

408

No. FFE-B-F (4)-1/2015
Government of Himachal Pradesh
Department of Forests

From

The Principal Secretary (Forests) to the
Government of Himachal Pradesh.

To

The Pr. Chief Conservator of Forests (HOFF)
Himachal Pradesh, Shimla.

Dated: - Shimla-2, the 3-5-2016

Subject: -

Procedure for disposal of trees where diversion on forest
land for non-forest purpose for facilities managed by the
Govt. under Section 3(2) of the Scheduled Tribes and other
Traditional Dwellers (Recognition of Forest Rights) Act,
2006.

Sir,

I am directed to refer to your letter No. Ft.66-
79/2014/FRA(FCA) dated 14-3-16 on the subject cited above and to convey the
approval of the Govt. for disposal of trees in non-tribal areas of the State under the
said regulation through H.P.State Forest Corporation which is the authorized
agency of the Govt. for timber extraction works.

Yours faithfully,

(D.C.Rana)
Addl. Secretary (Forests) to the
Government of Himachal Pradesh

21-03/05/16

CCF(FCA)

PCCF
4/5

No.Ft.66-79/2014/FRA(FCA)
Forest Department, Himachal Pradesh

From: Principal Chief Conservator of Forests (HoFF)
Himachal Pradesh, Shimla-171001

To: The Addl. Chief Secretary (Forests) to the
Govt. of Himachal Pradesh,
Shimla-171002

Dated Shimla-1, the 11 4 MAR 2016

Subject: Procedure for disposal of trees where diversion on forest land for non-forest purpose for facilities managed by the Govt. under Section 3(2) of the Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

Section 3(2) of the Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 provides for diversion of forest land for the under mentioned facilities which are to be managed by the Govt. and involves felling of trees not exceeding 75 per ha notwithstanding anything contained in the FCA, 1980.

- n) Schools;
- o) Dispensary or hospital;
- p) Anganwadis;
- q) Fair price shops;
- r) Electric and telecommunication lines;
- s) Tanks and other minor water bodies;
- t) Drinking water supply and water bodies;
- u) Water or rain water harvesting structures;
- v) Minor irrigation canals;
- w) Non-conventional source of energy;
- x) Skill up-gradation or vocational training centres;
- y) Roads; and
- z) Community centres;

Provided that such diversion of forest land shall be allowed only if,

- ii. The forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and
- iii. The clearance of such development projects shall be subject to the condition that the same is recommended by the Gram Sabha.

2. Further procedure for diversion of forest land have been prescribed by the Ministry of Tribal Affairs Govt. of India vide their letter No. 23011/15-2008-SG-II dated 18.05.2009 received vide Principal Secretary (TD) to GoHP letter No. TDB(A)3-1/2007 dated 12.06.2009.
3. The procedure for disposal of trees where such diversion is approved by DFO of the area or District level committee as the case may be has not been indicated in any of these regulations.
4. As per provision of section 4 (7) of the Act, the forest right shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980 requirement of paying the 'net present value (NPV)' and 'compensatory afforestation' for diversion of forest land except those specified in this Act. But there is no procedure for felling of trees in the diverted forest land under FRA. The procedure of disposal of trees where road construction is involved under FCA 1980 is dealt with as per instructions contained in Pr. CCF letter No. Ft. 48-66/83(H) dated 20.02.1995 (copy enclosed as Annexure -1) wherein trees coming in the road alignment are handed over to HP State Forest Corporation for exploitation by treating it as a lot. In all other cases than road construction, price of trees at market rates is recovered from the user agency before these are handed over to it for getting the disposal of trees. Such a procedure as per this reference had approval of the highest authority of the Govt.
5. In view of what indicated above, it is suggested that for easy disposal of trees in the state under section 3 (2) of Forest Rights Act, 2006, these may be handed over to HP State Forest Corporation for exploitation by treating it as a lot and cost of trees may be realized from all the Govt. agencies at market rates except HPPWD for road construction in non tribal areas.

You are requested to accord the approval for non-tribal areas in the same manner as given for tribal areas vide your office letter No. FFE-B-F-(5)-2/2002-II dated 26.2.2010 (copy enclosed as Annexure-II).

Encls: as above

Yours faithfully,

[Signature]
12/3/2016
Principal Chief Conservator of Forests (HoFF)
Himachal Pradesh

[Signature]
9/3/2011

-34-

Annexure A I

No. 1 t. 45-66/83 (H)
DEPARTMENT OF FOREST FARMING & CONSERVATION
HIMACHAL PRADESH

20.2.1995

Dated the, 20.02.95

Principal CCF HP

To:- 1. CCF Wildlife HP
2. All CFS & DFOs (T & WL)


Handing over of road alignment
trees to HPSPFC at royalty rates

Sum

Please refer to the correspondence resting with this
letter of even No. dated 3rd September, 1991 on the
subject.

2. It has been noticed that cases under Forest Conservation Act, 1980 where diversion of forest land was involved for construction of roads by HPPWD, the price of trees at market rates has not been paid so far in many cases by the PWD on account of the fact that in the budget of that Department only construction cost of the road is provided and additionality on account of cost of trees coming in the alignment is not included. To some extent because of this snag, actual work of construction of PWD roads even where clearances have been received was getting hampered. This matter was considered at highest level of Government and it was felt that the practice of charging of market rates of trees from PWD is unnecessarily inflating the construction cost of the roads and thus hampering the developmental works.

3. After detailed discussions, it has accordingly been decided that henceforth, after clearance has been obtained for diversion of forest land under the Forest (Conservation) Act, 1980, the trees coming in road alignment schemes be handed over to the HP State Forest Corporation for working as regular logs instead of charging market rates from PWD. However, these instructions shall be applicable in case of HP PWD only. The PWD will pay cost on compensatory afforestation as usual. Permission for removal of such trees whether green or dry would not be required further once Govt. of India's clearance has been received.


(V. P. Mohan)
Principal Chief Conservator of Forests
Himachal Pradesh

Endst. No. As above

Dated the, 20.02.95

20.2.1995

Copy in continuation of this Office Endst. of even
No. dated 20th February, 1995 is forwarded to:-

1. The FC-cum-Secretary (Forests) to the Govt.
information.
2. The Private Secretary to the Hon'ble Forest
Minister for the kind information of Hon'ble Minister
3. Sh. B. S. Chandel, IAS, J1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Principal Chief Conservator of Forests

No. FFE-B-F-(S)-2/2002-II.
Government of Himachal Pradesh
Department of Forest.

From

The Additional Chief Secretary (Forests) to the
Government of Himachal Pradesh.

To.

The Principal Chief Conservator of Forests
Himachal Pradesh, Shimla-171001.

Dated Shimla-171002.

20-09-2010.

Subject:

Procedure for disposal of trees where diversion on forest land for non forest purpose for facilities managed by the Govt. under Section 3(2) of Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006.

Sir.

I am directed to refer to your letter No. 48-66/83(T&TD) dated 30th August, 2010 on the subject cited above and to convey the approval of the Govt. for disposal of trees in tribal areas of the State where regulation under Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 as applicable at present as desired by you vide letter under reference.

You are, therefore, requested to take further necessary action accordingly.

Yours faithfully,

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

Endt. no. Pt 48-66(2010(T.D.) Vol II
Copy is forwarded to C.F. Chamber, Kullu and
for information and necessary action.

Pr. C.F.

(150) (351)

No.Ft.48-66/83(T & TD)
H.P. Forest Department

From

Principal Chief Conservator of Forests
Himachal Pradesh, Shimla-171001.

To

The Addl. Chief Secretary (Forests) to the
Govt. of Himachal Pradesh,
Shimla-171002.

30 AUG 2010

Dated Shimla-1, the

Subject:

Procedure for disposal of trees where diversion on forest land for non forest purposes for facilities managed by the Govt. under Section 3(2) of the Scheduled Tribes and other Traditional Dwellers ((Recognition of Forest Rights) Act, 2006.

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- a) schools;
- b) dispensary or hospital;
- c) anganwadis;
- d) fair price shops;
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- f) tanks and other minor water bodies;
- g) drinking water supply and water pipelines;
- h) water or rain water harvesting structures;
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- j) non-conventional source of energy;
- k) skill upgradation or vocational training centers;
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Provided that such diversion of forest land shall be allowed only if,

- i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and

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- ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

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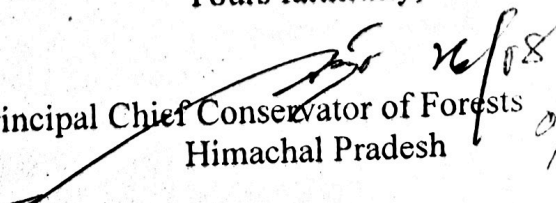
The procedure for disposal of trees where such diversion is approved by DFO of the area or District level committee as the case may be has not been indicated in any of these regulations.

The procedure of disposal of trees where road construction is involved under FCA 1980 is dealt with as per instructions contained in Pr.CCF letter No.Ft.48-66/83(H) dated 20.02.1995 (copy enclosed as Ann.-I) wherein trees coming in the road alignment are handed over to HP State Forest Corporation for exploitation by treating it as a lot. In all other cases than road construction, price of trees at market rates is recovered from the user agency before these are handed over to it for getting the disposal of trees. Such a procedure as per this reference had approval of the highest authority of the Govt.

In view of what is indicated above, it is suggested that for easy disposal of trees in tribal areas of the state where this regulation under Scheduled Tribes and other Traditional Dwellers ((Recognition of Forest Rights) Act, 2006 is applicable at present, these may be handed over to HP State Forest Corporation for exploitation by treating it as a lot.

Approval in this respect of the Govt. is requested.

Yours faithfully,


Principal Chief Conservator of Forests
Himachal Pradesh