

(Authoritative English text of this Department Order No. FFE-B-A(3)4/99 dated 10th September, 2002 as required under clause (3) of article 348 of the Constitution of India)

NO. FFE-B-A(3)4/99

Dated Shimla-2, the 10th September, 2002.

ORDER

WHEREAS Notifications No. 15-4/71-SF dated the 19th January, 1979 in respect of Solan district, 3rd February, 1979 in respect of Chamba & Bilaspur districts, 6th February, 1979 in respect of Sirmour, Shimla, Hamirpur and Mandi Districts, 3rd May 1979 in respect of Kullu district, 30th May, 1979 in respect of Una and Kangra districts and 27th August, 1980 in respect of Kinnaur district of Himachal Pradesh respectively issued by the State Government in pursuance of the provisions of Section 3 of the Himachal Pradesh Land Preservation Act, 1978 directing therein that the areas shown in the Schedule to each of them were either subject to erosion or were likely to become subjected to erosion and to provide for the conservation of the sub-soil water and for prevention of erosion on the said areas and new specified in the Schedule appended to this order;

AND whereas the State Government is satisfied that after due enquiry under section 7 of the said Act that regulations, restrictions, prohibitions and directions contained in this order are necessary for the purpose of giving effect to the provisions of the Act supra;

NOW, therefore, in exercise of the powers conferred by section 4 of the said Act, the Governor, Himachal Pradesh is pleased to temporarily regulate, restrict, prohibit throughout the areas in Himachal Pradesh (Except the areas falling within the limits of Municipal Corporation, Municipal Councils, Nagar Panchayats and Cantonment Boards) as specified in Schedule appended to this order, the following acts for a period of 30 years from the publication of this order in the Rajpatra, Himachal Pradesh, namely :-

1. The cutting of trees or timber and removal thereof in such areas shall be prohibited:

Provided that there will no restrictions on the number of trees to be felled for purposes of bonafide domestic uses of fodder and fuel:

Provided further that the owners may for their bonafide domestic and agricultural use fell three trees of coniferous (except chil trees) and in case of chil and other trees five trees each year without permission and upto ten trees with the written permission of the Range Officer concerned and more than ten trees with written permission of the Divisional Forest Officer concerned. In case of bamboos there shall be no restrictions on number to be felled for bonafide domestic purposes or for use in their own cottage industries.

Provided further that the trees for sale shall be felled in accordance with the ten Years felling programme which shall be framed by the Officers of the Forest Department and approved by the State Government and the trees shall be felled after obtaining the permission of the following authorities, namely:-

- (a) for *Khair*, bamboos & other miscellaneous broad leaves species :-

No. of trees (1)	Competent authority of grant Permission to fell the trees. (2)
-upto 200 trees in a year	Divisional Forest Officer concerned.
-above 200 trees in a year	Concerned Conservator of Forests.
(b) for all other species.	
-upto 50 trees in a year	: concerned Divisional Forest Officer.
-upto 100 trees in a year	: concerned Conservator of Forests.
-upto 200 trees in a year	: Principal Chief Conservator of Forests, Himachal Pradesh.
-above 200 trees in a year:	Himachal Pradesh Government.

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least three trees for one tree felled. In case, however, a fruit orchard is planted in such area, it shall be planted according to the norms laid down by the Horticulture Department, Himachal Pradesh for complete stocking of the area.

2. After the permission to fell the trees is given by competent authority under para 1 of this order, the Divisional Forest Officer concerned shall issue felling order;

Provided that the felling of bamboos shall be regulated according to three years felling programme, which shall be framed by the officers of the Forest Department and approved by the State Government and that the permission for felling of bamboos for sale shall be granted by the Divisional Forest Officer concerned in accordance with 3 years felling programme.

3. The forest produce passing out of the areas permitted for felling of trees may be checked by any Forest Officer and no forest produce shall be extracted by any person without obtaining an export pass obtained from the Divisional Forest Officer concerned.

4. The authority competent to grant permission for felling of tree may, while granting permission, impose such conditions as it may deem necessary in the interest of forest conservancy and to avoid misuse of the forest produce so extracted.

5. Notwithstanding anything to the contrary contained in the foregoing paragraphs, the State Government may, be general or special order, allow the cutting or removal of any trees or class of trees subject to such condition as it may deem fit to impose, wherever it is expedient to do so in the public interest i.e. for the purpose of;

- (a) grant of Nautor land; or
- (b) consolidation of holding; or
- (c) dry/fallen trees.

6. In case the trees are not felled within the prescribed year, the Principal Chief Conservator of Forests may extend the period upto one year in the following circumstances:-

- (i) where the process of demarcation of land and marking of trees have been completed during the prescribed year of felling and felling orders stand issued by the Divisional Forest Officer concerned, but felling of trees has not been done or has been done partly; and
- (ii) where the process of demarcation of land and marking of trees has been completed during the prescribed year of felling but felling orders have not been issued.

Explanation: "Prescribed year" means the financial year in which trees are to be felled in respect of the particular area in accordance with ten years felling programme approved by the State Government.

7. In all other cases other than those mentioned in sub-para (i) and (ii) of para 6 of this order, the competent authority to grant permission to fell the trees may allow felling of trees, irrespective of approved ten years felling programme of the concerned area, in the following circumstances, namely:-

- (i) where trees have fallen or have dried due to natural calamities, disease or insect attack etc. and their retention may result in loss of value;
- (ii) where the land holdings in a particular revenue estates are under consolidation operations, the year following the one in which these operations have been concluded shall be treated as prescribed year of felling;
- (iii) where Government/private land has been acquired or leased or purchased or transferred for a public purpose such as creation of infrastructure facilities

or laying of irrigation and water supply lines or transmission lines or any other conveying systems or setting up to industries, hydro-power projects, tourism resorts or educational institutions or any other facilities which are in the public interest, and

- (iv) where the Government of India's approval for diversion of the forest land for non-forest land for non-forest purposes has been received

8. In all cases (other than those mentioned in para 6 & 7 of this order), where demarcation of land and marking of trees have not been done during the prescribed year in accordance with the approved ten years felling programme, permission to demarcate the land, marking and felling of trees may be granted beyond prescribed year of felling by the;

- (i) the Principal Chief Conservator of Forests upto one year; and
(ii) State Government upto two years subject to their being satisfied that sufficient reasons exist for granting such permission.

9. Where the permission has been granted under para-8 of this order, the Divisional Forest Officer concerned after demarcation of land and marking of trees shall issue felling order accordingly;

10. Application for demarcation of the land form which felling is proposed to be done may be filed before the Divisional Forest Officer concerned one year in advance from the prescribed year of felling and the Divisional Forest Officer concerned may process the case for demarcation of land.

11. In no case advance felling of trees shall be permitted before the prescribed year as fixed in the approved ten years felling programme;

12. In order to complete the felling and extraction of trees from private areas within the prescribed year of felling and not to seek frequent extensions, extension fee shall be levied on the balance number of trees/volume to be felled in the following rates:-

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|-------------------------|--|
| 1. Scheduled species | Rs. 100/- per cubic meters.
(standing volume) |
| 2. Khair. | Rs. 30/- per meter Girth (MG) |
| 3. Broad leaves species | Rs. 10/- per cubic meter. |

SCHEDULE

Sr.	District.	Notification No. & date under Section 3	Tehsil	Village.
(1)	(2)	(3)	(4)	(5)
1.	Solan	No. 15-4/71-SF 19 th January, 1979	1. Solan 2. Kandaghat 3. Arki 4. Nalagarh 5. Kasauli	Whole of private areas in these Tehsils.
2.	Chamba	No. 15-4/71-SF 3 rd February, 1979	1. Chamba 2. Churah 3. Dalhousie 4. Pangi 5. Bharmour 6. Salooni 7. Bhatiyat	Whole of private areas in these Tehsils.
3.	Bilaspur	No.15-4/71-SF 3 rd February, 1979	1. Ghumarwin 2. Bilaspur 3. Jhandutta	Whole of private areas in these Tehsils.
4.	Sirmour	No. 15-4/71-SF 6 th February, 1979.	1. Nahan 2. Paonta 3. Sangrah 4. Rajgarh 5. Shillai 6. Pachhad	Whole of private areas in these Tehsils.

5.	Shimla	No. 15-4/71-SF 6 th February, 1979	1. Shimla (Urban) 2. Shimla (Rural) 3. Suni 4. Theog 5. Kumarsain 6. Rampur 7. Chopal 8. Kotkhai 9. Jubbal 10. Rohru 11. Chirgaon 12. DodraKawar	Whole of private areas in these Tehsils.
6.	Hamirpur	No. 15-4/71-SF 6 th February, 1979	1. Hamirpur 2. Barsar 3. Nadaun 4. Bhoranj 5. Sujanpur Tihra	Whole of private areas in these Tehsils.
7.	Mandi	No. 15-4/71-SF 6 th February, 1979	1. Mandi (Sadar) 2. Sundernagar 3. Jogindernagar 4. Sarkaghat 5. Karsog 6. Thunag 7. Chachiot (Gohar) 8. Paddar 9. Ladbharol	Whole of private areas in these Tehsils.
8.	Kullu	No.15-4/71-SF 3 rd May,1979	1. Kullu 2. Banjar 3. Manali 4. Nirmand	Whole of private areas in these Tehsils.
9.	Una	No. 15-4/71-SF 30 th May, 1979	1. Amb 2. Bangana 3. Una	Whole of private areas in these Tehsils.
10.	Kangra	No. 15-4/71-SF 30 th May, 1979	1. Kangra 2. Dharamshala 3. Dehra 4. Nurpur 5. Jawali 6. Indora 7. Jaisinghpur 8. Palampur 9. Bajjnath 10. Baroh 11. JaswanKotla 12. Shahpur 13. Khundian 14. Fatehpur	Whole of private areas in these Tehsils.
11.	Kinnaur	No. 15-4/71-SF 27 th August, 1980	1. Kalpa 2. Nichar 3. Moorang 4. Pooh 5. Sangla	Whole of private areas in these Tehsils.

This supersedes this Department Orders No. 15-4/71-SF dated 13th March,1979, 27th August and 25th February, 1981 published in the Rajpatra, Himachal Pradesh (Extraordinary) dated 28th April, 1979, 13th September, 1980 and 12th March, 1981 respectively and all subsequent amendments made thereto.

By order

(Avay Shukla),
Principal Secretary (Forests) to the
Government of Himachal Pradesh.