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GOVERNMENT OF ARUNACHAL PRADESH

PART—I

Appointment, promotions, powers and personal notices issued by the Governor.

The 30th April, 2003

ARUNACHAL PRADESH (CONTROL OF FELLING AND REMOVAL OF TREES FROM NON-FOREST LAND) RULES, 2001.

No. FOR. 136/IND/2001.—In compliance with the directions of the Hon'ble Supreme Court in the order dated 12th May, 2001 in the W.P. (C) No. 202 of 1995 and in exercise of powers conferred under section No. 40 and 72 (c) of the Assam Forest Regulation 1891 (Regulation VII of 1891) as adopted by the Government of Arunachal Pradesh, the Governor of Arunachal Pradesh is pleased to make the following rules for controlling the felling and removal of trees from non-forest land in the manner hereinafter appearing.

SHORT TITLE AND COMMENCEMENT :

- 1 (a) These rules may be called "Arunachal Pradesh (Control of felling and removal of trees from non-forest land) Rules, 2001".
- 1 (b) These rules shall be applicable to the whole of the territory of Arunachal Pradesh in respect of non-forest land as defined in para 2 (c) below:—
- 1 (c) These rules shall come into force with effect from the day of notification.

DEFINITION :

2. In these rules, unless there is anything repugnant in the subject or context.
 - (a) "Government" means Government of Arunachal Pradesh.
 - (b) "Forest" means (i) Reserved Forest or Protected Forest or any other areas legally constituted as 'Forest'; and (ii) any area recorded as 'Forests' in Governments records maintained by Forest Department or other Government Departments and (iii) deemed Forest area identified as per Supreme Court order dated 12th December, 1996 in writ petition (C) No. 202/95.
 - (c) "Non-Forest land" for the purpose of these rules means area which is not 'Forest' as per 2 (b) above.
 - (d) "Rules" means Arunachal Pradesh (Control of felling and removal of trees from non-forest land) Rules, 2001.
 - (e) Other expressions as defined in the Assam Forest Regulation, 1891 (Regulation VII of 1891) shall be followed for the purpose of these rules.

REGISTRATION OF TREE PLANTATIONS:

- 3.1 Tree plantations raised in non-forest area by an individual or community or institution or non-government organisation or any other agency may be registered with the Divisional Forest Officers in the manner as may be prescribed in this behalf by the Principal Chief Conservator of Forests.
- 3.2 While registering a plantation it shall inter-alia be ensured that the applicant is the legal title holder; and it is a non forest land as per 2 (c) above.
- 3.3 The Divisional Forest Officer shall prepare and make available a certificate of such registration, which shall inter-alia include a location map/sketch of the plantations, to the registered owner with copies to the village level body, Deputy Commissioner/Collector, Conservator of Forests and Principal Chief Conservator of Forests.
- 3.4 The Registration Certificates shall normally be issued within 90 days of the receipt of complete application by the DFO.

TREE SPECIES NOT REQUIRING FELLING PERMISSION:

- 4.1 For felling and conversion of trees of following species from non forest area including plantations of such species, no felling permission from Forest Department under these guidelines are needed: Aam (*Mangifera indica*) Jamun (*syzygium Cumini*), Kothal (*Artocarpus Intergrifolia*), all species of Bamboo, Leteku, Paniol and Madnuriam.
- 4.2 The State Government shall be competent to add or delete species in 4.1 above, with prior concurrence of the Ministry of Environment and Forests.

PERMISSION FOR FELLING OF TREES—FOR NON COMMERCIAL PURPOSES:

- 5.1 Application for permission for felling of trees for non commercial purposes, including in respect of registered plantations shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests.
- 5.2 Application shall be submitted alongwith (i) the marking list containing details of species, number of trees to be felled tree-wise measurements of trees proposed to be felled (ii) copy of the registration certificate, if applicable and (iii) any other details prescribed by the Principal Chief Conservator of Forests.
- 5.3 The Divisional Forest Officer shall, as soon as possible and not later than 30 days from the date of receipt of the application complete in all respects, shall take necessary decision in the matter, failing which, the approval shall be deemed to have been accorded.

PERMISSION FOR FELLING OF TREES—FROM REGISTERED PLANTATIONS:

- 6.1 Application for permission for felling of trees shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests.
- 6.2 Application shall be submitted alongwith (i) the marking list containing details of species, number of trees to be felled, tree-wise measurements of trees proposed to be felled (ii) copy of the registration certificate and (iii) any other details prescribed by the Principal Chief Conservator of Forests.
- 6.3 The Divisional Forest Officer shall, as soon as possible, and not later than 60 days from the date of receipt of the application complete in all respects, shall accord permission for felling of such trees, failing which the approval shall be deemed to have been accorded. Such permission shall be refused only if the applicant is not found to have rightful title to the plantation or the area is not a non-forest area or the plantation were not found to be registered plantations.
- 6.4 In respect of plantations registered for more than three years, the felling permission shall be accorded within thirty days after receipt of application complete in all respects, failing which, the approval shall be deemed to have been accorded.

PERMISSION FOR FELLING OF TREES—FOR COMMERCIAL PURPOSES:

- 7.1 Application for felling of trees from non-forest area for commercial purposes, other than in respect of registered plantations, shall be made by the person having title over such trees in the proforma prescribed by the Principal Chief Conservator of Forest, to the Divisional Forest Officer,

- 7.2 The application shall be submitted alongwith marking list containing specieswise details of trees to be felled, map of the non forest area from which trees are proposed to be felled, land ownership certificate issued by the competent authority and other details prescribed by the Principal Chief Conservator of Forests.
- 7.3 The Divisional Forest Officer after verifying the ownership of the land, marking list of the trees to be felled, and other details and after physical verification of the area shall forward the application to the concerned Conservator of Forests along with his recommendation about silvicultural maturity, trees that may be allowed to be felled, and other relevant details. While recommending the application, he shall also certify that the land is not 'Forest' as per 2 (b) above and that physical verification of the trees/areas proposed to be felled has been got done from the field staff not below the rank of Assistant Conservator of Forests.
- 7.4 The Conservator of Forests may, after satisfying himself that conditions laid herein before have been complied with fully, accord approval for felling of trees under intimation to Principal Chief Conservator of Forests.
- 7.5 After felling of trees, the transportation of such timber shall be done under valid transit passes unless and until exempted under the relevant act/rules/regulations.

TRANSIT OF TIMBER :

- 8.1 The transit of timber from the non-forest land shall be regulated as per provisions of relevant acts/rules/regulations/guidelines regarding movement of timber or timber products.
- 8.2 As for movement of round timber produced from the non-forest land the provisions of the Arunachal Pradesh Forests (Removal of timber) Regulation Act, 1983 and rules and orders thereunder will be applicable.

CONFISCATION OF TREES FELLED IN VIOLATION OF RULES/GUIDELINES :

- 9.1 Timber obtained from trees felled in violation of these instructions, shall be deemed to have been confiscated to the State Government. However, the Divisional Forest Officer shall be at liberty to release the timber obtained from such trees to the legal title holder(s), after recovery of an amount equal to 50% of the royalty payable for the tree/timber. However, such released timber shall not be eligible for purchase or use by any wood based unit, traders or registered timber transporters.
- 9.2 The confiscation of timber as per 9.1 above is without prejudice to any action or penalty leviable under the relevant acts or rules.

PENALTY :

- 10.1 For violation of the provisions of these rules, appropriate penalties may be imposed on any person as per procedure contained in Chapter-VIII of the Assam Forest Regulation, 1891 (Regulation-VII of 1891) and rules or orders thereunder.

S. R. Mehta,
Principal Secretary (E & F),
Government of Arunachal Pradesh,
Itanagar.