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आयुक्तालय नागपूर (आयुक्तालय नागपूर) पाठ्यपुस्तक
मार्गदर्शिका

१५ मे २००९



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Government of Maharashtra
Tribal Development Department

Evaluation Study
Of
Sale of Trees By Occupants
Belonging To Scheduled
Tribes (Regulation) Act. 1969

BY
TRIBAL RESEARCH AND TRAINING INSTITUTE
MAHARASHTRA STATE
28, QUEEN'S GARDEN, PUNE 411001.

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P R E F A C E

The tribals in the State form the very large segment of the weaker sections of the Society. They have been living in remote and exclusive areas in the fastness of forests, on hill-slopes and plateau and generally in the areas with poor natural resource endowment. In fact, they are the most vulnerable section of the population. Besides they are exploited by the age-old social and cultural handicaps coupled with environmental factors. These elements have contributed towards their level of living and various degrees of economic backwardness.

In addition, age-old exploitation and repression of tribals by unscrupulous money-lenders and other vested interests in different spheres of economic activities particularly in the field of credit and marketing have cut them off from the main stream of socio-economic development over the decades. This was rather the moot point which prompted the State Government to ensure fairness in the marketing transaction of sale and purchase of the agricultural produce as well as forest produce of the tribals with a view to avoid cheating by the money lenders and private contractors etc. The State Government have enacted various protective legislations to prevent the exploitation of the tribals and to improve their lot with the accelerated speed through various developmental programmes and schemes. The sale of trees by tribal occupants belonging to Scheduled Tribes (Regulation) Act, 1969 is one of the protective enactment for the sale of trees by the tribals on their malki lands. The assurance of fair and remunerative price of sale of trees by the tribal occupants was thus chartered

through this enactment.

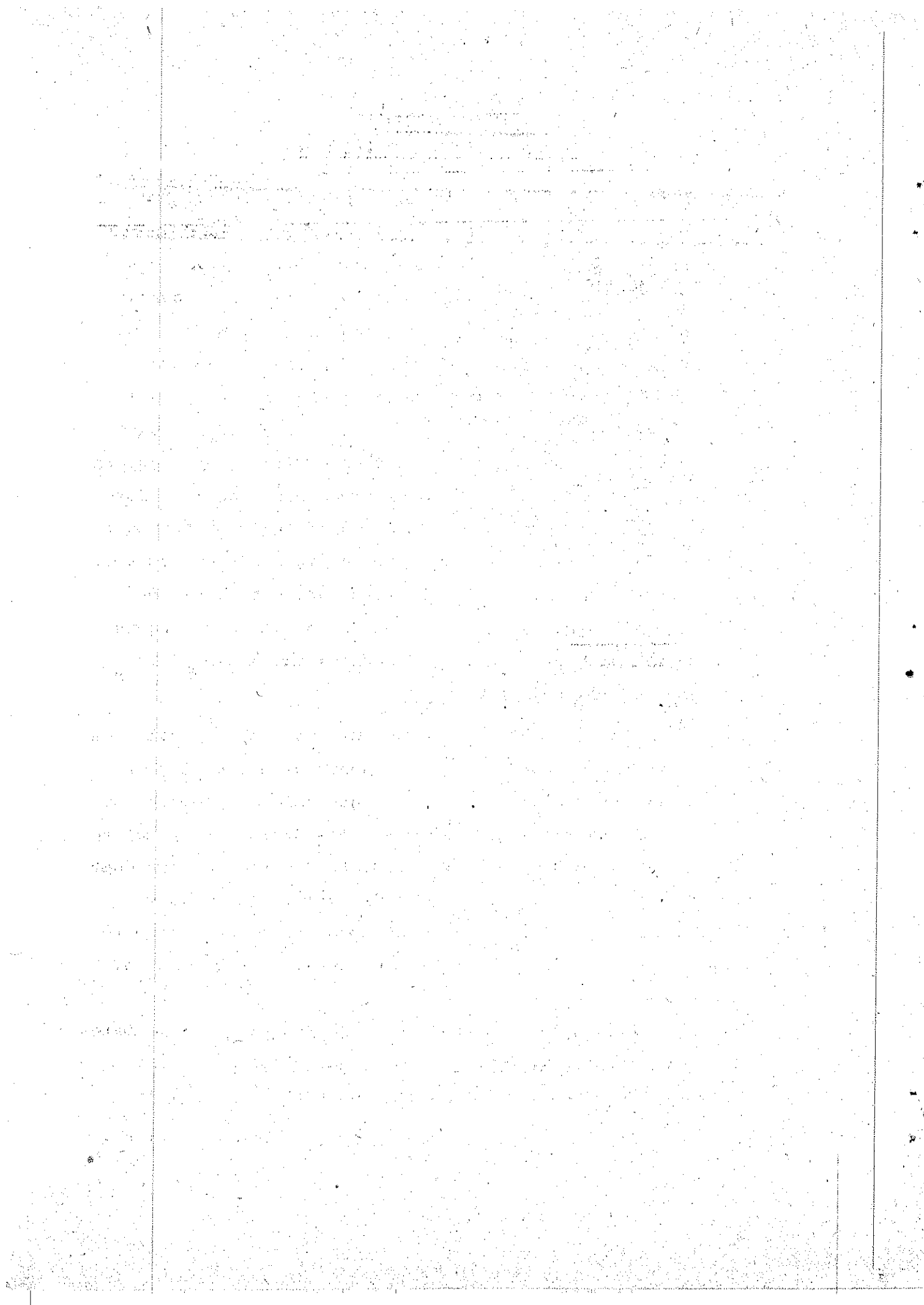
The evaluation study of the enactment viz. sale of trees by occupants belonging to scheduled tribes (Regulation) Act, 1969 was carried out by Shri.S.R.Shevkari, Research Assistant under the Supervision of Shri.M.B.Surana, Dy.Director.

It is hoped that this evaluation study report will prove an immense help to the authorities entrusted with the implementation of the enactment and to the Administrators, Research Scholars interested in the study of tribal development and marketing of forest produce in the tribal areas of the State.

(R.S.NEGI)
Director,
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CHAPTER : I

INTRODUCTION

1.1 Despite the formulation and implementation of the special programmes for the development of the tribal communities in the State, it has been generally observed that the tribals have fallen behind in the march towards progress because of their neglect and isolation from the rest of the communities. But the Government have taken upon itself the responsibility of developing the tribals and the tribal areas in such a way that they are brought on par with other areas and the people. The basic approach to the development of the tribal areas has been one of the integration and development - Consequently the Government policy adopted the approach of protection and development. This protection aspect relates to the protection of the rights of the tribals in land and forest and such rights are to be safeguarded against usurious and exploitative elements in the society.

1.2 As a result of the policy commitment, the tribal areas have been brought under the ambit of national plan. During the course of planning for economic development of the tribals, various schemes have been trying to stimulate its growth. The Central and the State Government have come to grips with the problems of the aboriginals and have taken significant steps to bring about rapid change in the economic status of the tribals in the different parts of the country.

1.3 The Government of Maharashtra is pursuing the policies of protection, integration and development of the tribals living in the far flung areas of the State. In

pursuance of this, the Government have initiated several policy measures and formulate developmental programmes/ schemes for the tribals and tribal areas of the State with a view to ensuring better quality of life. The policy measures ^{are} also aimed at protecting them from the exploitation. The most important problems affecting the tribal communities are land alienation, exploitation by money lenders and contractors, the problem of credit and the marketing of their agricultural and forest products.

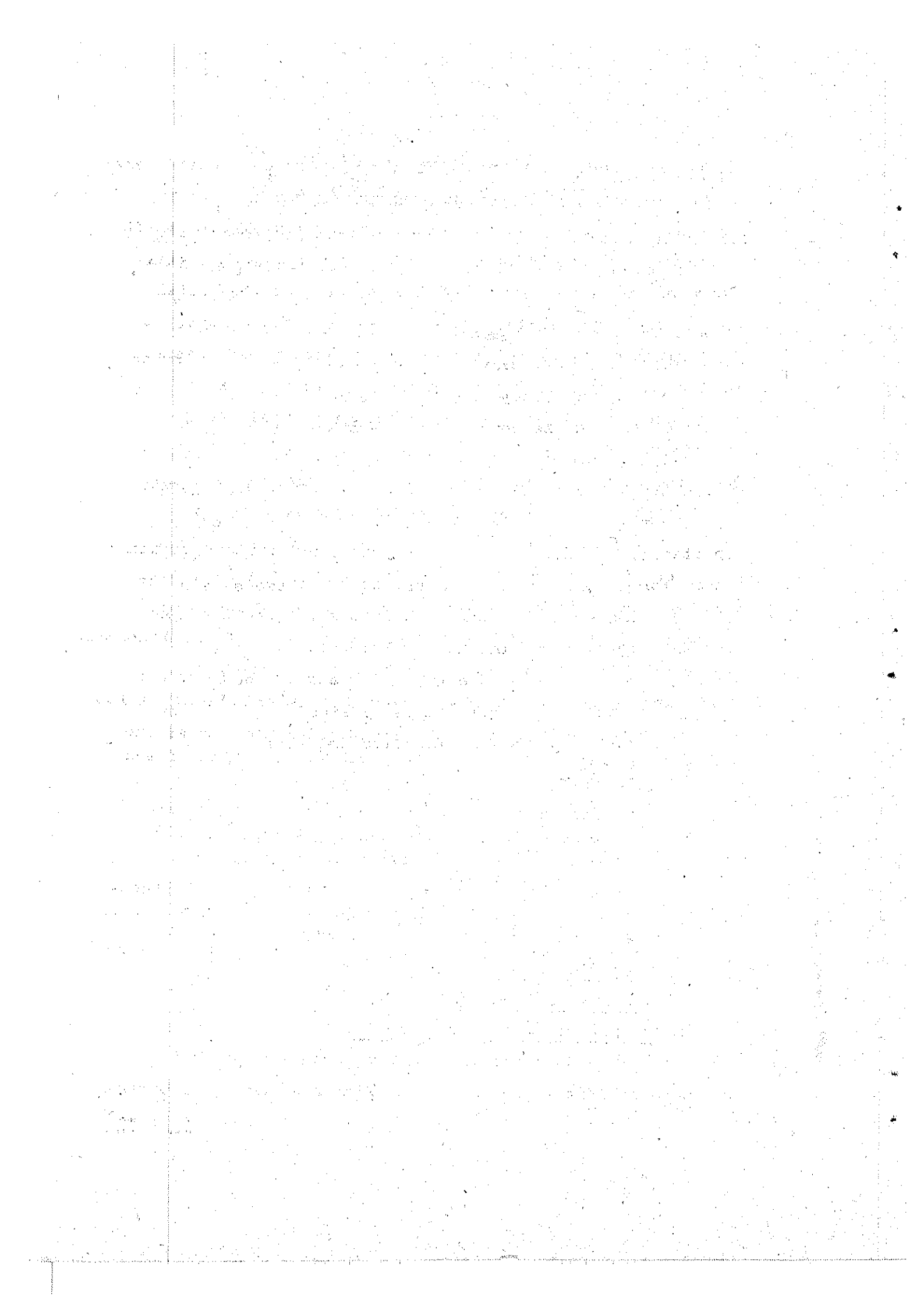
1.4 With a view to improving the lot of the tribal people Government of Maharashtra have taken legislative measures in relation to land transfer and restoration, debt liquidation and improvement of general economic conditions through the enactments made ~~as under~~ from time to time. ^{as under}

1. Maharashtra Land Revenue Code and Tenancy Laws. (Amendment Act) 1974 (Maharashtra Act No. XXXV of 1974).
2. The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Maharashtra Act No. XIV of 1975).
3. Debt Relief Act, 1975 (Maharashtra Act III of 1976).
4. Maharashtra Tribes Economic Conditions (Improvement) Act, 1976.

1.5 As the tribal economy revolves around land and forest, the tribals are very often exploited by the money - lenders and the local contractors during the course of marketing of their agricultural produce as well as the Forest resources. The State Government therefore, enacted a piece of legislation viz. 'Sale of trees by occupants belonging to scheduled Tribes (Regulation) Act, 1969 with a view to regulate the disposal of trees standing on the holdings of the persons belonging to the Scheduled Tribes

in the State and to provide for the matters connected therewith. This Act provides restrictions for the sale of any tree on the holdings of scheduled tribes and also prescribes procedure for such a sale after the Act came into force. There has been a general debating point that the tribal communities in the State have not been benefited from the provisions of the special enactment to the extent desired. On the contrary, they have fallen prey to the private contractors in the course of marketing of their forest resources.

1.6 The present evaluation study seeks to find out the bottlenecks in the process of implementation of this protective legislations particularly forest laws (enactment) made for the benefit of the tribals and also safeguarding them against the exploitative practices of the private contractors dealing in the forest products and their disposal. The attempt has been made to analyse the procedure and pin-point the procedural delays by elaborating the provisions and suggest measures for effective and efficient implementation thereof.



CHAPTER : II

OBJECTIVES OF STUDY AND RESEARCH DESIGN

2.1. This Institute owes much to the tribals through its action-oriented research. One of our **engagement is to** undertake pioneering research by evaluating the schemes and the programmes meant for the upliftment of tribals and the development of tribal areas in the State. The evaluation study is undertaken with a view to bringing out the achievements of the schemes/programmes and pointing out the defents/bottlenecks/shortcomings in the implementation and put forth concrete suggestions for the improvement in the effective manner.

2.2 It was therefore, decided to carry out the evaluation study of the provisions made in the sale of trees by occupants belonging to Scheduled Tribes (Regulation) Act, 1969 with the following objectives in view :-

1. To examine the existing working arrangement made under the provisions of the enactment.
2. To over view the practical implementation of the scheme by the concerned authorities at the field level.
3. To identify the deficiencies in the system or procedure so as to highlight possible solutions for the removal of short comings noticed.
4. To suggest measures for safeguarding the interest of the tribal communities for which the provisions of the enactments are aimed at..

Methodology.

Sample selection.

2.3 Selection of geographical area :

There are 30 district including Greater Bombay in Maharashtra State. The Tribal Sub Plan Area however, covers

only 14 districts which are divided into two distinct regions or tribal belts viz. Sahyadri and Gondwan. The sample area was selected from these two belts. It will be appropriate to spell out the details of districts covered under each tribal belt.

T A B L E No. I

Coverage of District under tribal belts in Maharashtra State

| Sr. No. | Region or Tribal Belt | Name of District. |
|---------|-----------------------|---|
| 1 | 2 | 3 |
| 1. | Sahyadri | 1. Thane 2. Raigad 3. Nashik 4. Dhule 5. Jalgaon 6. Fune 7. Ahmadnagar |
| 2. | Gondwan | 1. Nanded 2. Amravati 3. Nagpur 4. Yavatmal 5. Bhandara 6. Chandrapur 7. Gadchiroli |

2.4 Since the evaluation study pertains to the forest resources and the enactment therefor it may be pertinent to look into the territorial jurisdiction of the forest department viz. Circles, Divisional Forest Offices, together with the areas covered thereunder. There are 11 (Eleven) Forest circles in the State. The list of these divisions is appended with the report.

Selection of Districts/Tahsils :

2.5 The selection of the district/Tahsil areas weighed the consideration of profusion of forest area and also the ~~the~~ maximum number of tribal Khatedars in a particular forest division. The sample selection was done with purposive ~~and~~ sampling Selection method. Accordingly, from Sahyadri belt, Thane and Nashik districts having predomineant forest areas were chosen. One taluka from each district was favoured in the choice of sample for field enquiry. Dahanu from Thane District and Surgana from Nashik district were chosen for detailed enquiry from Sahyadri Region.

2.6 Likewise, from Gondwan region the selection of tahsils from Yavatmal and Gadchiroli districts was based on the similar consideration. The field enquiry was confined to Kelapur Tahsil and Kukkheda tahsil from Yavatmal and Gadchiroli districts respectively.

Selection of villages and tribal malki Khatedars :

2.7 The selection of sample villages and the tribal malki Khatedars was made with the help of purposive sampling method.

While selecting the sample villages and the tribal Khatedars it was considered that some villages from the roadside, semi-interior and remote villages must be chosen.

Collection of Data :

2.8 The data required for the study were collected through secondary and primary sources. The former included the studying of records available with the Divisional Forest Offices and Revenue Offices at the selected areas. The views of the revenue/forest official entrusted with the implementation of the scheme were also accounted for.

2.9 Besides, the information from the selected respondents was collected through an interview schedule for the

purpose; the interviewers stayed in the village visited the respondents in their households and recorded information in the schedule prescribed therefor (Schedule No.1).

2.10 In short, the area sample for the districts covered was Thane, Nashik, Yavatmal and Gadchiroli districts while the talukas selected for detailed enquiry were Dahanu (District Thane), Surgana (District Nashik), Kelapur (Pandharkawada)(District-Yavatmal) and Kurkheda (District-Gadchiroli). The sample villages and tribal Khatedars from the above tahsils were selected and contacted for eliciting the requisite information. About 60 tribal malki Khatedars were selected from the sample areas under study.

2.11. In addition, the authorities in the Revenue and Forest departments working at range/division level were also interviewed for recording their views on the implementation of the provisions under the specific enactment and the difficulties experienced by them in the field.

Limitations of the Study :

2.12 This being the quick evaluation study, the sample size of villages and the tribal Khatedars was drawn up purposively to study the factual position as to the implementations of the provisions of the enactments and to arrive at the conclusion under study. In view of the paucity of both the time and the personnel to carry out the field enquiry on extensive basis, the evaluation study was confined to the limited selective tribal areas and the tribal malki Khatedars there from in the State. The findings in the study are arrived at on generalisation principle.

CHAPTER : III

ELABORATION OF PROTECTIVE LEGISLATIVE PROVISIONS.

INTRODUCTION :

3.1 The prevalence of too many market languages, ignorance of market prices and the domination of private traders are the barriers for fair marketing of tribal produce. The private traders in many cases do not allow the tribals to reach their surplus produces to the market and **grab** it on the way itself. Sometimes even in the market the bargain is stricken with the element of compulsion due to their economic backwardness.

3.2 Besides, the tribals are exploited by private traders and contractors by advancing petty sum of money for their credit needs more particularly for consumption and agricultural production. The repayment of such petty **advance** is insisted upon by the traders and contractors in the form of forest produce as well as agricultural produce, wherein the tribals are cheated and defrauded much.

3.3 The State Government realising the situation in its right perspective took steps to override the situation and promulgated the enactments in this behalf. The provisions of these protective enactments regarding the felling of trees and the sale of trees by tribal occupants are elaborated in the following lines.

I. The Maharashtra Felling of Trees (Regulation) Act, 1964. (Maharashtra Act No. XXXIV of 1964)

Purpose :

Then the Government felt expedient to make better provisions for regulating the felling of trees in **the State** of Maharashtra for the purpose of preservation thereof, and

for the protection of the soil against erosion and further to provide for matters connected therewith, the Act was enacted in the fifteenth year of the Republic of India. It extended to the whole of the State of Maharashtra except the Urban areas. The Act empowered the Collectors & Revenue Officers, Forest Officers (Indian Forest Act, 1927) to exercise powers in this behalf.

Definition :

The 'felling of tree' includes burning or cutting or lopping a tree to cause substantial damage or destruction thereof. Certain trees are scheduled for the purpose and the State Government by notification in the official gazette may add to or modify the schedule after due consideration of the necessity for the protection of any variety of trees.

The enactment also prescribes certain restrictions in this regard. They are elaborated as under :

Sec.3 Restrictions on felling of trees :

1. The person wishing to fell a tree shall apply in writing to the Revenue Officer empowered under Sub Section (1) for the permission in that behalf.
2. The Revenue officer on receipt of the application shall acknowledge the application within 7 days.
3. He may after due enquiry either grant or refuse the permission applied for in accordance with the provisions of rules made under Section 15.
4. The permission shall not be refused if the tree is dead, diseased or wind fallen or if it is silviculturally matured or if constitutes an obstruction for efficient cultivation.
5. If the Revenue Officer fails to inform the applicant of his decision within 90 days from the date of acknowledgement of the application or from the date of receipt of application if it is not

acknowledged, the permission applied for shall be deemed to have been granted.

6. Any person aggrieved by an order of the Revenue Officer refusing to grant permission under Section (1) may, within 30 days of the receipt of such order, appeal to the Collector. The collector after giving such person reasonable opportunity of being heard pass such order on the appeal as he thinks just and proper.

Sec.4 Penalty for felling trees in contravention of provisions of Section 3 :

Any person without obtaining permission to fell any such tree or causes it to be felled shall be liable to such penalty not exceeding one thousand rupees. The Revenue Officer empowered under Section 3, after holding enquiry or giving such person an opportunity of being heard may impose that penalty and further he may also order that any such tree so felled shall be forfeited to the State Government.

Sec.5 Contravention of Section 3 to be reported by Certain Officers:

The Act has enjoined upon certain officials to report the contravention of Section 3.

1. Every Revenue Officer, Forest Officer and Police Officer shall be bound -

a) To give immediate information of any contravention of Section 3 to the officer empowered under the Section of the intention or preparation to commit such contravention which may come to his knowledge.

b) To take all reasonable measures in his power to prevent such contravention which he has reason to believe that it is likely to be committed.

c) 1. Any Revenue Officer not below the rank of Aval Karkun or Naib Tahsildar.
2. Forest Officer or Range Forest Officer.
3. Police Officer not below the rank of Sub-Inspector.

may enter upon the land where he has reason to believe that any tree has been or is being felled in contravention of Section 3.

They have been empowered to seize such felled trees or any lopping thereof together with its produce and tools and other implements used in committing such contravention.

The officer seizing any property shall keep it in his custody or in the custody of his subordinates. Further if the property is subject to speedy and natural decay or where the expenses of keeping it in custody is likely to exceed its value; the officer seizing it may sell it at once.

If the property so seized is not ordered to be forfeited to the State Government under Section 4 that property shall be returned to the person from whom it was seized.

In case of the claim is set up by a third person to the property the Revenue Officer empowered under Section 3 shall enquire into the claim and may admit or reject it after hearing such person.

Manner of dealing the cases :

The cases under Act are to be dealt with according to relevant provisions of relevant code. The award of any penalty or confiscation of any property under the Act shall not prevent the inflicting of any punishment due under any other law in force.

Sec.8 Enquiries and proceeding as judicial proceedings :

All enquiries and proceeding before any Revenue Officer shall be demand to be judicial proceedings as described under relevant sections of I.P.C. No suit or proceedings will lie against the State Government or any person empowered to exercise powers or to perform duties under Act.

Sec.10 Execution of order for payment of money :

Any sum of payment directed by the Revenue Officer or the State Government under the Act shall be recoverable as an arrears of land revenue.

Sec.11 Bar of Proceedings :

No suit or proceeding shall be against the State Government or against any person empowered to exercise powers or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.

Sec.12 Exemption :

The State Government may in the public interest, by notification in the official gazette, exempt any local area from all or any of the provisions of this Act.

Sec.14 This provisions of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.

Sec.15 It Envisages that the State Government may, subject to the condition of previous publication, make rules to carry out the purpose of this Act.

Specimen form for submitting the application for permission and other forms prescribed ^{under} by the Maharashtra Felling of Trees Act (Regulation) Rules, 1967 are annexed.

II Sale of trees by occupants belonging to Scheduled Tribes (Regulation) Act, 1969.

Purpose :

Whereas it was necessary to regulate the disposal of trees standing in the holdings of persons belonging to Scheduled Tribes in the State of Maharashtra and to provide for matters connected therewith the legislation was enacted in the 12th year of the Republic of India as follows :-

The Act may be called the 'Maharashtra Sale of Trees s by occupants belonging to Scheduled Tribes (Regulation) Act, 1969.' It came into force on the 3rd day of March, 69.

Sec.3 Section 3 of Act lays down that no occupant shall after the appointed day, sell any trees in his holdings except with the permission of assistance of Collector as herein after provided. It further lays down that any sale of trees made in contravention of the provisions of Sub Section (1) shall be invalid and no person shall fell any trees in pursuance of any sale of trees which is invalid.

Sec.4 Lays down that

1. If any occupant has entered into a contract with any person before the appointed day for the sale of sny trees in his holdings and if such contract is subsisting on the appointed day, then both the occupant and the purchaser shall apply to the Collector for the approval of such contract.

2. On receipt of the application the Collector may if he considers it just direct the Purchaser by an order in writing to refrain from felling or removing any trees under or in pursuance of the contract till the decision on the application.

3. After hearing the parties and making such enquiry as he may seen fit, the Collector shall record his findings determining the following matters-

- a) Whether the occupant has voluntarily agreed to the sale of trees.
- b) Whether the consideration paid or agreed to be paid, is reasonably adequate.
- c) Whether the amount of consideration is actually recovered by the occupants from the Purchaser.
- d) the Value of trees (if any) removed by the Purchaser under the contract.
- e) Expenses incurred by the Purchaser in felling and cutting the trees. Which he has been prevented from removing by reason of the proceedings under this Act.

4. If, on such enquiry, the Collector is satisfied that having regard to his findings, there is no objection to do so he shall approve the sale, or as the case may be or as per agreement for sale, and inform the occupant and purchaser accordingly.

5. If, on such enquiry, the finding is that the occupant has not voluntarily agreed to the sale or that the consideration paid or agreed to be paid in respect of the trees is not reasonably adequate, the Collector shall make an order in writing refusing to approve the sale or as the case may be agreement for sale.

The Collector by order in writing require the Purchaser to pay the price which in the opinion of the Collector is reasonably adequate and on payment of such price or as the case may be, the difference in his presence, the Collector may by order in writing approve the sale or as the case may be, the agreement for sale.

6. If the sale of trees has not been approved or the Purchaser does not pay the price which in the opinion of the Collector is reasonably adequate the Purchaser shall restore possession of trees to the occupant, and where the purchaser has felled any trees, he shall also hand over the possession of trees so felled and there upon the Purchaser shall be enti-

tled to recover from the Purchaser the amount by which the aggregate of the amounts, determined under clauses (c) and (e) of Sub Section (3) exceeds the amount determined under clause (d) of that sub-section.

7. If the occupant is unable to refund the amount to the purchaser within seven days from the date on which possession of trees is restored to the occupant, the Collector shall make an order in writing for arranging to sell the trees or trees already felled under or in pursuance of the contract in the manner provided by sections. On realisation of the sale proceeds, the Collector shall refund the amount of the consideration determined as aforesaid and received by the occupant to the purchaser and pay the balance, if any, to the occupant after deducting the expenses of the sale and such other expenses as have been incurred.

This section further explains that a contract shall be deemed to be subsisting for the purpose of this section if the trees sold or agreed to be sold under such contract have not been removed by the Purchaser from the holdings in which such trees stand.

Sec.5 Procedure for sale of trees after appointed day :

1. Any occupant, who, after the appointed day intends to sell any trees in his holdings to any person, shall apply in the prescribed form to the Collector to grant him permission for sale of such trees or to assist him in selling such trees.

2. On receipt of an application, under Sub-Section (1), the Collector shall (except in case of where the applicant has asked for assistance in selling trees) make such enquiries as he may consider necessary and shall record his findings on the following matters -

- a) Whether the applicant has voluntarily agreed to the sale of trees.
- b) Consideration agreed to be paid is reasonable.
- c) Any other matter as may be prescribed.

3. If on such enquiry the Collector is satisfied that having regard to his findings, there is no objection to do so, he shall, on the purchaser paying amount of consideration to the occupant in his presence, make an order for granting the permission asked for.

4. If on such enquiry the finding is that the occupant has not voluntarily agreed to the sale or that the consideration agreed to be paid in respect of such trees is not reasonable, the Collector, shall after hearing the occupant or the purchaser or both, make an order refusing to grant the permission asked for and record his reasons in writing for such refusal.

Sec.6 Sale of trees through forest Department :

1. In case where any occupant has asked for the assistance of the Collector for the sale of trees in his holdings under Sub Section (1) of Section 5, the Collector shall arrange for the sale of trees in the prescribed manner (including provision for circumstances in which deposits made at sales may be forfeited) through a forest officer who is duly authorised by the State Government in this behalf, so as to secure the maximum price for such tree.

2. the proceeds of the sale, when realised, shall with convenient speed, be paid by the Collector to the occupant whose trees have been sold after deducting the expenses of sale and such other expenses as have been incurred.

Sec.8 Penalty :

1. Any person who fells any trees in any holdings or remove them ~~therefrom~~ in pursuance of any sale which is invalid, under Section 3 or in contravention of any order made by the Collector under Section 4 shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs.2,000/- and trees felled if any, in contravention of this Act may be confiscated by order of the Court.

2. The Magistrate may order that the whole or any part of the fine so imposed may be paid to the occupant as compensation.

Sec.12 The provision of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force, prohibiting or regulating the felling of trees.

C H A P T E R : IV

AN OVERVIEW OF FIELD STUDY

4.1 The assessment of the socio-economic conditions of the tribal communities in the State leads to the conclusion that they possess uneconomic and small land holdings, mostly in rain-fed areas. This results into the accrual of low income from the agriculture which is a main stay of their livelihood. Secondly, the low rate of literacy hampers the path of rapid progress and change in a life-style. In short, accrual of subsistence level of income and illiteracy are the two causes of the backwardness of the tribal communities in the State.

4.2 The Government has investigated the cause of the economic backwardness of such a weaker section of a society and launched various developmental programmes for the transformation of socio-economic conditions of the tribals and bring them into the main stream of development on par with the general masses in the State. It is a fact that certain areas which have been the traditional abode of the tribals are being rapidly transformed as a result of power, irrigation and industrial projects in the State. These projects have their impact on the entire environment, tribal society, the family and the individual. Moreover, the impact has psychological, social and economic consequences. These consequences are being mitigated by special measures and legislative enactment.

4.3 The special enactments or legislations for the tribals which are termed as 'protective' enactments have, to a

greater extent, safeguarded the interests of tribal communities against the unscrupulous social elements and exploitation particularly in the marketing of their agricultural and forest produce. They have achieved a commendable success in the welfare of tribal communities in the State.

4.4 It is therefore, pertinent to take a stock of the socio-economic conditions of the tribals in the sample areas covered under study of sale of trees by occupants belonging to Scheduled Tribes (Regulation) Act, 1969.

4.5 The sample areas were selected from Thane/Nashik districts of Sahyadri region and Yavatmal and Gadchiroli district of Gondwan region. Further one taluka from each district was chosen for the selection of villages and the tribal Khatedars. Accordingly, Dahanu tahsil from Thane district, Surgana Tahsil from Nashik district weighed the consideration for field enquiry in the western region. While Kelapur/Kurkheda tahsils from Yavatmal and Gadchiroli districts respectively were taken into account. The area coverage and the sample size of households in the study can be presented in the following table.

TABLE No.1

COVERAGE OF HOUSEHOLDS UNDER STUDY :

| Sr. No. | Tribal Region | District | Tahsil | No. of Households Covered |
|---------|---------------|-------------|---------|---------------------------|
| 1 | Sahyadri | 1. Thane | Dahanu | 21 |
| | | 2. Nashik | Surgana | 19 |
| 2. | Gondwan | 1. Yavatmal | Kelapur | 19 |
| Total | | | | 59 |

4.6 The occupational pattern of the households when studied revealed that the majority of them were engaged in the agriculture while a few of them depended on agricultural labour. A very negligible number of households were engaged in service and business section i.e. **tertiary** sector. The tribewise distribution of households engaged in main and subsidiary occupation has been presented in the following table.

TABLE No.2

TRIBE WISE DISTRIBUTION OF HOUSEHOLDS ENGAGED IN MAIN, AND SUBSIDIARY OCCUPATION :

| Sr. | Name of the Tribe | Number of Households engaged in | |
|-----|-------------------|---------------------------------|-----------------------|
| | | Main Occupation | Subsidiary Occupation |
| 1. | Malhar Koli | 15 | 15 |
| 2. | Katkari | 3 | 3 |
| 3. | Warli | 3 | 3 |
| 4. | Kokna | 19 | 12 |
| 5. | Gond | 12 | 10 |
| 6. | Kolam | 6 | 3 |
| 7. | Pardhan | 1 | 1 |
| | Total | 59 | 47 |

4.7 The analysis of the data in the above table points out that out of 59, 47 households followed the subsidiary occupation. The percentage of such households to total is 80. Further it appears that a very few of the households from Kokna and Kolam tribes pursued the subsidiary occupation of agricultural labour.

4.8 Commonly, the economic and social backwardness of tribal communities is traced to their level of

literacy, Hence the data on the level of literacy of the sample households was processed. The forest division wise total number of tribal persons and number of literates together with the percentage of literacy as found amongst the tribals is presented in the table below -

TABLE No.3

TOTAL LITERATES AND PERCENTAGE OF LITERACY :

| Sr. Forest No. Division | Tahsil | Total No.of Tribal | | | Total No.of Literates | | | % of Literacy | | |
|-------------------------|---------|--------------------|----|----|-----------------------|----|---|---------------|-------|-------|
| | | T | M | F | T | M | F | T | M | F |
| 1 Dahanu | Dahanu | 161 | 80 | 81 | 38 | 29 | 9 | 23.60 | 36.25 | 11.11 |
| 2. Nashik | Surgana | 122 | 61 | 61 | 36 | 27 | 9 | 29.75 | 44.26 | 14.75 |
| 3. Pandhar-kawada | Kelapur | 94 | 50 | 44 | 31 | 24 | 7 | 32.98 | 48.00 | 15.91 |

Abbreviation Used : T = Total, M = Male, F = Female.

4.9 The analysis of the above data indicates that the low percentage of literacy is observed in Dahanu tahsil while the comparatively high percentage of literacy is witnessed in Kelapur tahsil. Similarly, the lowest rate of literacy amongst female is also noticed in Dahanu Tahsil.

4.10 Besides, the tribewise literacy may be worth studying. The statistical table no.4 will highlight the factual position on the level of literacy amongst various tribes, in the sample areas under study.

T A B L E No. : 4
TRIBE WISE PERCENTAGE OF LITERACY IN SAMPLE AREAS UNDER STUDY

| Sr. No. | District/ Tahsil | Total No. of Persons | | | | | | Total Literates | | | | | | Percentage of Literacy | | | | | |
|---------|---------------------|----------------------|-----|-----|-----|----|----|-----------------|-------|-------|---|---|---|------------------------|---|---|--|--|--|
| | | T | M | F | T | M | F | T | M | F | T | M | F | T | M | F | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | | | | | | | | | |
| I | THANE | | | | | | | | | | | | | | | | | | |
| | Dahanu | | | | | | | | | | | | | | | | | | |
| | a) Warli | 28 | 12 | 16 | 3 | 3 | 0 | 10.71 | 25.00 | 00.00 | | | | | | | | | |
| | b) Malharkoli | 118 | 61 | 57 | 31 | 23 | 8 | 26.27 | 37.70 | 14.04 | | | | | | | | | |
| | c) Katkari | 15 | 7 | 8 | 4 | 3 | 1 | 26.27 | 42.86 | 12.50 | | | | | | | | | |
| | Total | 161 | 80 | 81 | 38 | 29 | 9 | 23.60 | 36.25 | 11.11 | | | | | | | | | |
| II | NASHIK | | | | | | | | | | | | | | | | | | |
| | Surgana | | | | | | | | | | | | | | | | | | |
| | a) Kokena | 111 | 56 | 55 | 35 | 26 | 9 | 31.53 | 46.43 | 16.36 | | | | | | | | | |
| | b) Mahadeo Koli | 11 | 5 | 6 | 1 | 1 | 0 | 9.09 | 20.00 | 0.00 | | | | | | | | | |
| | Total | 122 | 61 | 61 | 36 | 27 | 9 | 29.75 | 44.26 | 14.75 | | | | | | | | | |
| III | YAVATMAL | | | | | | | | | | | | | | | | | | |
| | Kelapur | | | | | | | | | | | | | | | | | | |
| | a) Gond | 61 | 30 | 31 | 24 | 17 | 7 | 39.34 | 56.67 | 22.58 | | | | | | | | | |
| | b) Kolam | 26 | 14 | 12 | 3 | 3 | 0 | 11.54 | 21.43 | 0.00 | | | | | | | | | |
| | c) Pardhan | 7 | 6 | 1 | 4 | 4 | 0 | 57.14 | 66.67 | 0.00 | | | | | | | | | |
| | Total | 94 | 50 | 44 | 31 | 24 | 7 | 32.98 | 48.00 | 15.91 | | | | | | | | | |
| | GRAND TOTAL | 377 | 191 | 186 | 105 | 80 | 25 | 27.85 | 41.88 | 13.44 | | | | | | | | | |

4.11. The data when analysed reveals that in Thane District, the literacy percentage in Warli tribe is observed as 10.71 while in the case of Malhar Koli it works out to 26.27. In Kelapur tahsil of Yavatmal district the literacy percentage of Gond community works out to 39.34 while in the case of Kolam (one of the primitive tribes) it is observed as 11.54.

4.12 As regards the occupational pattern in the area, the majority of households, depended upon agricultural and agricultural labour for their livelihood. The income from Agriculture was substantiated by the sale of trees by the Tribal occupants. The size of land holdings possessed by the household generally determines the level of income accrual to the family.

It is therefore, necessary to look into the size of land holdings of sample households covered under the study.

4.13 Blockwise total number of land holdings and average size of holdings of an individual household is presented in the table below -

TABLE No.5

TOTAL AND AVERAGE SIZE OF LAND HOLDINGS OF THE HOUSEHOLD :
(AREA IN ACRES)

| Sr. No. | District | Tahsil | No. of House-holds | Total land holdings | Average size of land holding |
|---------|----------|---------|--------------------|---------------------|------------------------------|
| 1. | Thane | Dahanu | 21 | 213.14 | 10.15 |
| 2. | Nashik | Surgana | 19 | 235.18 | 12.37 |
| 3. | Yavatmal | Kelapur | 19 | 280.00 | 14.73 |

4.14 The data analysis indicates that the average size of land holding of a tribal family in Dahanu block worked out to 10.15 acres while it was bit more in Surgana Tahsil (12.37 Acres). In Gondwan region and more particularly in Kelapur Tahsil the average land size was calculated as 14.73 acres. It is observed that despite the sizable land holdings of a tribal family they are mostly rain-fed and are devoid of any irrigation facilities.

4.15 The tribal Khatedars securing meagre income either from the agriculture or the agricultural labour turbed to felling of trees from their maliki lands with a view to substantiate their earnings to meet the social and economic demands.

4.16 The analysis of data from the field enquiry brings out that all the respondents preferred applications for felling of trees from their maliki lands with the concerned authorities from both the departments viz. Revenue and Forest. But it is revealed that the permission of felling of trees was, however, not granted to them within the specific time limit as is prescribed under the provi-

provision of Section (3) of the Act, 1964.

4.17 The authorities concerned took their own time in deciding applications and granting the permission of or for felling of trees to the tribal occupants. In the sample areas of Dahanu forest division and Nashik forest division of Thane and Nashik Districts respectively the respondents received the permission for felling of trees within the period ranging from 3 to 6 months while the time-lag extended from 6 to 12 months or more in case of Pandharkawada forest division of Yavatmal district. The respondents from Pandharkawada forest division of Yavatmal District took recourse to the private contractors for the out-right sale of trees. The majority of the tribal Khatedars (Respondents) from Pandharkawada Forest Division favoured the sale of their trees to the private contractors because they advanced some money in lump-sum in their domestic difficulties and consumption needs. The contractors later on managed to complete the formalities under enactment with the forest authorities but that too in the name of tribal occupants only for further disposal of forest produce already purchased from the tribal occupants.

4.18 The data on the number of trees felled by Tribal Khatedars is presented in the table below :

TABLE No.6

NUMBER OF TREES FELLED BY TYPE IN THE SAMPLE AREAS DURING REFERENCE PERIOD :

| Sr. | District | Tahsil | No. of trees felled by type | | | |
|-------|----------|---------|-----------------------------|-------|--------|--------|
| | | | Timber | Enja | Others | Total |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | Thane | Dahanu | 250 | 12475 | - | 12,725 |
| 2. | Nashik | Surgana | 757 | 835 | - | 1,592 |
| 3. | Yavatmal | Kelapur | 2989 | 638 | - | 3,627 |
| Total | | | 3996 | 13948 | - | 17,944 |

NATURE OF TREES FELLED :

The classification of trees for which the felling permission was sought reveals that in Dahanu forest division of Thane district, the trees other than the scheduled trees i.e. ' enja ' were received permission for felling while in Nashik and Pandharkawada forest divisions of Nashik and Yavatmal districts respectively scheduled trees (timber) and other trees 'Sadada' were granted permission for felling.

4.19 Problem of demarcation of specific area for felling of trees : Tribal Khatedars in Wadasa forest division of Gadchiroli district did not receive permission for felling of trees as their lands were situated near the protected forest. The forest authorities insisted on the proper physical demarcation of the areas by the D.I.L.R. concerned from which felling is to be carried out..

4.20 The problem of demarcation of area was cropped up in case of un-surveyed villages mostly found in the areas where Jamidari system was prevalent. (Gadchiroli District). However, this problem was not faced in other districts where almost all the villages were surveyed under the land settlements.

4.21 Forest operations by private contractors : The forest operations such as felling, logging and transportation of material to the forest sale depot were carried out by the private contractors in some cases while in other cases it was carried out by the individual respondents. Some tribal occupants engaged local labour force for felling and after the receipt of transit pass they transported the material to the sale depot of the forest department with their own expenses for further disposal.

or sale of it. In other cases the forest department undertakes the activity on behalf of the tribal occupants and recover the expenses or charges from their sale proceeds on such account.

4.22 The manner in which forest authorities helped ~~the~~ ~~the~~ Tribal Khatedars in Thane District (Dahanu Division) contended that the help from the forest department for transport and sale of material felled by them was invoked. While in Pandharkawada forest division it was noticed that the respondents were not properly responded by the forest authorities. Hence the private contractors played a free hand in dealing with the tree material of the tribal occupants there. The private contractors had stricken favourable bargain with the tribal respondents.

4.23 It generally appears that the forest authorities acted in conjunction with the private contractors who happened to have established close contacts with both the departmental authorities i.e. Revenue and Forest. This has laid to the disadvantageous position of the tribal occupants who otherwise have secured good price or remunerative price from the sale of trees. The sale of trees though virtually effected in the name of the tribal occupant and was that of the private contractors and the sale proceeds disbursed to them were taken back after the payment of stipulated amount to the tribal occupants. Thus, the sanguine provisions of enactment were thus by passed in this manner.

A lion share of sale proceeds which was due to the tribal occupants was snatched away by the private contractors. Especially this was observed in Pandharkawada

forest division of Yavatmal district.

4.24 Non Issuance of A/c Slip : The majority of the Tribals respondents contended that they were not given the accounting slip in respect of forest material transported to the forest sale depot. They were also not appraised on the sale of material through auction from time to time. They therefore were left without any knowledge of the sale proceeds realised on sale the residue material on auction sale. The unusual delay is also witnessed in the disbursement of sale proceeds to the tribal occupants. They told that they had to haunt the Division Office for enquiry of payment of sale proceeds for which they had to incur heavy expenses and suffer hardships of conveyance. The forest authorities spared no pains to issue the accounting slips to the tribal respondents at every stage of transport of material and the sale in part or full as the case may be. Some of the tribal occupants met with the unusual treatment and for the demand of such A/c slips.

4.25 Part Payment of Sale Proceeds to the Respondents:

It has been observed in Nashik Forest Division that 70% tribal occupants from the selected villages received only the part payment on sale of their forest produce. The residue amount has still not been disbursed to them despite the repeated requests from the respondents.

4.26 The forest authorities contended that the sale proceeds deposited in the 'Revenue Account' of the Government couldnot be withdrawn except with the permission of the Government. The matter is being considered by the Government. However, the amount of sale

proceeds accounted for in 'Deposit Account' are being disbursed to the respondents.

4.27 Purpose of felling of trees : A close look at the purpose for which the permission of felling of trees was sought indicates that the trees were 'Silviculturally matured'. Further it is revealed that the domestic difficulties and payment of personal debts prompted the tribal occupants to go in for the sale of trees on their holdings. In few ^{cases} public purpose ~~cases~~ such as laying of transmission line necessitated the felling of trees from the malki lands of the tribals. Besides, some respondents stated that they were in need of money for social obligations, constructions of houses and improvement of land etc. In totality, the domestic difficulties/payment of personal debts weighed more consideration in seeking permission for felling as well as sale of trees by the tribal occupants.

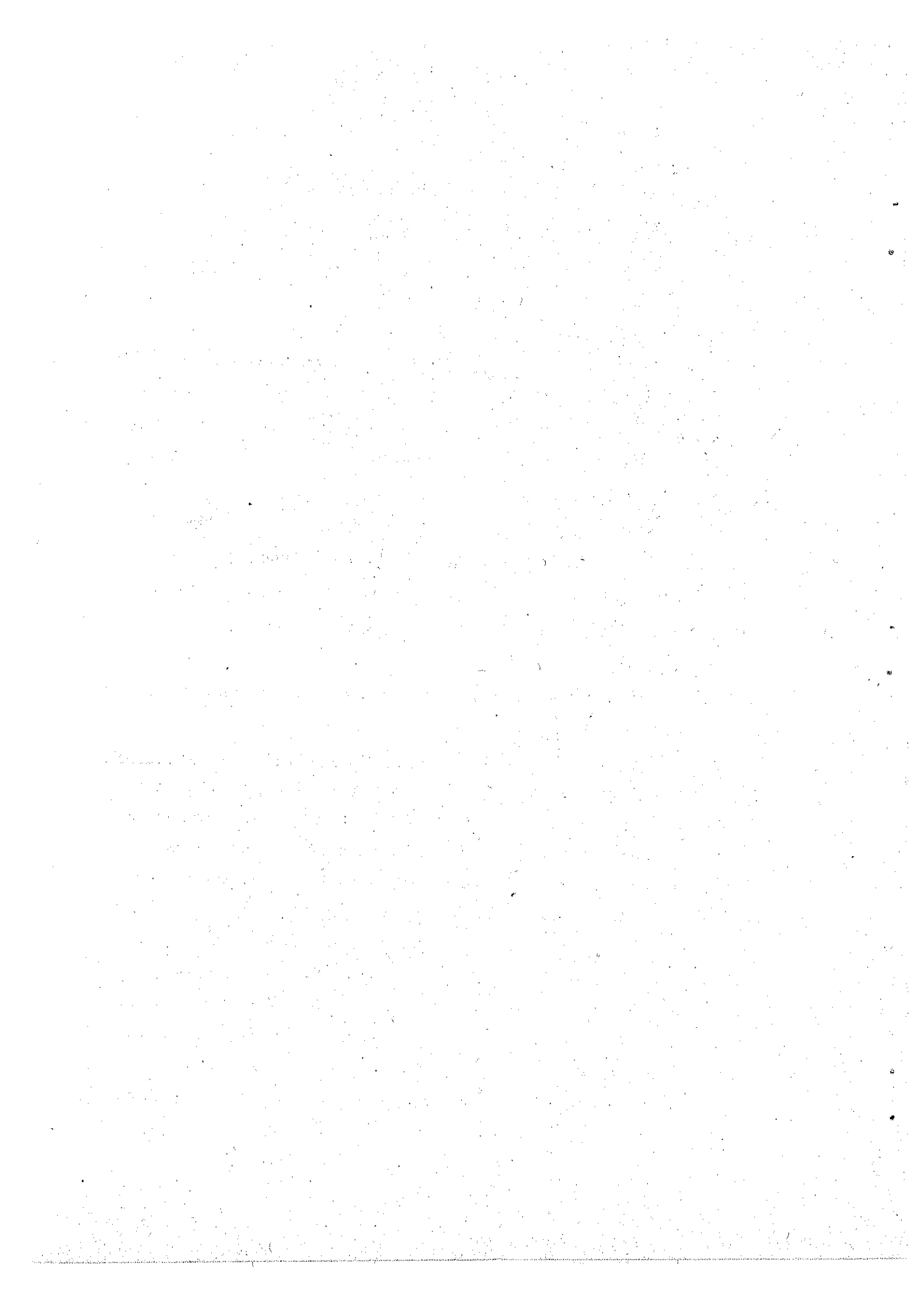
4.28 Receipt of Advance Money : Under the provisions of the protective enactment, the tribal Khatedars effecting sale of trees through the assistance of the forest authorities were granted advance money on the transportation of the material to the forest sale depot. The data on Tribals Khatedars who received the advance money is compiled and presented ^{in the} ~~as per~~ Table No. 7, as under -

TABLE No. 7

NUMBER OF TRIBAL KHATEDARS RECEIVING ADVANCE MONEY

| Sr. No. | District | Total No. of Tribal Khatedars | Khatedars receiving Advance Money | % of Khatedars receiving Advance Money. |
|---------|----------|-------------------------------|-----------------------------------|---|
| 1. | 2. | 3. | 4. | 5. |
| 1. | Thane | 21 | 17 | 82 |
| 2. | Nashik | 19 | 18 | 95 |
| 3. | Yavatmal | 19 | 5 | 26 |
| | Total | 59 | 40 | 67 |

4.29 The data in the above table when analysed brings out that the percentage of tribal Khatedars receiving advance money on depositing the material in the sale depot was more in Nashik District as compared to Thane and Yavatmal Districts. In Yavatmal District, as much as 26% Tribal Khatedars could avail the advance money before the sale of their forest produce deposited with the forest authorities. A cumulative picture shows that out of 59 tribal Khatedars 40 Khatedars could avail the facilities of advance money. The percentage of such tribal Khatedars works out to 67. The remainder percentage of Khatedars could not receive the Advance Money because of the paucity of the funds with the forest department.



CHAPTER V

POINTS OF OBSERVATIONS

5.1. LACUNAS IN THE PROVISIONS OF THE ENACTMENT

It is observed that section 4 of the sale of trees by the occupants belonging to Scheduled Tribes (Regulation) Act, 1969 does not prescribe or fix up anytime limit for the execution of the agreement entered into between the Tribal Malki Khatedars and the Private contractors for the sale of trees. The validity of such an agreement becomes a question of law.

5.2 Further the Act does not enjoin upon the implementing agency to issue the receipts for the forest material received in their possession for further disposal or sale. The residents are completely in dark as to the factual details of the material or forest produce taken to the sale depot and put up on sale.

The Act does not insist on the replantation of trees in the replacement of trees felled.

Problem of Ownership right to the trees to be felled:

5.3 In the sample villages from the Yavatmal district it was observed that the issue of ownership rights to the trees standing on the holding of class II tenants was cropped up. These tenants are deemed to be the owners of the trees standing on the agricultural holdings of which they have become the owner by virtue of being the tenants under the Tenancy Laws in force. It is argued that they have not fulfilled certain conditions to become the lawful owner of the land and more particularly the trees standing there. The ownership right to the trees vests with the landlord and not the tenant. The question of right to the

the trees on the holding of such class-II tenants is taken up with the court of law.

5.4 It is observed that the tribal tenants who have become the owners of land under the Tenancy Act are thus divested of their ownership right to the trees for which they want to seek permission to fell and realise the sale proceeds.

5.6 Problem of demarcation of area for felling of trees:

The land survey through the settlement commissioner in certain part of the State more particularly in Gadchiroli district and Yavatmal district has not been carried out. With the result the record of rights for the tribal tenants is wanting. It is also not updated. This has given rise to the dispute between the original landlords and the tenants as to the title to the trees on such holdings.

5.7 Secondly, the prevalence of old Zamindari system especially in Gadchiroli district has also created hindrance in the settlement work. There are number of unsurveyed villages and the village boundaries are not clearly demarcated so as to distinguish the Government land from that of the individuals in the particular village. Due to this fact the proposals for felling of trees by the tribals are turned down on the pretext that the land survey has not been done by the Government.

5.8 Since the forest authorities take the cognisance of the cases from the surveyed villages to the exclusion of unsurveyed villages, the cases from the unsurveyed villages are referred to the District Inspector of Land Record (DILR) for enquiry and physical

verification of demarcation of areas of the particular Khatedar. The Tribal villagers in the vicinity of reserved forests are called upon to approach the DILR for obtaining clear boundary demarcation of their holdings and the trees standing thereon. The forest authorities put off such cases by singular action at their end. The Revenue Authorities on the other hand does not act promptly in the matter referred to them. The tribal respondents opined that they were not received in good stead by the Revenue Authorities in the conduct of field survey for physical demarcation of their holdings.

5.9 Agency for felling of trees Departmental/Personal/Contractual :

It has been observed in Thane district that in certain cases the respondents carried out the work of felling of trees by engaging the local labour force while in certain cases the private contractors purchasing the trees performed the activities of felling, logging and transporting the material to the forest sale depot on behalf of the tribal respondents.

5.10 The forest authorities also helped the occupants for felling of trees and arrangement of transport of material to the sale depot. They recovered the charges from the tribal occupants on such account.

5.11 The tribal respondents experienced ^a lot of difficulties in felling and transport of material because of their poor financial condition. They stated that they had to borrow money for the purpose and the forest authorities did not ~~make~~ any advance payment to them despite their demand for advance money.

5.12 Lack of follow-up measures/Review Techniques :

It is noticed that there seemed to be the absence of follow-up measures for the quick disposal of the cases. The periodical review technique was not employed to gauge the position of receipt of proposals and the processing thereof.

5.13 The tribal respondents, however pursued the matter with the authorities (Revenue/Forest) through the help of local leaders or educated elites in the locality. Further the review of the cases in which actual sale was effected, the amount payable and disbursed and the amount remained to be paid to the respondents was not carried out continuously. It has been observed that in the absence of the review of ^{such} cases, the respondents were not made the final payment till the date of field enquiry. The respondents were not appraised of their outstanding amounts by the forest authorities. Moreover, they could not convey the tribal owner about the position of material put up on sale from time to time.

5.14 The review of pendency of the cases/proposals was not taken periodically by both the authorities - Forest/Revenue. The success of any programme or schemes depends solely upon the effective follow-up measures but here the review techniques were lacking.

5.15 Apathy of village level functionaries :

It is observed that the village level lower functionaries in both the Departments (Revenue/Forest) showed a general apathy towards the tribals and their problems. They demanded and received money from the tribal respondents for doing their lawful duty. The

majority of the tribal respondents from Yavatmal area complained of the specific money demands by the officials such as Talathi, Forest Guard and etc. The higher authorities paid little heed to such dealings.

Difficulties experienced by the Forest Department in the sale of material of tribal owner :

5.16 Problem of demarcation of areas / plot : The forest authorities stated that some times the tribal

Khatedars submitted the incomplete records - documents along with the application for permission of felling of trees. The processing of application is completed only after the requisite records received. If the Tribal Khatedar fails to produce the requisite documentary evidence, of his title etc. the issuance of no-objection certificate is delayed. Moreover, the application which are incomplete are returned to the Revenue authorities which forwarded the application for further processing.

5.17 A clear cut demarcation of the plot adjacent to the Protected Forest is insisted upon by the forest authorities. The permission for felling of trees is withheld for want of such physical demarcation or the confirmation of the boundaries by the concerned department (i.e. DILR).

5.18 It is further observed that in Wadsa Division, the proposal of tribal Khatedars for felling of trees from their malki lands were not decided for want of confirmation of boundaries of the plots. The matter was again referred to the Revenue Authorities for due compliance.

5.19 Inferior forest produce of the Tribal owner :

The forest authorities contended that the tribal

forest produce and its quality was quite inferior to that of the forest departments. The delay in disposal or sale is mainly caused due to this factor.

5.20 Problem of inadequacy of funds for payment of advance to the tribal Owners : It is argued that the forest authorities cannot anticipate the no. of proposals which will be submitted by tribal owners during the ensuing year. Consequently, the provision for the payment of advance required cannot be gauged in a concrete terms. The funds required for the advance payment to the Tribal Khatedars cannot be earmarked by the forest authorities. The adequate provision of funds for payment of advance to the Tribal occupants posed a problem before the implementing authorities.

5.21 In a very few cases it was observed that the Tribal Occupants received an amount of advance on the material transported to the sale depot but in a large number of cases the advance payment was not made for want of adequate funds with the forest department despite the provision made under the enactment.

5.22 Cheating of tribals by private traders and money-lenders :

It is observed that the Tribals are being exploited by private traders, contractors by advancing petty sum of money at usurious rate of interest for the credit needs of the tribals in regard to agricultural production and consumption and social needs such as marriages, births and deaths, on which they spend lavishly. The repayment of petty advances made is demanded in the form of forest and agricultural produce. Here the tribals are cheated in age

old weighments and prices. In Thane District the contractors (private) defrauded the tribal occupants by advancing petty sum of money for sale of trees on their holdings.

5.23 The cumbersome procedure of auction sale & final disbursement :

The cumbersome procedure of sale is required to be followed each and every time. Hence the delay is caused in the sale of material and the payment of sale proceeds. The Purchasers also claim some more time for completion of his transaction. With the result, the disbursement of final payment to the tribals gets over delayed.

Inordinate delay in disbursement of final amount to the Tribal occupants is attributed to the following :

- 1) A Purchaser is allowed a specific period i.e. 60 days for depositing the sale amount on confirmation of sale. This is the minimum period permissible to the traders.
- 2) If he fails to deposit the amount in the stipulated time, he is moved through the correspondence and is allowed further time for making deposit of the sale proceeds. This procedure naturally results into the delay for final payment or disbursement to the tribal occupants.

5.24 Poor economic conditions of tribal occupants :

It is observed that these forest dwellers are economically poor. They come from the weaker section of the society. They are solely depended on farm incomes as their main stay of life. They have therefore to fall back upon the felling of trees and their disposal or sale for the satisfaction of their requirements, payment of old debts and social obligations. Moreover, it can be commented that the poor economic condition on the one hand and the pressing need of satisfaction of daily requirements, prompt

them to raise money through the sale of trees on their malki holdings.

5.25 Lack of irrigation facilities in forest areas :

The tribal areas are to some extent devoid of irrigation facilities. The agricultural department in conjunction with Irrigation Department has introduced certain schemes in the tribal areas. Modern technology of farming i.e. use of improved seeds, use of chemical fertilizers to maximise production was not in vogue in these areas. Hence the tribal economy is peculiarly called as a subsistence level economy. Modern technology of farming shall be favoured and popularised amongst tribals.

5.26 Problem of want of publicity and information :

It is observed that the tribal respondents were not aware of the provisions under the enactments and the modification issued from time to time. Neither the Revenue authorities nor the Forest authorities gave a sufficient enlightenment about the new provisions under the enactment for safeguarding the interests of tribal occupants.

5.27 The tribal occupants from the areas under study reported that the provisions as to the payment of 50% advance of money on depositing the material in sale depot (Forest Depot) was not known to them.

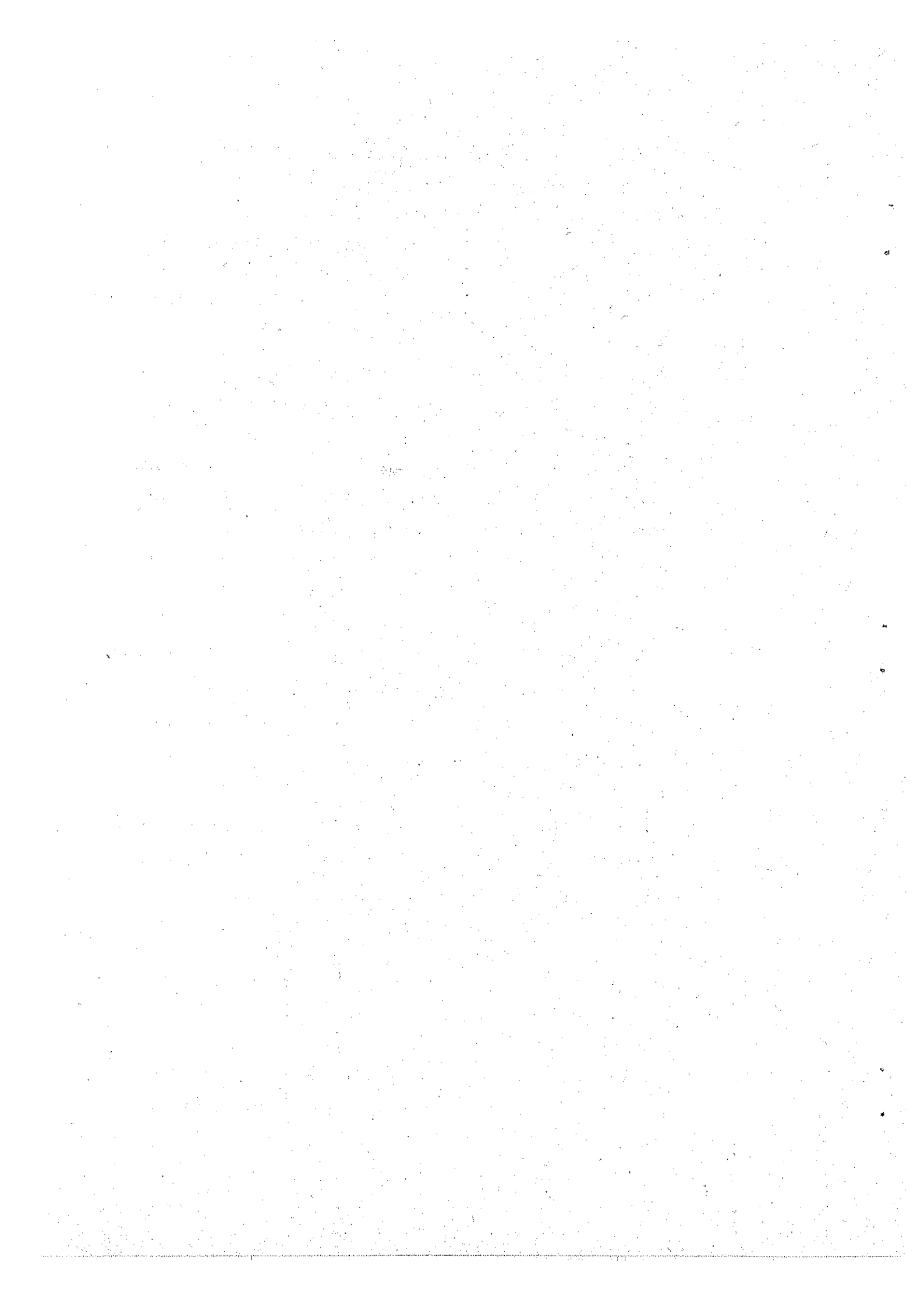
5.28 The tribals being illiterate and relegated to the process of development are not conversant with the programmes and schemes aimed at their welfare and upliftment. It cannot be expected that they themselves acquire the knowledge of the provisions under protective enactment. It is therefore suggested that a publicity and information cell may be set up in forest department.

5.29 A very little employment facilities provided in forest activities :

It is generally noticed that though the forestry operations do provide some work to the tribals in summer and rainy seasons the works are not commensurate with the labour force available in these tribal areas. The forest works fail to absorb all the working ^{labour} force in the activities such as cleaning, weeding, planting of trees etc.

Due to the lack of pro-forest based industries in the areas, the labour force remains idle for the most of the part of the year. The forestry has to act as a handmaid of agriculture, and has to provide gainful employment to the tribal working force locally available in the area.

x....x....x



C H A P T E R VI

CONCLUSIONS / SUGGESTIONS

6.1 The conclusions which can be drawn on the observations made under the study may be either specific or general in nature. They can be divided into the following groups for detailed deliberations under each head.

1. Specific suggestions in regard to the efficient and effective implementation of the provisions of the enactment under study.
2. Specific suggestions for the improvement of personal skills of tribal agricultural masses and the labour force in general in tribal areas.
3. Specific suggestions for improvement of economic conditions of the forest dwellers.
4. General suggestions and conclusions as to the dissemination of technical knowhow and the programmes/schemes aimed at the upliftment of tribals and tribal areas particularly forest areas in the State.

The detailed elaboration on each point is attempted as under :-

6.2 (I) Specific suggestions for efficient and effective implementation of the provisions of the Act.

A. Modifying or Repealing Section 4 : The section 4 of the enactment of sale of trees by occupants belonging to Scheduled Tribes (Regulation) Act, 1969 needs a overhauling to secure the good for the Tribal Malki Khatedars. The specific time-limit for the execution of the agreement entered into between the Tribal Khatedars and the private forest Contractor for the sale of trees

is required to be prescribed. The old agreements between the Tribal owner of trees and the Contractor needs to be treated as void and not voidable under the law in force. The law of limitation as is operative in case of other agreements must find wide application in regard to such agreements also. The old agreements subsisting till this date may be deemed to be obsolete in the eye of law.

6.3 Further the agreements between the tribal owner and the Private Contractor for the sale of trees on his holdings are unregistered and have not been executed despite the long period are also required to be discarded and disregarded having due consideration to the true spirit of law makers. They may be categorised as invalid and contrary to the best interests of the tribals at large.

6.4 This lacuna in the provisions of the Act is required to be made good by issuance of revised instructions accordingly for repealing the provisions under Section 4 of the enactment 1969.

6.5 B. Issue of accounting slip to the tribal Malki Khatedar : The Tribal occupants very often do not insist on the issuance of the Account slip for the trees felled and the material transported to the sale depot (Forest) for further disposal or sale. The details of forest material, sale effected from time to time, the amount paid in advance, the amount payable and the final disbursement to be made etc. need to be spelled out and are given to the tribal occupant immediately. Though the procedure is cumbersome and tedious one it is quite essential to win the confidence of the tribals felling the trees from their lands. malki/. They must be informed about their sale of material

possible.

6.6 The forest authorities are expected to make a point while giving an Account Slip to each and every tribal occupants who have sought the assistance in regard to the sale of trees through them. The proper accounting of forest produce and the payment as per off-set price to the extent of 50 percent be made to the Tribal immediately after the receipt of material in the forest sale depot. The delay or procedural delay can be minimised. The prejudiced and vitiated atmosphere of misunderstanding and non-co-operation may be banished from the minds of the tribals.

6.7 C. Elimination of private contractors acting in disguise : The private contractors acting in the name of the tribal owners must be eliminated from the scene. The forest authorities have been invested with all the powers in doing away with the usurious elements. Any interference or meddling by the private contractors in the felling/transportation of forest produce of tribals needs to be severely dealt with. Some penal action to prevent the occurrence of such event in future is imperative.

6.8 D. Requirement of some additional staff in the D.F.O : The forest authorities in dealing with the peculiar situation may need additional staff both at office and field level as well. It is suggested that a separate staff must be saddled with the responsibility of keeping a separate set of Accounts for the tribals and the marketing of their forest produce under the enactment.

6.9 The present staff in the D.F.O seems to have been burdened with other usual activities and pay only lip sympathy and partial attention to the work assigned.

additionally. This partial attention results in the pendency of the cases and the mis-management of accounts of tribal Khatedars. Eventually, the tribal occupants develop the sense of distrust of the official machinery engaged for the implementation of the scheme/programme.

6.10 E. Appointment of Asstt. Project Officer (in vigilance Cell) in Tribal Areas : It is observed that the Tribals' complaints against the atrocities by the officials and the treatment meted out so they are not attended to promptly and properly. In order to redress the social evils and atrocities, a separate post of A.P.O. in the (Project Officer's Office) must be created to deal with such cases.

6.11 The tribals being illiterate are unaware of the authorities to be moved in case of atrocities of non-tribals. They will have access to the office of the A.P.O. at the block level who will use his good offices to redress their grievances and see that social justice is prevailed.

6.12 The Project Officer I.T.D.P. must be associated with this work. He may be called to settle the problems/disputes in this regard.

6.13 The feasibility of marketing of forest produce i.e. timber, firewood and other important tree wood may be tested on monopoly procurement basis similar to that of cotton by the M.S.C.T.D. Corporation Ltd., If feasible the marketing of such wood may be linked up with M.S.C.T.D. Corporation Ltd.

6.14 The auction sale of the forest material of tribal Khatedars must be effected in the presence of

A.P.O. Who will act as a representative of the tribals and which will leave no ground for any complaint as the tribals interests can be safe-guarded through the authorities from the Tribal Department. Besides the A.P.O. needs to be associated with the activities of felling of trees, auction sale of the forest produce and the final disbursement of sale proceeds to the tribals. This will not leave any room for distrust towards forest authorities.

6.15 F. Adequate Financial arrangements for the payment of advance/final disbursement.: The discussion with the forest authorities revealed that no specific financial arrangement is made under the enactment. Besides, it is told that the actual amount of advance to be paid can not be estimated or visualised as number of Khatedars seeking the permissions and help from them in the matter. is not fixed. However, a certain fixed amount needs to be earmarked with the specific intention. As the economic condition of the tribal is not sound, it is advisable that the advance of money against standing tree's be given to the tribals in the event of urgent social needs faced by them.

6.16 G. Forest operations by Forest Department only:
In order to save the tribals from the undue exploitation, the working of coupes should be done either departmentally or through the tribal labourers' co-operative societies. The payment of minimum wages to the tribal should be guaranteed by abolishing the contract system.

6.17 It is, therefore, insisted that there should be a singular agency to carry out all the forest operations or activities prescribed under the enactment.

The forest deptt. should shoulder the responsibility of felling of trees, conversion and transport of material to their Sale Depot. The individual or private felling by the Contractors in the name of tribal malki holders may be disallowed and discouraged with a view to secure best interest of the tribals selling the forest products.

This centralised works system will repose confidence in the minds of tribals and do away with the misunderstanding prevailing at present. The felling of trees alongwith the logging, stocking and transport and marketing of the forest produce of the tribals will be handled by the Forest Deptt. solely.

6.18 (II) Specific suggestions for the improvement of personal skills of tribals :

A. Arranging training programme in association with Voluntary organisation : Training as a massive input for rural development and resurgence of rural skills invariably needs broad based strategy. No single training model would suffice and it has to vary from place to place and from one occupation to another especially if mass training of illiterate rural people is to be accomplished. Dependence on one or a few organised training Institutions is not enough. The greater dependence on voluntary organisations is growing to generate trained manpower in the rural areas. Moreover the training arrangements of the voluntary organisation are relatively good.

6.19 The training programmes therefore, needs a revision.

The training arrangements broadly fall under two categories.

i) Skill development programme.

ii) Entrepreneurship development programme.

6.20 Training to craftsman : The skill development programme for artisans in the tribal areas is imperative. Training may be provided to the tribal youths in manufacturing certain items/products of daily use in rural life. Training may be imparted in soap, match, oil of hem, fibre spinning, handicrafts such as wood carving. The training needs can be catered through the organised cooperative technical promotional organisations, KVIC etc.

6.21. Training programme for weaker sections particularly women : It is felt that the special programmes are necessarily be drawn for the weaker sections such as STs/SCs for generating employment opportunities in rural and forest areas. Training therefore, needs to be provided for women in tailoring, embroidery, toy-making and doll-making.

It is seen that the women if trained in grafting, picking and collecting seed, lac, silk-worm cultivation and minor forest products in operations of primary nature would be more suitable for handling forestry. The need for launching a massive training programme for women folk is both imperative and cogent.

6.22 Vocational training programme :

i) The attention is required in extending training facilities to tribal youths in skilled jobs which would enable them to become quasi-trained workers for the projects in the tribal areas. Electricity and automobile repairing jobs are very much in demand in the backward areas. Perhaps the tribal youths could be trained in this skills.

ii) Secondly, recruitment of tribals in higher services of forest department is essential and must be enforced as a prelude Vocational training classes should be started for the tribals.

iii) Specialised training to tribals in forest operations.

The tribals should be given such specialised training on logging, sawing, carpentry etc. as will enable them to secure permanent employment in Forest Department. Then there will not be any necessity of importing labour from outside for harvesting and logging of trees. The forest works should be aimed at organising labour force which could be employed throughout the year.

Similarly, the tribal labour may be imparted training in manufacturing of charcoal from roots which are presently wasted in the forest.

6.23 Development of entrepreneur skill : The rural non farm activities will have to be envisaged to generate local self-employment through progressively utilising the local raw material and skills thereby arresting the resource drain to urban and semi urban locations. The encouragement to develop entrepreneur amongst tribal youths will certainly put down the incidence of migration of skilled or semi-skilled rural youths.

It is commonly felt that the facility provided to the tribals through casual daily labour is not enough to solve their economic problems. Forestry has a role to play in increasing employment opportunities by supplementing agriculture which is the main stay of life for majority of the tribals.

6.24 Establishment of independent cell for manpower

training : The training programmes at mass scale will call for the establishment of independent cell entrusted with the sole responsibility of imparting training. This necessitates the special efforts to organise the activities at Tahsil level through the appropriate agency either at T.D.O/B.D.O with suitable personnel.

6.25 Absorption of skilled personnel in forest operations:

Forestry sector is a self-sustained and labour intensive public sector. The various operations such as plantation, afforestation, felling, logging, stacking, conversion and transport and marketing can absorb additional number of skilled as well as unskilled tribal labourers. The various forestry operations can provide year round employment.

The proper linkage of training and employment in forestry and other sectors need to be effectively achieved and maintained for further rural development.

6.26 Development of Cottage Industries : The Tribal regions

especially Gondwan region has potentialities for developing traditional small scale industries. The Tribals atleast some of them are expert craftsmen and produce some beautiful objects of personal adornment and house decoration. They should be encouraged to start their own venture by the industry Department with all help in this behalf.

6.27 III) Specific suggestions for improvement of economic conditions of the tribals in the forest areas.

i) Development of agriculture through adoption of modern farm technology.

The majority of the tribals live in the hilly and interior forest regions. The production of agricultural crops is possible only in such areas where soil erosion is at the minimum and on the gentle slopes of valley areas where sufficient irrigation potential is available. It is true that the agricultural practices in tribal areas are mostly of subsistence nature and are characterised by the production of food grains and other millets just sufficient to meet their own requirements generally at the low level of living.

Besides poor soils with little water conservation uneconomic holdings and low adoption of improved agricultural inputs also adversely affect the agricultural production in tribal areas to a considerable extent. Naturally, the surplus agricultural produce for sale is thus minimal.

6.28 The qualitative and quantitative shift in the cropping pattern in tribal areas can be brought about through supply of improved agricultural inputs on subsidy basis to the tribal farmers.

Secondly, promotion of Horticulture must be given importance to wean away the tribals from uneconomic cultivation.

6.29 Supply of improved agricultural implements : The

Tribals should be acquainted with the new farm techniques and use of new agricultural implements. The wooden agricultural implements need to be replaced by iron-made agricultural implements, with a view to check the drain of forest resources for the use of other agricultural implements. It is suggested that the scheme of supply of agricultural implements of iron-made to the tribals on subsidy basis be framed and implemented.

6.30 Exploring and extending irrigation facilities :

The irrigation potential is to be increased and its full utilisation is ensured. Dry-farming and cultivation of millets will have to be given high priority because the bulk of tribals will continue to depend upon them for long time to come.

It is suggested that the Government agency such as G.S.D.A. and the Irrigation Department, must chalk out a phasal programme of exploring and extending irrigation facilities to the tribal areas and farmers in the far flung forest areas where the water level is not so deep.

6.31 With a view to accelerate the pace of agricultural development in forest areas, water, fertilizers and credit strategy became all the more relevant and important because cultivation is not possible without water. Agricultural production cannot be increased without fertilizers and agricultural operations are not effected without sufficient credit facility. Hence water, fertilizers in the form of agricultural inputs and adquacy of credit (finance) hold a key for growth and complete transformation of tribal economy.

6.32 Development of farm forestry : The social benefits from the forestry are constantly pressed. The interface between forestry and agricultural is being fully recognised. Farm forestry is now becoming popular for rural development leading to employment in primary, secondary and tertiary sectors. It does not restrict to growing trees alone. It is opined that the degraded forest watershed, marginal and sub-marginal areas under private ownership may also be brought under both social and farm forestry.

The minimum objective in the scheme must be to enable

&
ppor people to gain/secure decent livelihood in ways they
welcome without impairing their ecological security. The
supportive ancillary objectives will be increasing produ-
ctivity level, equity in access to the resources created
and long term resource stability for the tribal masses.

X....X..X....X

APPENDIX : I

FOREST CIRCLE-WISE COVERAGE OF DISTRICTS FOREST DIVISIONS.

| Sr. No. | Name of the forest circle office with HQ. | Districts. | Forest Division. |
|---------|---|---|---|
| 1. | 2. | 3. | 4. |
| 1 | Thane | 1.Thane 2.Raigad | 1. Thane 2. Dahanu 3. Shahapur 4. Raigad 5. Roha |
| 2 | Nashik | 3.Nashik 4.Ahmadnagar | 1. Nashik(East) 2. Nashik(West) 3. Ahmadnagar. |
| 3. | Dhule | 5.Dhule 6.Jalgaon | 1. Dhule(North Div) 2. Dhule (West) 3. Taloda(Mewasi) 4. Jalgaon(Yaval) |
| 4. | Pune | 7.Pune 8.Solapur | 1. Pune 2. Junnar 3. Bhor(Sub Div.) 4. Solapur. |
| 5. | Kolhapur | 9.Kolhapur 10.Satara 11.Sangli 12.Ratnagiri 13.Sindhudurg | 1. Kolhapur 2. Satara 3. Sangli(Sub.Div.) 4. Sawantwadi 5. Ratnagiri(Chiplun) |
| 6. | Aurangabad | 14.Aurangabad 15.Jalna | 1. Aurangabad. 2. Jalna |

Contd..

Contd...

| 1 | 2 | 3 | 4 |
|-----|------------------------------|---------------|---|
| | | 16.Nanded | 3.Nanded |
| | | 17.Osmanabad | 4.Osmanabad(S.D.) |
| | | 18.Parbhani | 5.Parbhani |
| | | 19.Latur | 6.Latur |
| | | 20.Beed | 7.Beed |
| 7. | Amravati | 21.Amravati | 1.Amravati(South) 2.West Melghat (Dharni) 3.East Melghat |
| | | 22.Akola | 4.Akot |
| 8. | Yavatmal | 23.Yavatmal | 1.Yavatmal 2.Pusad 3.Pandharkawada |
| | | 24.Buldhana | 4.Buldhana |
| | | 22.Akola | 5.Akola |
| 9. | Nagpur | 25.Nagpur | 1.Nagpur |
| | | 26.Bhandara | 2.Bhandara |
| | | | 3.Gondia |
| | | 27.Wardha | 4.Wardha |
| 10. | Gadchiroli (North Chanda) | 28.Gadchiroli | 1.Gadchiroli 2.Wadsa 3.Allapalli 4.Bhamragad 5.Sironcha 6.Tadoba |
| 11. | Chandrapur (South Chanda) | 29.Ghandrapur | 1.Chandrapur 2.Brahmapuri 3.Central Chanda |

THE MAHARASHTRA FELLING OF TREES ACT (REGULATION)
RULES 1967.

FORM No.1

Application for permission under Section 3 (A)
of the Maharashtra Felling of Trees (Regulation) Act, 1964.

Name of the Applicant _____

Profession _____ Place of residence _____

I request that I may be permitted to fell the
tree/trees specified in Col.3 of the table hereto where
is/are standing on the land described in Col. 1 and 2 of
the table for the purpose specified below. I enclose an
exact form the records concerning.

The tree/trees which I : Is/are record/deceased wind
desire to fell fallen has/have silviculturally
nature Constitutes/Constitute
an obstruction to efficient
cultivation.

I desire to fell the tree/trees for utilising its/their
wood for -

T A B L E

| Description of land | Description of tree/trees |
|---------------------|---------------------------|
| 1 | 2 |

Taluka
Village
Survey No.
Pot Hissa No.
Area - A.G.

Date :

To
The

Signature, left
Hand Thumb Impression
of the Applicant.

THE MAHARASHTRA FELLING OF TREES ACT (REGULATION)
RULES 1967

FORM No.II

Permission under Section 3 (B) of the Maharashtra Felling of Trees (Regulation) Act, 1964.

Shri/Smt/Kum. _____

(hereinafter called the 'Grantee' residing at _____

_____ is hereby granted permission under Section 3 (B) of the Maharashtra Felling of Trees (Regulation) Act, 1964 to fell the tree/trees described in the table below in the land described in that table subject to the condition that the Grantee shall be liable to pay damages for any injury caused to the property of any person as a result of felling a tree or trees in pursuance of this permission. This permission shall be valled for a period of thirty days from the date on which it is granted.

T A B L E

| | Description of Lands | Description of Tree/Trees. |
|---------------|----------------------|----------------------------|
| Taluka | | |
| Village | | |
| Survey No. | | |
| Pot Hissa No. | | |
| Area - A.G. | | |

Date :

Seal

Signature of the Revenue Officer.

EVALUATION STUDY OF FELLING OF TREES ACT, 1964 AND
MAHARASHTRA SALE OF TREES BY OCCUPANTS BELONGING TO SCHEDULED
TRIBES (REGULATION) ACT, 1969.

SCHEDULE 'I'

IDENTIFICATION

1. Name _____ Scheduled
 _____ Tribe to
 which belong _____
2. Village _____ pada _____
3. Tahsil _____ District _____

BLOCK No.2

FAMILY SIZE, STATUS AND INCOME

| | <u>TOTAL</u> | <u>MALE</u> | <u>FEMALE</u> |
|----------------------------|------------------------|-------------|---------------|
| 1. Number of members | - - - | - - - | - - - |
| 2. Literate | - - - | - - - | - - - |
| 3. Illiterate | - - - | - - - | - - - |
| 4. No. of earning members | - - - | - - - | - - - |
| 5. Occupation by type | Main - - - | - - - | - - - |
| | Subsidiary - - - | - - - | - - - |
| 6. Annual Income by Source | 1) Agril. - - - | - - - | - - - |
| | 2) Sale of Trees - - - | - - - | - - - |
| | 3) Others - - - | - - - | - - - |
| | a) Dairy - - - | - - - | - - - |
| | b) Service etc. - - - | - - - | - - - |
| | c) Agril. Labour - - - | - - - | - - - |
| | Total - - - | - - - | - - - |
| | 4) Grant Total - - - | - - - | - - - |

BLOCK No. 3

LAND HOLDINGS, CROPS/TREES GROWN

| 1. Total land holdings | Total Area A.G. | Area irrigated A.G. | Area unirrigated A.G. |
|------------------------|-----------------|---------------------|-----------------------|
| a) Owned | - - - | - - - | - - - |
| b) Leased | - - - | - - - | - - - |

| 2. Source of irrigation | Area irrigated by (in Acres) |
|-------------------------|------------------------------|
| a) Canal | - - - - - |
| b) Well | - - - - - |
| c) Stream | - - - - - |
| d) Lift irrigation | - - - - - |

| 3. No. of trees grown | |
|-----------------------|-----------|
| a) Total | - - - - - |
| b) Specific Type | - - - - - |
| 1) | - - - - - |
| 2) | - - - - - |
| 3) | - - - - - |

| 4. Crops grown : | Item | Area in A.G. | Production | Value (in Rs) |
|------------------|----------|--------------|------------|---------------|
| | a) - - - | - - - - - | - - - - - | - - - - - |
| | b) - - - | - - - - - | - - - - - | - - - - - |
| | c) - - - | - - - - - | - - - - - | - - - - - |
| | d) - - - | - - - - - | - - - - - | - - - - - |

| 5. Live Stock : | |
|-----------------|-----------|
| a) Bullocks | - - - - - |
| b) Cows | - - - - - |
| c) Buffaloes | - - - - - |
| d) Others | - - - - - |

6. Agril.implements :

- | | |
|-----------------------|---------------------|
| 1) Plough-(W) - - - - | 4) Bullock - - - - |
| -(I) - - - - | cost. |
| 2) Wakhar - - - - | 5) Electric |
| 3) Seed-drill - - - - | Motor Pump- - - |
| | 6) Oil Engine - - - |
| | 7) Others - - - - |

BLOCK No.4

SEEKING PERMISSION FOR SALE OF TREES

1. Whether you have preferred the Application ? YES/NO.
2. When did you put up an application to Tahsildar? Date- - -
3. Whether you received the permission for Sale of Trees ? YES/NO.
4. When did you receive it ? Date - - - - - .
5. What is the time lag ? Years - - - - - month - - - - -
6. For how many trees did -
 - a) you seek the permission ?

| |
|-------------------------|
| No.of Trees - - - - - |
| Scheduled - - - - - |
| Non-Scheduled - - - - - |
 - b) permission received for

| |
|-------------------------|
| No.of Trees - - - - - |
| Scheduled - - - - - |
| Non-scheduled - - - - - |
7. What was the purpose of felling of the trees
 - 1) - - - - -
 - 2) - - - - -
 - 3) - - - - -
8. Total cut-turn/Value - - - - -
9. Whether you sought assistance from the D.F.P. for the sale of Trees ? YES/NO.
10. How did they keep you - - - - -
11. Total expenditure incurred in Felling of trees and the disposal ...
 - 1) Felling of trees - - - - -
 - 2) Transportation - - - - -
 - 3) D.F.O's charges (Administrative) - - - - -

- 12. Net income accrued on
 - Sale of Trees Rs. - - - - -
 - a) Advances received - - - - -
 - b) Instalments - - - - -
 - c) Investment in fixed deposit - - - - -
 - National Saving Certificate - - - - -
- 13. Time-lap between the Auction Sale--Years - - - months ---
- 14. Whether he is a member of
a Co-operative Society : YES/NO.
- 15. Have you received a voucher/bill for thematerial sent
to the forest sale Depot YES/NO.

BLOCK No.5

OPINION REGARDING PROCEDURE/PROVISION UNDER THE ACT,1969.

- 1. Do you think that the permission
for felling of trees is easily
granted within the period
specified YES/NO.
- 2. Respondent's reaction about
grant of permission 1) Tahsil Office - - - - -
2) D.F.O's Office - - - - -
- 3. What are the practical suggestion
for improvement 1) - - - - -
2) - - - - -
3) - - - - -
4) - - - - -

ADDITIONAL POINTS :

- 1. Whether new plantation under taken ? YES/NO.
- 2. If yes, No. of trees planted - - - - -
- - - - -
- 3. Whether the off-shoots/cutting preserved/growing? YES/NO.

Date : - - - - -
Place : - - - - -

Field Officer.
Name : - - - - -
Signature : - - - - -

EVALUATION STUDY OF FELLING OF TREES ACT, 1964 &
MAHARASHTRA SALE OF TREES BY OCCUPANTS BELONGING TO
SCHEDULED TRIBE (REGULATION) Act, 1969.

SCHEDULE NO.2

(FOR REVENUE & FOREST ADMINISTRATIVE/IMPLEMENTING OFFICERS)

- a) Name :
- b) Designation :
- c) Office :
- d) Address :
- 1) Do you think that the application submitted was completely processed within the prescribed time limit ? Yes / No.
- 2) Whether the application is referred to forest Department for formal sanction ? Yes / No.
- 3) Whether the Forest/Revenue Department Co-operates with you for the quick disposal of the case ? Yes / No.
- 4) Whether the periodical review of the cases in your office is carried out ? Yes / No.
- 5) Whether the occupant pursues the matter with you ? When ? Yes / No.
- 6) Whether the field survey of the land having standing trees, is carried out in conjunction with the Forest Department / Revenue Department Yes / No.
- 7) Whether the physical demarcation of the area with standing trees to be felled is again verified after due cuttings affected ? Yes / No.
- 8) Whether the new tree samplings are supplied to the occupant immediately after the felling of trees ? Yes / No.

- 9) Whether the occupants inform about the plantation of trees as specified in the order ? Yes / No.
If not, what action is taken against them by the Department ?
- 10) Whether the forest Department over-view the plantation work from time to time ? Yes / No.
- 11) Whether the occupants evince any interest in new plantation of trees in substitution of the felled trees. Yes / No.
- 12) Whether the Revenue authorities insist on strict follow-up of the conditions laid down in the order for felling of trees ? Yes / No.
- 13) If, not, what are the reasons. Is there any corrective measure to make good the lapse on the part of the occupants ? Yes / No.
- 14) Whether the tribal occupants really receive the remunerative price for their goods sold through the forest authorities ? Yes / No.
- 15) Whether the tribal occupants sell the trees to other traders local/outside with/without the permission ? Yes / No.
- 16) Whether you can put certain restrictions on such a sale under the provisions of Land Revenue Code ? Yes / No.
- 17) What is your opinion about the grant of permission by the Tahsil / S D O /

- 18) What charges do you recover under the grant of sale of trees by tribal occupants after grant of permission to them ? 1)
2)
3)
- 19) What can be done in the matter of quick disposal of cases either at the tahsil level or Sub-Divisional Officer's and the follow-up of the case by the Forest Department ? 1)
2)
3)
4)

20) Any other remarks as to the implementation of the provisions of the Act, 1969 :-

1) Modification in any of the provisions (Section)

2) Repealing of the any provisions (Section)

Date :

Interviewing Officer:

Place:

