Indian Forest Act, 1927 as amended in its application to Uttar Pradesh*

To,

The Divisional Forest Officer,

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.....

**Subject : Request for cultivation of land.**

Sir,

My forest has been taken over by the State Government for management and development. As I am in need of some land for my own use. I request that a piece of land may kindly be released in my name for a period of.....years for the purpose of cultivation. Necessary particulars in this regard are furnished below:

- (i) Name of the claimant or owner or tenure-holder.....
- (ii) Name of the forest taken over .....
- (iii) Area in acres taken over .....
- (iv) Notification number and date, vide which the forest or waste land has been taken over .....
- (v) Period for which the forest or waste land has been taken over.....

- (vi) Area applied for being released .....(This shall not exceed one-fifth of the total area taken over).
- (vii) period for which the release is required .....
- (viii) Details of any other cultivation, if any held by the claimant, owner or tenure-holder-

<i>Name of the village</i>	<i>Khasra Plot Number</i>	<i>Area</i>
1	2	3

- (ix) Source of income of the owner other than by cultivation, details of which are given against the preceding item-

<i>Source of income</i>	<i>Annual income</i>
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2. A map showing the area of the land taken over by the Forest Department for management as well as the land required to be released, vide this application of 16"= 1 mile, is enclosed herewith.

3. I undertake to abide by the following conditions:

- (i) The release, if any, granted will be personal and non-transferable
- (ii) No sub-letting of the land released will be done.
- (iii) The land will be brought under cultivation within 12 months and it will not be used for any purpose other than cultivation.
- (iv) On sloping lands in addition to contour embankments suitable terracing will also be built, before starting any cultivation. Other soil conservation measures, if any prescribed will also be implemented.

Yours faithfully,  
Name and full address of the applicant.

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