

(Authoritative English text of this Department notification number FFE-B-E(3)-43/2006-Vol-II, dated 26th December, 2013 as required under clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Forests.

No. FFE-B-E(3)-43/2006-Vol-II Dated: Shimla-2, the 26.12.2013

NOTIFICATION

Whereas, the draft of the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 were published in the Rajpatra, Himachal Pradesh vide this Department notification of even number dated 28.09.2013 for inviting objection(s) and suggestion(s) from the general public within a period of 30 days from the date of its publication in the Rajpatra, Himachal Pradesh, as required under clause (L) of section 32 of the Indian Forest Act, 1927 (16 of 1927);

And whereas, the objection(s) and suggestion(s) received within the above stipulated period have been considered;

Now, therefore, in exercise of the powers conferred by clause (L) of section 32 of the Indian Forest Act, 1927 (16 of 1927), the Governor, Himachal Pradesh is pleased to make the following rules, namely:-

1.Short Title and commencement.-(1) These rules may be called the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013.

(2) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Definitions.-(1) In these rules, unless the context otherwise requires,

(a) 'Act' means the Indian Forest Act, 1927;

(b) 'Right Holder' means a person who has a right of timber recorded in the 'record of rights' in the Forest Settlement Report of the area concerned;

(c) 'Record of rights' means, rights recorded in the Forest Settlement Reports;

(d) 'Timber Distribution' means distribution of timber to the right holders as per record of rights recorded in the Forest Settlement Reports; and

(e) 'Timber Distribution Rights' means right of a Right Holder having cultivable lands for grant of timber for construction, repair and addition or alteration of residential house and cow shed for bonafide domestic use of the Right Holder, recorded in the Forest Settlement Report of the area concerned;

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(2) All other words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Indian Forest Act, 1927.

3. Entitlement.-Timber shall be granted to the Right Holders who have their recorded rights in the concerned Forest Settlement Reports for grant of Timber for construction, repair and addition or alteration of residential house, cow sheds for bonafide domestic use:

Provided that:

(i) no Timber Distribution under these rules shall be made for ten years if the right holder has sold trees yielding timber for construction of houses from his private land holding;

(ii) in case right holder has land holding which qualifies him for grant of timber at more than one place, he may be granted timber at both places but the rates of trees shall be doubled at the second place. The right holder shall give undertaking about the details of land holdings and while applying for Timber Distribution at second place, details of timber already obtained against land at first place;

(iii) no Timber Distribution shall be granted to a land owner on the basis of land purchased after obtaining the permission of the Government under section 118 of the Tenancy and Land Reforms Act, 1972, irrespective of the date of purchase of such land;

(iv) timber shall be granted only to the head of the family as per the Panchayat records;

(v) timber shall be granted for the construction, repair and addition or alteration of house and cow shed to be used only for bonafide domestic purposes;

(vi) timber shall not be granted to the Right Holders, if trees for the purpose are not available silviculturally in the forest where concerned right holders have Timber Distribution right. However, in such cases trees may be given from other forests at 50 % of market rate of trees; provided right holders of those forests have no objection;

(vii) rights other than for timber for construction, repair and addition or alteration as contained in forest settlement reports shall continue to be exercised by the right holders;

(viii) Timber Distribution Rights shall be subject to active cooperation and participation of Right Holders in forest conservancy. In case any Right Holder fails to perform his duties for apprehending offenders, extinguishing fire or commits any forest offence, his right of Timber Distribution shall be suspended for sixteen years from the date of omission or commission of such offence; and

(ix) Timber Distribution Right of a Right Holder shall be suspended for sixteen years if he is found to have mis-utilized the timber obtained in Timber Distribution under these rules.

4. Quantity.-(1) Trees shall be granted in unconverted form tree as per scale fixed below:

- (i) for construction of new house = Up to 7 Cubic Meter standing volume; and
- (ii) for repair and addition or alteration = Up to 3 Cubic Meter standing volume.

(2) Trees shall be given from salvage (fallen, dry standing) trees. If salvage trees are not available, then only silviculturally available green trees shall be given.

5. Periodicity. -The periodicity for grant of Timber Distribution to the Right Holders shall be as under:

- (i) for new construction - once in fifteen years;
- (ii) for repair and addition or alteration - once in five years;
- (iii) sufferers of natural calamities/fire sufferers: as recommended by the Sub Divisional Officer (Civil) concerned and after personal verification by the Assistant Conservator of Forest/Divisional Forest Officer concerned subject to the condition that the grant shall not exceed the maximum limit specified under rule-4; and
- (iv) period shall be counted from the date on which TD was granted last.

6. Rates. -The rates shall be charged as under:-

- (i) Rs. 500 per Cubic Meter standing volume for Deodar and Rs. 250 per Cubic Meter standing volume for other species;
- (ii) Right Holders suffering from natural calamities shall be given trees free of cost;
- (iii) Rates once fixed shall remain valid for five years.

7. Procedure for grant of trees.-Application for grant of trees shall be submitted by Right Holder as per **Annexure-I** to the Panchayat concerned after getting necessary remarks from the Patwari concerned about his land holding and rights. The Pradhan of concerned Gram Panchayat after ascertaining genuineness of the requirements of the Right Holder shall give his recommendations indicating actual quantity of requirement of timber. Thereafter, right holder shall submit his application to the Forest Guard of the area who shall enter the same in the register maintained for the purpose and shall

acknowledge the receipt of the application to the Right Holder and shall send the application with his recommendations to the Block Officer after ascertaining the genuineness of demand, who in turn shall submit the application along with his recommendations to the Range Officer. The Range Officer shall forward the same with his recommendations to the Divisional Forest Officer. After receipt of application from the Range Officer, the Divisional Forest Officer shall take action for sanctioning of the trees after satisfying himself about the genuineness of the requirements and silviculturally availability of trees in the concerned forest and intimate his decision to the Right Holder concerned as per **Annexure-II** appended to these rules.

8. Verification by Divisional Forest Officer.- Divisional Forest Officer shall randomly verify the actual requirements of trees applied for before according sanction.

9. Jurisdiction and period for the use of Timber.- (1) Timber obtained in Timber Distribution scheme shall be utilised within the same Revenue Estate, where his rights exist. Trees granted under these rules shall be allowed to be carried within revenue estate without obtaining any permission after affixing of TD hammer:

Provided that in case the timber is to be carried out from one estate to another, the Right Holder shall have to obtain permission from the Range Officer concerned for this purpose:

(2) The timber granted shall be utilized by the Right Holder within a period of one year. If the trees granted are not utilized within the specified period, concerned Divisional Forest Officer may grant extension for their use based on the genuineness of the case. The Divisional Forest Officer shall ensure through his staff that the trees granted are used for the purpose for which they were sanctioned. In case Timber obtained is not utilized during the permissible period, the same may be seized/confiscated by the Forest Department and the decision taken by the Divisional Forest Officer in this regard shall be final.

10. Marking of trees.- After sanctioning of trees by the Divisional Forest Officer, they shall be marked by Block Officer.

11. Use of Saw for conversion.- Conversion of trees, marked in Timber Distribution, shall be converted by using saw.

12. Another tree in lieu of rotten tree.- If salvage trees marked in Timber Distribution are found totally rotten after conversion, the right holder may inform the Range Officer, who shall personally check and certify and send report to the Divisional Forest Officer.

Thereafter, another tree may be ordered by the Divisional Forest Officer to be marked in lieu of rotten tree.

13. Monitoring of data base and checking.-The data regarding details of right holders, information about land at two places by the right holders, tree/timber granted, utilized, etc. Shall be maintained and monitored Panchayat and Range wise by the Divisional Forest Officer concerned through the Officers and officials working under him.

14. Penalty and Punishment.- If any Right Holder, violates any provision of these Rules in utilization of timber obtained, his rights shall be suspended for next sixteen years and he shall also be liable to pay the cost of the tree at the market rate.

15. Repeal and savings.-(1) The Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2010 are hereby repealed.

(2) Notwithstanding such repeal or any action taken or anything done under the rules so repealed shall be deemed to have been taken or done under the corresponding provisions of these rules.



Annexure- I

PROFORMA FOR APPLICATION FOR GRANT OF TIMBER DISTRIBUTION

(see rule 7)

(Delete whichever is not applicable)

1. Name of Applicant. _____
2. Occupation _____
3. Father's Name _____
4. No. of family members _____
5. Is the applicant head of family _____
6. Village. _____
7. Post Office _____
8. Tehsil _____
9. District _____
10. Panchayat _____
11. Year in which Timber Distribution was earlier granted and quantity/ No. of trees granted. _____
12. Purpose for which TD required _____

(whether for new construction, repair and addition or alteration of residential house/cow shed).

13. Details of TD required:

Species	Volume in Cubic Meter	Name of forest where right exists

14 I, hereby declare that:-

- (i) trees to meet the requirement for construction, repair and addition or alteration of residential house/cow shed are not available on my land;

(ii) I have not sold any tree from my land under the 10 year felling programme during the last 10 years;

(iii) I have land holding at only one place/more than one place i.e. at _____ and at _____.

If land is at two places TD already granted against may be given.

_____.

(iv) I am the original right holder and also the head of the family;

(v) I have not purchased land after obtaining the permission of the Government under Section 118 of the Tenancy and Land Reforms Act, 1972;

(vi) I understand that rights of Right Holders are subject to the active cooperation and participation of Right Holders in forest conservancy and I shall perform my duties for apprehending forest offenders, extinguishing fire etc; and

(vii) I shall not misuse the Timber obtained in TD and abide by the rules/instructions of the Forest Department in this regard.

(Signature of applicant)

Dated _____

Name in block letters _____

Verification/report of Pradhan, Gram Panchayat

It is certified that Sh. _____ S/o Sh. _____ is a permanent resident of village _____ Mauza _____ and is head of the family as per Panchayat record. The requirement of trees of the applicant is genuine and he requires _____ Cubic Meter of timber for construction, repair and addition or alteration of his residential house/cow shed.

Date: _____

Seal & Signature of Pradhan, Gram Panchayat

Report of Patwari

Certified that Sh. _____ S/o Sh. _____ is a permanent resident of _____ Mauza _____. Applicant is owner of the cultivable land comprising Khasra number _____ measuring _____ and pays an amount of Rs. _____ per annum as land Revenue and has recorded right to obtain trees in T.D. He is the head of the family.

Dated _____

Seal & Signature of Halqua Patwari

Report of Forest Guard:

(i) The applicant has not obtained trees/timber under Timber Distribution for construction, repair and addition or alteration of residential house/cow shed during last 15 years. The applicant has not obtained trees/timber under Timber Distribution for repair of residential house/cow shed for the last 5 years.

(ii) The applicant has not caused any loss/damage to forest wealth/encroached on forest land and no damage report/FIR/court case relating to any forest offence is pending against him.

(iii) The requirement of timber is for _____.

(iv) The applicant extends full cooperation in protection of the forest.

(v) The applicant may be sanctioned following trees

Species	Class	Number	Volume	Forest	Salvage/Green

Signature of Forest Guard

Date _____ Beat _____ Name of Forest Guard _____

Report of Block Officer (Deputy Ranger):

- (i) Certified that the contents of the application and the certificates given by the beat Guard are correct;
- (ii) I have inspected the site of construction, repair and addition or alteration of residential house/cow shed, where TD grant is proposed to be utilized and the applicant may be granted following trees on spot.

Species	Class	Number	Volume	Forest	Salvage/Green

which is available in salvage/silviculturally in _____ forest.

- (iii) Applicant has not sold any trees from his land during the last ten years under 10 years felling programme.

Signature of Block Officer

Date: _____ Block _____ Name _____

Report of Range Officer:

The requirement of the applicant is genuine and he may be granted following trees

Species	Class	Number	Volume	Forest	Salvage/Green

which are available in salvage/silviculturally in _____ Forest.

Signature and Seal

Date _____

Name of Range Officer

Sanction by DFO

Following trees are sanctioned for construction, repair and addition or alteration of residential house/cow shed to Sh. _____ s/o Sh. _____ of Village _____, GP _____, Tehsil _____, District _____

Species	Class	Number	Volume	Forest	Salvage/ green

Date: _____

Signature and Seal of
Divisional Forest Officer

Forest Division _____



Annexure-II

(see rule 7)

No.
Forest Department
Himachal Pradesh

From

Divisional Forest Officer,
_____ Forest Division

To

Sh../Sm.t _____
Village _____ Post Office _____
Tehsil _____ District _____
Dated _____

Subject:- Sanction of trees in TD

Dear Sir,/Madam,

Please refer to your application dated _____ for TD for construction, repair and addition or alteration.

2. Your application for grant of _____ Cubic Meter timber of _____ species for construction, repair and addition or alteration of residential house/cow shed has been considered by the undersigned and following trees are hereby sanctioned in your favour:-

Species	Class	Number	Volume	Forest	Salvage/Green

3. that your TD application has been considered and rejected on the following grounds:-

(i) _____

(ii) _____

(iii) _____

Yours faithfully,

Date: _____

Signature and Seal
of Divisional Forest Officer

Endst. No. Dated

Copy forwarded to Range Officer _____ for information and necessary action.

Signature and Seal of
Divisional Forest Officer,
_____ Forest Division.

By Order,

Tarun Shridhar,
Principal Secretary (Forests) to the
Government of Himachal Pradesh.

Endst. No. FFE-B-E(3)-43/2006-Vol-II Dated: Shimla-2, the 26.12.2013.

Copy forwarded for information and necessary action to:-

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. The Principal Chief conservator of Forests (HoFF), Himachal Pradesh, Shimla-1.
3. The Pr. Chief Conservator of Forests,(Wildlife), Himachal Pradesh, Shimla-1.
4. All the Addl. Pr. Chief Conservator of Forests/Chief Conservator of Forests/
Conservator of Forests/Divisional Forests Officers in Himachal Pradesh.
5. The Controller, Printing & Stationery Department, Himachal Pradesh, Shimla-5
for publication in Rajpatra, Himachal Pradesh.
6. All Deputy Commissioners in Himachal Pradesh.
7. The Under Secretary (Finance) to the Government of Himachal Pradesh.
8. The DLR-cum-Deputy Secretary (Law) to the Government of Himachal Pradesh.
9. Guard File.

(Prakasha Nand)

Under Secretary (Forests) to the
Government of Himachal Pradesh.