

(For office use only)



FOREST DEPARTMENT
HIMACHAL PRADESH

FOREST MANUAL

Volume-I
(Acts & Rules)

(For office use only)



FOREST DEPARTMENT
HIMACHAL PRADESH

FOREST MANUAL

Volume-I
(Acts & Rules)

VIRBHADRA SINGH



**CHIEF MINISTER
HIMACHAL PRADESH
SHIMLA-171 002**

MESSAGE

Forests, constitute the essential life support system besides being source of timber, fuel, fodder, medicines etc. Besides their aesthetic and cultural value, forests are rich repository of biodiversity and recognized for their role in regulation of air quality and climate, soil formation and nutrient recycling and in hydrological cycle. Almost 66% of the area of the state is legally defined as forest land. This underscores the importance of forests in the lives of people of Himachal Pradesh and burdens Forest Department to shoulder responsibility.

The importance of a Departmental manual can scarcely be overstated. It lays down the manner in which the department transacts its business and must therefore internalize the elements of propriety, simplicity and procedural clarity along-with the need for efficiency. I am sure the Forest Department in its endeavour has inked best ideas and practices. I wish the Department all the success and hope that the Manual will prove to be a handy tool for forest officials and officers.

(Virbhadra Singh)



MESSAGE

The state of Himachal Pradesh is blessed with natural resources. Forests of the State are important catchments for five major rivers i.e. Beas, Chenab, Ravi, Sutlej & Yamuna that flow through it. Out of the total geographical area of 55,673 Km², about 37,000 Kms² is forest land and is managed by the Forest Department.

Forest Department of Himachal Pradesh is one of the oldest department and one of the biggest in terms of its vast spread. The Department performs multifarious functions and its character has changed over the decades from being a regulatory entity into an organization that is aligned with development, while fulfilling the needs of the community.

The changes in Government orders and notifications etc. are required to be reflected in a compiled form easily accessible to all. Against this backdrop, it gives me great satisfaction to know that Department has thoroughly revised and updated the Forest Manuals as a set of 4 Manuals relating to various aspects of forest administration and management like Acts & Rules, Service matters, Budget & Accounts and Technical matters.

It shall be the Department's endeavor to make full use of the new Manuals in their day to day working.

(Thakur Singh Bharmouri)

TARUN SHRIDHAR I.A.S.



**Additional Chief Secretary (Forests)
Government of Himachal Pradesh**

MESSAGE

Forest Department of Himachal Pradesh, apart from fulfilling its traditional role of a regulator and protector, is now being called upon to take up the emerging challenges relating to management of forests, climate change, fulfilling the aspirations of various forest dependent communities and other stakeholders and generally being in sync with the changing times.

These changes are also reflected in the various facets of forest administration and have called for a thorough and comprehensive revision and compilation of Forest Manuals in the form of Acts & Rules, matters relating to Budgeting, matters relating to Establishment and those relating to Technical issues.

It gives me immense satisfaction to know that Forest Department has brought out a set of Forest Manuals which are a revision of earlier Manuals and I congratulate the officer Shri P.K. Sinha, APCCF (Rules & Manuals) and also the staff working with him who have painstakingly gone over each Act/Rule/Order & Notification and Technical matter and brought out the new set of Forest Manuals.

The utility of such a compilation can hardly be emphasized and it is my hope that the new Manuals would be used by all the officers and staff, resulting in clarity and ease of operations.

(Tarun Shridhar)

SUSHIL SRIVASTAVA I.F.S.



**Principal Chief Conservator of Forests &
Head of Forest Force, Himachal Pradesh**

PREFACE

Forest Department had brought out compilation of Acts & Rules, Budget & Accounts, Service Matters and Technical Matters in the form of four Manuals in the mid-eighties under the guidance of Dr. M.P. Gupta, CCF, Himachal Pradesh.

Since the last almost three decades many new Acts & Rules have been enacted-service matters have undergone sea change, changes have taken place in the way budgets are prepared and there have been revised delegation of financial and other powers, economy instructions etc. A need was felt to revise and update the existing Forest Manuals.

The task of revising and updating the Forest Manuals was entrusted to Shri P.K. Sinha, Addl. Pr.CCF and the present revision/updation is an elaborate effort carried out under his vast experience and guidance.

I appreciate the hard working that has gone into revision and for bringing out the revised Manuals. I congratulate all who have contributed in compiling these Manuals, which shall be of great help to officers and staff in their day to day working in coming years.

If there are any suggestions to supplement the information/manuals the same may be sent to the Head Office so that it could be incorporated in future editions/revisions.

(Sushil Srivastava)

P. K. SINHA I.F.S.



**Addl. Principal Chief Conservator of Forests
(Finance) and (Rules & Manuals)
Himachal Pradesh**

FOREWORD

It is my pleasure to present the first revision/updation of Himachal Pradesh Forest Manual which was brought out earlier in mid-eighties.

I had been assigned the task of revision/updation of Forest Manuals in the year 2013 and it took me almost two years to accomplish this mammoth task.

The document makes available all updated Acts, Rules, Policies and technical instructions related to Forest Department's working at one place and should prove quite useful for reference, record and general day to day working.

I would like to express my gratitude to Sh. Sushil Srivastava IFS, Principal Chief Conservator of Forests (HOFF) for his constant guidance, support and motivation for enabling me to successfully complete this challenging task.

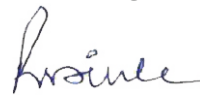
I am particularly indebted to Sh. Rajnish Ahluwalia, who not only assisted me for preparation of manuals even sitting late hours, but also took the responsibility on his shoulder for carrying out the typing, setting, designing and also formatting in printable form plus whatsoever help he could have rendered. I am also indebted to Sh. Brij Thakur P.A., who carried out lot of typing works and also helped me in many ways.

I am thankful to Shri Surinder Kumar Addl. PCCF, Sh. D.P. Sinha Addl. PCCF, Sh. Harsh Mittar Addl. PCCF, Shri Nagin Nanda Addl. PCCF and Sh. R. K. Sood CCF (WL) all of whom provided relevant materials pertaining to their subjects. Thanks are especially due to Sh. D. K. Vij ACF, who always helped me and remained with me during work and was of great assistance. I place on records my appreciation for Sh. Laiq Ram and Shri Mohinder Singh Peon who rendered all possible logistical support to me and my staff. I am generally indebted to all the staff at Mist Chamber Forest Complex who assisted me in every possible way. I am also indebted to Sh. Harish Gupta, Registrar (Budget) and all the staff of Budget, Accounts, Management & Sales Sections of Talland Office for providing copies of relevant records incorporated in the compilation.

I am thankful to Sh. J. S. Walia, PCCF (Wild Life) for allowing me to incorporate the write up on Soil and Water Conservation in the manual on technical matters.

Last but not the least, I convey my sincere gratitude to Shri Anish Sharma, DFO, Publicity, Shri Dinesh Gupta, Superintendent and Shri Vishnu Sharma, Photographer in Publicity Division for making all-out effort to get the manuscript published in the shape it has taken.

I hope this compilation would be useful to not only to forest staff but also to academicians, researchers and all others who is concerned with the working of the Forest Department.


(P. K. Sinha)

VOLUME I

Acts, Rules, Notifications, Government Orders etc. (Issued by Govt. of H.P. and Govt. of India) as applicable to the Forest Department of Himachal Pradesh

INDEX

Sr.	Subject	Page
1.	CHAPTER-I [Forest Policy]	1-31
	National Forest Policy, 1988.	1-7
	H.P. Forest Sector Policy & Strategy, 2005.	8-31
2.	CHAPTER-II [Forest Act & Rules]	32-110
	India Forest Act, 1927.	32-51
	Indian Forest (Himachal Pradesh Amendment) Act, 1968	52-69
	Indian Forest (Himachal Pradesh) Second Amendment Act, 1991.	70-72
	Notification dated 6 th September, 1991 declaring all DFO's (T) & DFO's (WL) in H.P. Authorized Officers.	73
	Notification dated 6 th September, 1991 empowering all Conservator of Forests of Territorial Circles in H.P. to act as revisional authority.	73
	Himachal Pradesh Private Forest Act, 1954	74-88
	Notifications and Rules under H.P. Private Forest Act, 1954.	89-108
	Notification dated 25 th February 1952 in regard to all Forest Land and Waste Lands in H.P.	109
	Notification dated 25 th February 1952 declaring all trees to be reserved in protected forests.	110
3.	CHAPTER-III	111-118
	Powers of Forest Officers.	111-118
4.	CHAPTER-IV	119-120
	Appointment of persons to be Forest Officers under IFA 1878 and IFA 1927	119-120
5.	CHAPTER-V	121-122
	Payment of Rewards.	121-122
6.	CHAPTER-VI Rules for Protected Forests in erstwhile State in H.P.	123-172
	Rules for the forest in the old Sirmour State which have been declared as protected forests	123-124
	Rules for the Zamindari forests in the old Sirmour State which have been declared as forests.	124-127
	Rules of protected forests of Jagirs of Raja of Guler, Data Siba, Nadaun and Kuthlehr under section 31 of Act-VII of 1878.	128-131
	Declaring certain forests and waste land to be protected forests under section 28 of Act of 1878.	132
	Rules for the areas of Lahaul Waziri of Lahaul & Spiti District	132-134
	Rules for the preservation and disposal of trees belonging to Govt. but growing on lands belonging to private persons under section 75 of Act-VII of 1878.	134-139
	Rules for protected forests exclusive of those in Lahaul Waziri	139-143
	Preservation of certain trees under section 29 A of Act VII of 1878.	144
	Definition of right holders.	144
	Protected forests of old Upper Bushar Forests.	144-148
	Protected forests of old Mandi State.	149-152
	Protected forests of Old Jubbal State.	153-155
	Protected forests of Dhami, Mangal, Kunihar, Baghal, Baghat, Kuthar, Mehlog and Beja States.	156-161
	Protected forests of old Kumarsain, Khaneti, Sangri, Darkoti, Theog, Ghund, Balson, Madhan, Keonthal Koti, Ratesh and Bajji States including the Pepsu enclaves	161-164
	Protected forests of old Suket State.	164-166
	Rules applying to protected forests except those in Kothis Kohr and Swar, Palampur Tehsil under Section 31 of Act VII of 1878.	167-172

Sr.	Subject	Page
7.	CHAPTER-VII [River Rules]	173-177
	Himachal Pradesh River Rules 1971.	173-177
8.	CHAPTER-VIII [Transit Rules]	178-194
	H.P. Forest Produce Transit (Land Routes) Rules, 2013.	177-194
9.	CHAPTER-IX [LPA Act, 1978 & Rules]	195-234
	H.P. Land Preservation Act, 1978.	195-202
	Rules under H.P. Land Preservation Act, 1978.	202-205
	Land Preservation Act, 1978 of Shimla District	206-207
	Land Preservation Act, 1978 of Kinnaur District	207-208
	Land Preservation Act, 1978 of Mandi District	209-210
	Land Preservation Act, 1978 of Hamirpur District	210-211
	Land Preservation Act, 1978 of Una District	212-213
	Land Preservation Act, 1978 of Bilaspur District	213-214
	Land Preservation Act, 1978 of Sirmour Distt.	215-217
	Land Preservation Act, 1978 of Kullu Distt.	218
	Land Preservation Act, 1978 of Kangra Distt.	218-219
	Land Preservation Act, 1978 of Solan Distt.	220-221
	Land Preservation Act, 1978 of Chamba Distt.	221-223
	Amendment of Land Preservation Act 1978 of Kangra, Kullu, Mandi, Chamba, Bilaspur, Una, Shimla, Solan, Sirmour, Hamirpur and Kinnaur District.- order dated 2 nd Sept. 1981.	223
	Amendment of Land Preservation Act 1978 of Kangra, Kullu, Mandi, Chamba, Bilaspur, Una, Shimla, Solan, Sirmour, Hamirpur and Kinnaur District order dated 2 nd Sept. 1984.	224
	Compounding of forest offences under section 19 of L.P.A.	225
	Amendment of H.P. LPA Rules 1983 vide Notification dated 13-11-1992.	225
	Order dated 10 th Sept. 2002 regarding felling of trees under LPA 1978.	226-229
	Amendment of order dated 10-9-2002 vide order dated 11 th Nov. 2013.	230
	Various orders/notifications under LPA, 1978 issued by the Govt.	230-234
10.	CHAPTER-X [Sale of Timber Act, 1968 & Rules]	235-240
	Himachal Pradesh Forest (Sale of timber) Act, 1968.	235-236
	Rules under Himachal Pradesh Forest (Sale of timber) Rules 1969.	236-238
	Rules under Himachal Pradesh (sale of timber) (1st amendment) Rules, 1984.	239-240
11.	CHAPTER-XI [Resin & Resin Products Act, 1981 & Rules]	241-256
	The Himachal Pradesh Resin & Resin Products (Regulation of Trade) Act, 1981	241-245
	Amendment of the Himachal Pradesh Resin & Resin Products (Regulation of Trade) Act, 1981 vide notification dated 30-9-1982.	246
	Amendment of the Himachal Pradesh Resin & Resin Products (Regulation of Trade) Act, 1982 vide notification dated 18-4-1983.	246
	Himachal Pradesh Resin & Resin Products (Regulation of Trade) Rules, 2002	247-255
	Amendment of H.P. Forest Produce Transit (Land Routes) Rules, 1978 vide notification dated 25.10. 2002 regarding export pass fee in case of resin.	256
12.	CHAPTER-XII [H.P. Forest Produce Regulation of Trade Act, 1982 and Rules]	257-262
	The Himachal Pradesh Forest Produce (Regulation of trade) Act, 1982.	257-261
	Amendment of the Himachal Pradesh Forest Produce (Regulation of trade) Act, 1982.	262
	Himachal Pradesh Forest produce (Regulation of trade) Rules, 1984.	262

Sr.	Subject	Page
13.	CHAPTER -XIII [Wildlife]	263-455
	The Wild Life (Protection) Act, 1972.	263-310
	The Wild Life (Protection) Amendment Act, 2002.	311-328
	The Wild Life (Protection) Amendment Act, 2006.	329-335
	Rules under the Wild Life (Protection) Act, 1972.	336-348
	Miscellaneous Amendments and Notifications issued under Wild Life (Protection) Act 1972 by the Central Government.	349-406
	(a) The Biodiversity Act, 2002.	407-423
	(b) The Biodiversity Rules, 2004.	424-439
	National Board of Wild Life Rules, 2003.	440-441
	Wet Land (Conservation & Management) Rules, 2010.	442-447
	Notifications/ Letters issued by Govt. of Himachal Pradesh on Wild Life from time to time.	448-455
14.	CHAPTER-XIV [Forest Corporation]	456-465
	Constitution of Pricing Committee for H.P. State Forest Corporation Ltd.	456
	Transfer of Resin and Turpentine Factories works to H.P. State Forest Corporation Ltd.	456-463
	Transfer of Timber operation and Resin Tapping works to H.P. State Forest Corporation Ltd.	464-465
	Declaring the Corporation Officers as Forest Officers under the Indian Forest Act, 1927.	465
	Authorizing all Divisional Manager of H.P. State Forest Corporation Ltd. to issue pass for Transportation of Resin and Timber vide Govt. letter dated 22 nd Feb. 2003.	465
15.	CHAPTER-XV [Forest Conservation Act, 1980]	466-599
	A comprehensive Handbook of Forest (Conservation) Act, 1980, Forest (Conservation) Rules, 2003, (Guidelines & clarifications), Revised as on 20 th October, 2003.	466-512
	Letters and various guidelines/clarifications issued from time to time by MOEF (GoI) from the year 2001 onward in regard to the implementation of Forest (Conservation) Act, 1980.	513-580
	Check List of Documents required for proposal for diversion of Forest Land under FCA (1980)	581-599
16.	CHAPTER-XVI [Environment]	600-701
	(a) The Environment (Protection) Act, 1986.	600-606
	(b) The Environment (Protection) Rules, 1986.	607-613
	EIA Notification dated 14 th September, 2006 regarding environment clearance.	614-642
	(a) H.P. Non-Biodegradable Garbage (Control) Act, 1995.	643-648
	(b) Notifications and Rules under the H.P. Non-Biodegradable Garbage (Control) Act, 1995 & Rules (Notification dated 26 th Nov. 1998)	649-657
	National Action Plan on Climate Change.	658-701

Sr.	Subject	Page
17.	CHAPTER- XVII [Miscellaneous]	702-783
	Govt. Notification dated 30-11-2012 appointing DFO Municipal Corporation as Forest Officers.	702
	Notification on the Constitution of State Compensatory Afforestation Fund Management and Planning Authority (CAMPA) Himachal Pradesh	702-706
	Notification on Catchment Areas Treatment Plan {CAT (Plan) }	707
	National Green Tribunal Act, 2010.	708-721
	Himachal Pradesh Forests (Protection from fire) Rules, 1999.	722-723
	Himachal Pradesh Kuthar Forest (Acquisition of Management) Act, 1992.	723-734
	The Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.	735-742
	Govt. of H.P. Notification dated 05.05.2010 regarding compounding of Forest offence cases	743-745
	The Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Rights) Act, 2006.	746-752
	The Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2010.	753-759
	(a) Policy on Development of Eco-tourism in Himachal Pradesh– 2001.	760-766
	(b) Revised Policy on Development of Eco-tourism in Himachal Pradesh – 2005.	767-772
	Notifications issued by GoHP on Participatory Forest Management (PFM) and Sanji Van Yojna.	773-783

* H.P. Forest Manual (Vol. I) on Acts, Rules, Notifications Govt. Orders etc. approved vide H.P. Govt. Letter No. FFE-B-C (1)-7/2013 dated 29th October, 2014.

CHAPTER I

NATIONAL FOREST POLICY 1988

GOVERNMENT OF INDIA MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI

No. 3-1/86-FP
(Department of Environment, Forests & Wildlife)

Dated the 7th December, 1988.

RESOLUTION

National Forest Policy, 1988

1. PREAMBLE

1.1. In Resolution No.13/52/F, dated the 12th May, 1952, the Government of India in the erstwhile Ministry of Food and Agriculture enunciated a Forest Policy to be followed in the management of State Forests in the country. However, over the years forests in the country have suffered serious depletion. This is attributable to relentless pressures arising from ever-increasing demand for fuel-wood, fodder and timber; inadequacy of protection measures; diversion of forest lands to non-forest uses without ensuring compensatory afforestation and essential environmental safeguards; and the tendency to look upon forests as revenue earning resource. The need to review the situation and to evolve, for the future, a new strategy of forest conservation has become imperative. Conservation includes preservation, maintenance, sustainable utilisation, restoration, and enhancement of the natural environment. It has thus become necessary to review and revise the National Forest Policy.

2. BASIC OBJECTIVES

2.1 The basic objectives that should govern the National Forest Policy - are the following:

- Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.
- Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.
- Checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs in the "interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs.
- Checking the extension of sand-dunes in the desert areas of Rajasthan and along the coastal tracts.
- Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.
- Meeting the requirements of fuel-wood, fodder, minor forest produce and small timber of the rural and tribal populations.
- Increasing the productivity of forests to meet essential national needs.
- Encouraging efficient utilisation of forest produce and maximising substitution of wood.
- Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimise pressure on existing forests.

2.2 The principal aim of Forest Policy must be to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.

3. ESSENTIALS OF FOREST MANAGEMENT

3.1 Existing forests and forest lands should be fully protected and -their productivity improved. Forest and vegetal cover should be increased rapidly on hill slopes, in catchment areas of rivers, lakes and reservoirs and ocean shores and, on semi-arid, and desert tracts.

3.2 Diversion of good and productive agricultural lands to forestry should be discouraged in view of the need for increased food production.

3.3 For the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas should be strengthened and extended adequately.

3.4 Provision of sufficient fodder, fuel and pasture, specially in areas adjoining forest, is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuel wood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with special emphasis on augmenting fuel wood production to meet the requirement of the rural people.

3.5 Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.

4. STRATEGY

4.1 Area under Forests

The national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. In the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

4.2 Afforestation, Social Forestry & Farm Forestry

4.2.1 A massive need-based and time bound programme of afforestation and tree planting, with particular emphasis on fuel wood and fodder development, on all degraded and denuded lands in the country, whether forest or non-forest land, is a national imperative.

4.2.2 It is necessary to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilised lands under State/corporate, institutional or private ownership. Green belts should be raised in urban/industrial areas as well as in arid tracts. Such a programme will help to check erosion and desertification as well as improve the microclimate.

4.2.3 Village and community lands, including those on foreshores and environs of tanks, not required for other productive uses, should be taken up for the development of tree crops and fodder resources. Technical assistance and other inputs necessary for initiating such programmes should be provided by the Government. The revenues generated through such programmes should belong to the panchayats where the lands are vested in them; in all other cases, such revenues should be shared with the local communities in order to provide an incentive to them. The vesting, in individuals, particularly from the weaker sections (such as landless labour, small and marginal farmers, scheduled castes, tribals, and women) of certain ownership rights over trees, could be considered, subject to appropriate regulations; beneficiaries would be entitled to usufruct and would in turn be responsible for their security and maintenance.

4.2.4 Land laws should be so modified wherever necessary so as to facilitate and motivate individuals and institutions to undertake tree-farming and grow fodder plants, grasses and legumes on their own land. Wherever degraded lands should be made available for this purpose either on lease or on the basis of a tree-patta scheme. Such leasing of the land should be subject to the land grant rules and land ceiling laws. Steps necessary to encourage them to do so must be taken. Appropriate regulations should govern the felling of trees on private holding.

4.3 Management of State Forests

4.3.1 Schemes and projects which interfere with forests that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive

areas should be severely restricted. Tropical rain/moist forests, particularly in areas like Arunachal Pradesh, Kerala, Andaman & Nicobar Islands, should be totally safeguarded.

4.3.2 No forest should be permitted to be worked without - the Government having approved the management plan, which should be in a prescribed format and in keeping with the National Forest Policy. The Central Government should issue necessary guidelines to the State Governments in this regard and monitor compliance.

4.3.3 In order to meet the growing needs for essential goods and services which the forests provide, it is necessary to enhance forest cover and productivity of the forests through the application of scientific and technical inputs. Production forestry programmes, while aiming at enhancing the forest cover in the country, and meeting national needs, should also be oriented to narrowing, by the turn of the century, the increasing gap between demand and supply of fuel wood. No such programme, however, should entail clear-felling of adequately stocked natural forests. Nor should exotic species be introduced, through public or private sources, unless long-term scientific trials undertaken by specialists in ecology, forestry and agriculture have established that they are suitable and have no adverse impact on native vegetation and environment.

4.3.4 Rights and Concessions

4.3.4.1 The rights and concessions, including grazing, should always remain related to the carrying capacity of forests. The capacity itself should be optimised by increased investment, silvicultural research and development of the area. Stall-feeding of cattle should be encouraged'. The requirements of the community, which cannot be met by the rights and concessions so determined, should be met by development of social forestry outside the reserved forests.

4.3.4.2 The holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive benefits. The rights and concessions from forests should primarily be for the bonafide use of the communities living within and around forest areas, specially the tribals.

4.3.4.3 The life of tribals and other poor living within and near forests revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirements of fuel wood, fodder, minor forest produce and construction timber should be the first charge on forest produce. These and substitute materials should be made available through conveniently located depots at reasonable prices.

4.3.4.4 Similar consideration should be given to scheduled castes and other poor living near forests. However, the area, which such consideration should cover, would be determined by the carrying capacity of the forests.

4.3.5 Wood is in short supply. The long-term solution for meeting the existing gap lies in increasing the productivity of forests, but to relieve the existing pressure on forests for the demands of railway sleepers, construction industry (particularly in the public- sector), furniture and panelling, mine-pit props, paper and paper board etc. substitution of wood needs to be taken recourse to. Similarly, on the front of domestic energy, fuel wood needs to be substituted as far as practicable with alternate sources like bio-gas, LPG and solar energy. Fuel-efficient "Chulhas" as a measure of conservation of fuel wood need to be popularised in rural areas.

4.4 Diversion of Forest Lands for Non-forest purposes

4.4.1 Forest land or land with tree cover should not be -treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any non-forest purpose should be subject to the most careful examinations by specialists from the standpoint of social and environmental costs and benefits. Construction of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for conservation of trees and forests. Projects which involve such diversion should at least provide in their investment budget, funds for regeneration/compensatory afforestation.

4.4.2 Beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should' be required to repair and re-vegetate the area in accordance with established forestry practices. No mining lease should be granted to any party, private or public, without a proper mine management plan appraised from the environmental angle and enforced by adequate machinery.

4.5 Wildlife Conservation

Forest Management should take special care of the needs of wildlife conservation, and forest management plans should include prescriptions for this purpose. It is specially essential to provide for "corridors" linking the protected areas in order to maintain genetic continuity between artificially separated sub-sections of migrant wildlife.

4.6 Tribal People and Forests

Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to the following:

- One of the major causes for degradation of forest is illegal cutting and removal by contractors and their labour. In order to put, an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, government corporations, etc. as early as possible;
- Protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce;
- Development of forest villages on par with revenue villages;
- Family oriented schemes for improving the status of the tribal beneficiaries; and

Undertaking integrated development programmes to meet the needs of the tribal economy in and around the forest areas, including the provision of alternative sources of domestic energy on a subsidised basis, to reduce pressure on the existing forest areas.

4.7 Shifting Cultivation

Shifting cultivation is affecting the environment and productivity of land adversely. Alternative avenues of income, suitably harmonised with the right land use practices, should be devised to discourage shifting cultivation. Efforts should be made to contain such cultivation within the area already affected, by propagating improved agricultural practices. Area already damaged by such cultivation should be rehabilitated through social forestry and energy plantations.

4.8 Damage to Forests from Encroachments, Fires and Grazing

4.8.1 Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There, should be no regularisation of existing encroachments.

4.8.2 The incidence of forest fires in the country is high. Standing trees and fodder are destroyed on a large scale and natural regeneration annihilated by such fires. Special precautions should be taken during the fire season. Improved and modern management practices should be adopted to deal with forest fires.

4.8.3 Grazing in forest areas should be regulated with the involvement of the community. Special conservation areas, young plantations and regeneration areas should be fully protected. Grazing and browsing in forest areas need to be controlled. Adequate grazing fees should be levied to discourage people in forest areas from maintaining large herds of non-essential livestock.

4.9 Forest-based Industries

The main considerations governing the establishment of forest-based industries and supply of raw material to them should be as follows:

- As far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements, preferably by establishment of a direct relationship between the factory and the individuals who can grow the raw material by supporting the individuals with inputs including credit, constant technical advice and finally harvesting and transport services.
- No forest-based enterprise, except that at the village or cottage level, should be permitted in the future unless it has been first cleared after a careful scrutiny with regard to assured availability of raw material. In any case, the fuel, fodder and timber requirements of the local population should not be sacrificed for this purpose.

- Forest-based industries must not only provide employment to local people on priority but also involve them fully in raising trees and raw-material.
- Natural forests serve as a gene pool resource and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for 'undertaking plantation and for any other activities.
- Farmers, particularly small and marginal farmers, would be encouraged to grow, on marginal/degraded lands available with them, wood species required for industries. These may also be grown along with fuel and fodder species on community lands not required for pasture purposes, and by Forest department/corporations on degraded forests, not earmarked for natural regeneration.
- The practice of supply of forest produce to industry at concessional prices should cease. Industry should be encouraged to use alternative raw materials. Import of wood and wood products should be liberalized.
- The above considerations will, however, be subject to the current policy relating to land ceiling and land-laws.

4.10 Forest Extension

Forest conservation programme cannot succeed without the willing support and cooperation of the people. It is essential, therefore, to inculcate in the people, a direct interest in forests, their development and conservation, and to make them conscious of the value of trees, wildlife and nature in general. This can be achieved through the involvement of educational institutions, right from the primary stage. Farmers and interested people should be provided opportunities through institutions like Krishi Vigyan Kendras, Trainers' Training Centres to learn agrisilvicultural and silvicultural techniques to ensure optimum use of their land and water resources. Short term extension courses and lectures should be organised in order to educate farmers. For this purpose, it is essential that suitable programmes are propagated through mass media, audio-visual aids and the extension machinery.

4.11 Forestry Education

Forestry should be recognised both as a scientific discipline as well as a profession. Agriculture universities and institutions, dedicated to the development of forestry education should formulate curricula and courses for imparting academic education and promoting postgraduate research and professional excellence, keeping in view the manpower needs of the country. Academic and professional qualifications - in forestry should be kept in view for recruitment to the Indian Forest Service and the State Forest Service. Specialised and orientation courses for developing better management skills by in-service training need to be encouraged, taking into account the latest development in forestry and related disciplines.

4.12 Forestry Research

With the increasing recognition of the importance of forests for environmental health, energy and employment, emphasis must be laid on scientific forestry research, necessitating adequate strengthening of the research base as well as new priorities for action. Some broad priority areas of research and development needing special attention are:

- Increasing the productivity of wood and other forest produce per unit of area per unit time by the application of modern scientific and technological methods.
- Revegetation of barren/marginal/waste/mined lands and watershed areas.
- Effective conservation and management of existing forest resources (mainly natural forest eco-systems).
- Research related to social forestry for rural/ tribal development.
- Development of substitutes to replace wood and wood products.
- Research related to wildlife and management of national parks and sanctuaries.

4.13 Personnel Management

Government policies in personnel management for professional foresters and forest scientists should aim at enhancing their professional competence and status and attracting and retaining qualified - and motivated personnel, keeping in view particularly the arduous nature of duties they have to perform, often in remote and inhospitable places.

4.14 Forest Survey and Data Base

Inadequacy of data regarding forest resources is a matter of concern because this creates a false sense of complacency. Priority needs to be accorded to completing the survey of forest resources in the country on scientific lines and to updating information. For this purpose, periodical collection, collation and publication of reliable data on relevant aspects of forest management needs to be improved with recourse to modern technology and equipment.

4.15 Legal Support and Infrastructure Development

Appropriate legislation should be undertaken, supported by adequate infrastructure, at the Centre and State levels in order to implement the Policy effectively.

4.16 Financial Support for Forestry

The objectives of this revised Policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life support systems and in preserving genetic diversity. Forests should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well-being of the people and the Nation.

(K. P. Geethakrishnan)

Secretary to the Government of India

H.P. Forest Sector Policy & Strategy 2005

Government of Himachal Pradesh

Department of Forests

Notification

No. FFE-B-C (16) -5/2005-Loose

Dated: Shimla-2, the 02. 05. 2006

In supersession of this Department Notification No. Fts. (B) 17-5/85 dated 3rd September, 1980, the Governor, Himachal Pradesh is pleased to notify the "Himachal Pradesh Forest Sector Policy and Strategy, 2005".

By Order

Principal Secretary (Forest) to the
Government of Himachal Pradesh

Endst No. – As above

Dated: Shimla -2 the 02. 05. 2006.

Copy forwarded for information & necessary action to:-

1. The Principal Secretary to the Hon'ble Chief Minister, Himachal Pradesh.
2. The Private Secretary to the Hon'ble Chief Minister, Himachal Pradesh.
3. The Private Secretary to the Hon'ble Forest Minister, Himachal Pradesh.
4. Private Secretary to the Chief Secretary to the Government of Himachal Pradesh.
5. All the Administrative Secretaries to the Government of Himachal Pradesh.
6. The Principal Chief Conservator of Forest, Himachal Pradesh, Shimla-1.
7. The Managing Director, H.P.S.F.C., Shimla-9.
8. The Accountant General, H.P., Shimla-3.
9. The Sr. Dy. Accountant General, H.P., Shimla-3.
10. All the Deputy Commissioners, Himachal Pradesh,
11. All the Conservator of Forests, Himachal Pradesh.
12. Adviser (Forestry) Policy Analysis and Planning Unit Government of Himachal Pradesh.
13. All the Divisional Forest Officers in Himachal Pradesh.
14. The Controller, Printing and Stationery, H.P. Shimla-5 with a request to publish the Notification in Extra-ordinary Gazette at early date.
15. Guard File.

Sd/-

Additional Secretary (Forest) to the
Government of Himachal Pradesh

LIST OF ACRONYMS

BLEC	Block Level Expert Committee
CAT	Catchment Area Treatment
CBOs	Community Based Organizations
CBD	Convention on Biological Diversity
CDM	Clean Development Mechanisms
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
CPP	Centre for Policy and Planning
CSOs	Civil Society Organizations
DFO	Divisional Forest Officer
EPA	Environment Protection Act
FCA	Forest Conservation Act
FIC	Forest Information Centre
FSO	Forest Settlement Officer
GoHP	Government of Himachal Pradesh
GDP	Gross Domestic Product
HP	Himachal Pradesh
HPFD	Himachal Pradesh Forest Department
HPFSRP	Himachal Pradesh Forest Sector Reforms Project
HRD	Human Resource Development
JFM	Joint Forest Management
M & E	Monitoring and Evaluation
MAP	Medicinal and Aromatic Plants
NBA	National Bio-Diversity Authority
NGO	Non Government Organisation
NDPF	New Demarcated Protected Forests
NRM	Natural Resource Management
NTFP	Non Timber Forest Produce
NWFP	Non Wood Forest Products
PA	Protected Area
PAN	Protected Areas Network
PAPU	Policy Analysis and Planning Unit
PESA	Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996
PFM	Participatory Forest Management
PRIs	Panchayati Raj Institutions
PURA	Providing Urban Amenities in Rural Areas
R & D	Research & Development
SBB	State Biodiversity Board
SFM	Sustainable Forest Management
SLUB	State Land Use Board
SVY	Sanjhi Van Yojna
TD	Timber Distribution
TFRK	Traditional Forest Related Knowledge
UNFF	United Nations Forum on Forests
WTO	World Trade Organisation

HIMACHAL PRADESH

FOREST SECTOR POLICY AND STRATEGY, 2005

1. PREAMBLE

Recognising that the forests and other natural ecosystems of Himachal Pradesh, which constitute two-third of the geographical area of the state, are crucial for its environmental, ecological and economic wellbeing and that the influence of the state's forests transcends well beyond its boundaries, significantly impacting on the ecology and economy of the Indo-gangetic plains;

Realising that there has been a paradigm shift in the objectives and management practices for forestry at the national and state level from the first state forest policy for Himachal Pradesh which was adopted on

3rd September 1980 in furtherance of the National Forest Policy resolution of 1952 to the coming into force of the Forest Conservation Act 1980 and the National Forest Policy of 1988 and a constitutional devolvement of power to the Panchayati Raj Institutions to usher in a democratic decentralisation process through the Constitution (73rd Amendment) Act, 1992 ;

Responding to new developments such as participatory forest management which has been adopted as an alternative national approach to forest management and is premised on collaboration, decentralisation and democratization which in turn has resulted in forestry becoming pluralistic recognising multiple use; multiple stakeholders and multiple values;

Introducing a "Forest Sector Concept" where it encompasses the entire biophysical and environmental components comprising lands and biological resources (i.e. forests, watersheds, wetlands, wildlife, biodiversity and habitats) and includes the stakeholders and institutions directly or indirectly dependent on or responsible for the management of these resources for livelihood security and sustenance. These include other sectors such as agriculture, horticulture, animal husbandry, rural development and other institutions and organisations having interests and/ or dependence on the 'Sector' directly or indirectly;

Conscious that biodiversity conservation, multi stakeholder approaches, livelihood security, gender and equity concerns have become central to sustainable development and forest management;

Committed to the need for comprehensive change in response to the changing scenario through a Vision, Mission and Value statement:

"The HPFD aims to be a committed organization of excellence in forestry, serving communities and the nation for harmony between people, environment, conservation and development. Working in partnerships, we manage and protect the unique Himalayan bio-diversity for the future. Creative and dynamic, we aspire to be the best forestry service."

Realising that the Forest Sector Policy is a dynamic and consultative process involving all stakeholders and endeavours to achieve the vision of the Himachal Pradesh Forest Department as well as the aspirations of the people of Himachal Pradesh. We give to ourselves this new Forest Sector Policy including illustrative strategies to achieve the aims and objectives of the Policy.

2. BACKGROUND

2.1 Mountain Context

Himachal is a mountain state, exerting influence well beyond its boundaries. Like mountain regions all over the world, it is a source of water for the plains. Home to the catchments of four major tributaries of Indus river system, and the Yamuna River; its environment health has significant impact on the agriculture and economy of the Indo-gangetic plains which cuts across three South Asian countries. Apart from water and hydro-electricity, Himachal has valuable forest, agricultural and recreational resources. Being exceedingly fragile, even seemingly small changes can have far reaching impacts. Mountain environment thus requires different approaches than those for the lowlands. A forest sector policy and strategy for the state

thus would have to be highly sensitive to the uniqueness of mountain environment and which places people at the centre recognising the need to achieve a balance between people, environment, conservation and development.

2.2 Ecological Importance

The forests of the state are rich in biodiversity and play a vital role in preserving the fragile Himalayan ecosystem while also being a primary livelihood source for the rural population and prime source of fresh water for both urban and rural population. The major forest types represented are moist tropical, dry tropical, montane sub-tropical, montane temperate, sub-alpine and alpine scrub, comprising coniferous and miscellaneous broad-leaved tree species.

Although nearly 66% of the geographical area of the state is forest land as per records, the extent of actual forest cover on all categories of land in the state is only around 26%. Himachal Pradesh has more than 12% of its area under two National parks and thirty-two wildlife sanctuaries which are home to some rare and endangered faunal and floral species such as the snow leopard, musk deer, pheasants and Himalayan yew.

The cold desert region of the state comprising Spiti sub division of Lahaul and Spiti District and Pooh Sub Division of Kinnaur district is a distinct biome and manifests remarkable ecological and biological diversity having their unique characteristics of isolation and marginality. Cold deserts merit specially focused research and a concerted effort in terms of natural resource management as they have been so far governed by general development policies, disregarding the uniqueness of the region.

2.3 Developmental Context in Himachal Pradesh

Himachal Pradesh has a population of 6.07 million (2001 Census), of which 90% live in rural areas. Its per capita income makes it one of India's less poor states; however, there are very substantial disparities in wealth within rural communities of the state. An estimated 26.7 % of its population is below the poverty line. Over 29% of Himachal's population are Scheduled Castes and Scheduled Tribes and of these groups about 45% are below the poverty line. Population growth has resulted in increasing pressure on the limited land available for agriculture, and forests remain the principal source of grazing, fuel wood and fodder, especially among the poorest, as well as for rights and concessions such as Timber Distribution Rights. Non Wood Forest Products constitute an important source of livelihood for the poor and especially landless.

In the light of the increasing demand placed on the forest sector, its diminished capacity to meet the forest needs of the people, sustainability has become the major challenge which is being felt both at national, state and local levels.

Cumulatively, deforestation and forest degradation result in adverse ecological and livelihood consequences listed below, leading to reduced well-being of the present and future generations.

- Reduction in biodiversity due to destruction of habitats of fauna and flora.
- Irregular water flow and drying up of natural springs and increased vulnerability to flash floods during rains.
- Loss of soil fertility associated with soil erosion, resulting in the reduction of agricultural productivity.
- Widening gap between demand and supply for wood products resulting in rapidly increasing prices and increasing imports of timber and other wood products.
- Scarcity of fodder and fuel-wood.
- Increase in carbon levels contributing to global warming.

Forest Sector

Forest sector in the context of this Policy means and includes the entire biophysical and environmental components comprising lands, soil, water and biological resources (flora and fauna) under the control and management of the Himachal Pradesh Forest department as also the forest tree crops outside the forest lands and includes the stakeholders directly dependent on forest resources for their livelihoods and other sectors, institutions and the government departments having interests/ dependence in the 'Sector' directly or indirectly.

2.4 Policy Context

The need for an appropriate Forest Sector policy emerges from the recognition that the economic, environmental, social and institutional circumstances are changing. In order to periodically review and adapt to these changes, the policies and programmes of the Government need to be made more responsive and capable, so that the interests of the forest sector and people dependent on the resource do not suffer. The "Sector" concept has been introduced in forestry to encompass the entire biophysical and environmental components such as land and biological resources (fauna and flora), the impacts of other land resource using sectors on forests, forest plantations and tree crops outside the forests, soil and water, the mitigation of atmospheric pollution and global warming, in addition to human needs and requirements.

The 'Sector' concept lays a firm foundation for a new Forest Sector Policy and Strategy development in Himachal Pradesh based on principles of multiple stakeholders and multiple forest values that would create an appropriate enabling environment for enhancing forest-based livelihoods and sustainable forest management, that emphasises the involvement of local communities and Panchayati Raj Institutions (PRIs) in the management of forests in the state.

2.5 Policy Precedents - National and State

The first state forest policy for Himachal Pradesh was adopted on 3rd September 1980 in furtherance of the National Forest Policy resolution of 1952. In 1988, India introduced a progressive National Forest Policy that recognised the relationship between rural poverty and environmental protection. The National Forest Policy (1988) establishes a principal aim 'to ensure environmental stability and ecological balance', and directs that the domestic requirements of poor and marginalised forest users should be the first charge on forest produce. The policy calls for the enhancement of incomes and employment through improved and increased production of non-wood forest products (NWFPs), and proposes that a massive people's movement with the involvement of women should be generated to achieve the objectives. In pursuance of the objectives of the National Forest Policy mentioned above the Ministry of Environment and Forest issued a circular in June 1990 to various State Departments of Forest (vide No.6-21/89-F.P) encouraging the involvement of village communities and voluntary agencies for regeneration of forest land. Most of the States have now issued notifications pertaining to Joint Forest Management in line with the Central Government circular. The Government of Himachal introduced the concept of JFM through its resolution in 1993 and subsequently PFM Rules in 2001.

Trends in the Forest Sector in the country as a whole and globally are reflected in the developments that have hitherto taken place and are intended in the future in Himachal Pradesh;

- *The decision-making process is progressively being opened up to allow increased public participation as evidenced by the involvement of civil society organisations in the sector and of village communities through programs such as JFM / PFM.*
- *An increasing awareness and sensitivity about issues concerning local people and their rights on forest and forest based resources.*
- *A shift towards a more decentralised and people oriented forestry, including community control and management of community resources as encapsulated in legislation such as PESA [Panchayat Extension to Scheduled Areas Act, 1996].*
- *Increasing influence of international concerns and impacts, resulting in forest issues are becoming more globalized. The UNFF process and Forestry Principles and other binding and non-binding international instruments are few examples in this regard.*
- *The set of forest values receiving explicit consideration in management is being expanded to include Non Wood Forest Products (NWFPs), watershed functions, biological diversity, wildlife habitats, recreation values and ecological health among others.*
- *An increasing use and integration of participatory monitoring and evaluation in the Forest sector.*
- *Increasing efforts to create a new global market for forest based services and products through international instruments and mechanisms such as Kyoto Protocol, Clean Development Mechanisms (CDM), and certification for sustainably managed forests and green products.*
- *A growing debate about intensively managed plantations versus integrated management and natural regeneration.*
- *Decreasing subsidies and increasing private participation in the sector.*
- *An increasing interest in open, transparent, accountable and efficient governance.*

Many provisions of the H.P. State Forest Policy, 1980 have become redundant over time and new developments have taken place. Thus for example the contractor system for forest harvesting and providing wood for packing cases have been abolished while industrial development is taking place on a large scale and enactments such as the Forest Conservation Act are now in force. Moreover the 1980 policy was not revised in light of the National Forest Policy of 1988.

However, certain policy and legal measures were undertaken. Thus for example the Government of Himachal Pradesh issued an order on Joint Forest Management (JFM) in 1993, and PFM Rules were notified in August 2001. Participatory Forest Management was promoted across the entire state through *Sanjhi Van Yojna* [SVY] and other Projects. In order to improve upon and remove difficulties of various programmes and projects on forestry especially their economic viability and institutional sustainability, a need has arisen to develop participatory management approach further to a more sustainable model that involves the forest sector as a whole effectively.

The Constitution (73rd Amendment) Act, 1992 mandates decentralisation through the three tier system of local self government known as Panchayati Raj Institutions (PRIs). The Government of Himachal Pradesh gave effect to this initiative through the Himachal Pradesh Panchayati Raj Act, 1994. The Forest Sector Policy supports this initiative by strengthening and working through the local government institutions at all levels, and actively pursuing the integration of state government department's activities through the PRIs. Similarly the 'scheduled areas' have a new mandate through the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the conforming state amendments in 1997. This Policy will support and benefit from these actions and amendments by pursuing change within government departments and strengthening PRIs.

3. GOAL

The Forest Sector Policy seeks to achieve sustainable forest management in Himachal Pradesh i.e. forests, watersheds, wildlife, biodiversity and habitats, for the maintenance and rehabilitation of its environment and strive for enhanced livelihoods of the people of the state, especially women and other resource poor groups.

4. PRINCIPLES

In the context of the physical, developmental and policy background described above, the following are set out as the guiding principles of the Forest Sector Policy of Himachal Pradesh.

4.1 Sustainable Development

Sustainable Development is a complex term which has been variously defined globally. It has been defined as "improving the quality of human life in perpetuity, while living within the carrying capacity of supporting ecosystem, and not undermining the diversity and importance of other natural species and systems, indicating a positive change which does not undermine the environment or social systems on which we depend." Sustainable development has also been defined as a means to achieve livelihood security.

"Sustainable Development of natural resources is an enabling environment where conservation, use, access and enhancement of natural resources complement and balance each other for improving the quality of life of every individual who is affected by the natural environment".

The broad concern of sustainable development is thus to fulfil the essential needs of all human beings and all other species in an ecologically sound manner. It requires a coordinated approach to planning and policy making. Public participation is central, critical and indispensable to this process.

"For most mountain inhabitants of developing countries, fields, grazing land and forests are the main workplaces and source of sustenance. Their way of life is characterized by the complementary use of different altitudinal belts, which is conditioned by physical factors and infrastructure constructed over generations. Pressures to intensify the use of these landscapes threaten their careful management, on which not only mountain people but their downstream neighbours depend".(Mountains of the World: Challenges for the 21st Century)

4.2 Integrated Natural Resource Management

Integrated natural resource management is an essential ingredient of sustainable development and is of particular significance to mountain areas where sustainable management of natural resources that incorporates economic, social and environmental values and involves the community, industries and governments in planning and decision making is promoted.

Integrated approach recognizes the inter-relatedness of all natural resources and it should promote coordinated policies, programs, plans and projects in the exercise and performance of administrative and statutory functions by government agencies, statutory authorities, local government bodies, and the community at large.

4.3 Decentralized Governance

The decentralization of power from capital cities towards towns and villages can be one of the best ways to empower mountain inhabitants, reduce costs and increase efficiency especially in the context of natural resource management. This will lead to a more secure property rights regime, improve access to financial resources, markets, information, training and ensure equitable participation in political decision making. The mountain communities should be empowered to act as the effective stewards of mountain resources.

In the context of integrated natural resource management, decentralisation means the application of principles of good governance - transparency, rationality, accountability, reduction in time and costs and participation at the local level.

4.4 Gender and Equity

Some sections of the society, who are the most dependent on forest resources for their livelihoods should not be marginalized in development processes. Special efforts are required to provide equal space in institutions and mechanisms of decision making to bring to the forefront, the perceptions, attitudes and choices of all stakeholders especially women and poor. Equity in the context of this Policy refers to both equity in entitlements and participation of all stakeholders in processes of decision-making over management and control of forest resources.

4.5 Policy as a Process

Economic, environmental, social and institutional frameworks and resource needs are rapidly changing, both within Himachal Pradesh and outside. The forest sector policy and strategy thus need a regular review and adaptation to address these changes through appropriate institutions and processes.

5. BASIC OBJECTIVES

Within the framework of the National Forest Policy, 1988, the basic objectives of the Forest Sector Policy of Himachal Pradesh are to:

- Conserve and improve the status of natural resources in the state, especially forests, wildlife and biodiversity through effective watershed management practices.
- Conserve and manage forests scientifically, contemporarily and incorporating the best practices from within and outside the state, for the present and future generations, and to increase their values – historical, cultural, religious, economic and aesthetic – for communities and the environment on a sustainable basis.
- Strive for livelihood security of forest dependent communities through protection of rights to forest goods and services.
- Establish and support an integrated governance system that effectively involves all stakeholders in protecting, conserving, using, managing and restoring forests and other natural resources of the State.
- Fulfil obligations under various national policies and laws, international instruments including covenants, agreements and protocols related to the forest sector.
- Strive towards an appropriate land use in the state especially in the context of sustainable forest management, focusing on other primary land use sectors such as agriculture, horticulture, animal husbandry and those related to infrastructure development. Strengthen the capacity for research, training, extension, education and awareness of government and non-government institutions, related to the forest sector.
- Apply the best scientific information, resources, management practices and strategies available to implement the forest sector policy and create a mechanism to periodically review the policy keeping in view the changing circumstances and needs.

6. POLICY MEASURES

Policy measures also include a definitive strategy. However the strategies mentioned are illustrative and inclusive and not limited to them.

6.1. Classification of Forests

While classification by vegetation and ecological types is relevant for silvicultural purposes and legal categorisation is based on degree of control, the functional classification of forests is important in the context of this Policy to promote appropriate land use for increased productivity, providing enhanced livelihood opportunities and improved conservation.

Conservation Forests: This category shall be delineated from the existing reserved /protected forests in the State having little biotic interference and shall be controlled and managed by the Forest Department primarily for physical, climatic, hydrological and ecological considerations for environmental and biodiversity conservation. This category of forests shall also include protected area network, which constitutes more than 12 percent of the State area. Such areas shall be managed as per established principles of protected area management. While fulfilling the functions of this category the existing rights of the local communities in these forests shall be safeguarded or duly compensated as the case may be.

Production Forests: This category shall be delineated from the existing reserved/protected forests and shall be maintained and managed primarily for sustained production of timber and non-timber forest products while also providing for the rights of the people and environmental services. This category of forests will be the main source of revenue to the government.

Community Forests: This category of forests shall be carved out from the protected forests and village common lands and managed by village communities through the PRI system or other enabling village level institutions, in harmony with the provisions of the Participatory Forest Management Rules. The category will be introduced in a phased manner, beginning with villages and panchayats with strong, expressed commitment for managing these forests. These forests shall primarily be managed to meet the livelihood needs especially of the resource poor sections of the community in addition to providing environmental services. The HPFD will play a supportive and facilitative role in the management of community forests.

Strategies

- The HPFD in consultation with other stakeholders will devise criteria and mechanisms to assess and categorise the State's forests into Conservation, Production, Community and Urban forests. Necessary modifications in the Working plan code will be made to accordingly reorganise these forests in a time bound manner and make provisions for periodically reviewing such categories.
- The rationale of Protected Areas Network (PAN) in the state including the extent of area required will be reviewed, taking into account the representation of the various bio-diversity resources of the state and the livelihood requirements of the people.
- An enabling legal framework including review of the PFM rules, 2001 will be made for the management and control of Community forests.
- The establishment and maintenance of green belts in urban areas as part of urban land use planning will be promoted by establishing linkage with Urban Authorities and Town and Country Planning department of the state government.

6.2 Area under Forests

The Government of Himachal Pradesh is committed to bringing more area under forest and tree cover in the state. According to the National Forest Policy, 1988 in the hills and in mountainous regions, the aim should be to maintain two third of the total geographical area of hilly States including Himachal Pradesh under forest and tree cover.

More than twenty thousand square km of State's land is uncultivable comprising barren land, nallahs, river beds, water bodies, alpine pastures, snow covered peaks and area above tree line and cannot sustain forests (trees), although such areas fall within the legally classified forest land. Thus only about seventeen thousand square km within the legally classified forest area can support tree crop, equivalent to 30.5 percent of the total State geographical area. In addition about 5 percent area of the state is under tree cover as horticulture and farm forestry.

In view of the above facts, the state will aim at bringing 35.5 percent of the total geographical area of the state under forest and tree cover and the balance legally classified forest land will continue to be managed for other purposes such as alpine pastures and glaciers.

Strategies

- The uniqueness of Himachal Pradesh as a hill state and its unique physical and ecological status especially those areas that are uncultivable needs to be explained in reference to the National Forest Policy for justifying the extent of forest and tree cover and will be taken up

A coordinated and collaborative effort from all land using sectors will be made to achieve and enhance the target of 35.5 % forest and tree cover through measures such as reforestation and afforestation, agro forestry, farm forestry and utilising marginal and private lands for fodder development. **(Km²)**

Area Capable of Sustaining Trees

• Total Geographical area	55,673
• Forest area (legal classification)	37,033
• State area (4000m and above altitude) unsuitable for tree crops	19,020
It is assumed that:	1,000

Entire 19,020 Km² area is part of legally classified forest area, without private ownership, is uncultivable and cannot sustain tree crops.

There is also an area of about 1000 Km² below 4,000 m altitude under streams, Nallahs etc, which cannot sustain tree crops

• Thus total legally classified forest area that cannot sustain tree crops	20,020
• Legally classified forest area that can sustain tree crops (37,033 20,020)	17,013 or 30.5%
(Source: HP Forest Department Statistics 2000 & HP Crop Report 2001-02)	
• Area under Horticulture (Source: Statistical outline HP 2002-2003)	2,230 or 4.0 %*
• Land area under Misc. tree crops included in agriculture	568 or 1.0 % *
• Total area which is supporting or can support tree crops over Forest, Agriculture and Horticulture lands.	35.5% *

* Of the total geographical area of the state
with the Central Government.

6.3 Afforestation

Area under forest and tree cover will be expanded through systematic planning and implementation of afforestation and rehabilitation programme in degraded and open forests and available non forest lands. Regeneration of felled areas will be ensured in a time bound manner and productivity of plantations will be increased through use of improved seeds and planting stock. Monoculture especially of Chirpine will be discouraged and mixed plantations of broad-leaved fodder, fuel wood and wild fruit species will be promoted. Wherever feasible plantations would follow the multi-tier and multiple use afforestation and rehabilitation strategy.

Strategies

- The status of existing open forests (below 40% density) will be improved through multi-tier afforestation and rehabilitation programs, assisted natural regeneration and adopting participatory approaches to ensure that the productivity is maximised.
- The area under tree cover will be expanded through regular afforestation and tree plantation activities of appropriate species in wastelands, degraded forest areas marginal and private lands.
 - The choice of species to be planted in a forest will be guided by the management objectives. In community forests, the species for planting will be decided through a participatory approach.
- Mixed plantations of adaptable, economically useful species, including potential bio-fuel species will be promoted and where feasible multi-tier crops will be raised, to address livelihood concerns of the resource poor groups.
- Exotic species in afforestation will be introduced only after extensive field trials.

- Plantations of wild fruit trees will be done to augment the food base to wild animals and birds.
- Effective measures to regenerate threatened and declining species such as oaks, chilgoza pine, yew, junipers and walnut will be taken.
- Plantations of seabuckthorn will be given high priority in cold desert areas and plantation technology for seabuckthorn will be standardised through collaborative research for wider adoption and acceptance.
- Live-hedges will be adopted along the periphery of plantations as an effective fencing measure.
- General awareness for promoting afforestation and sustainable management of degraded areas, and identifying their linkage with rural livelihoods, will be created with the assistance of voluntary agencies, NGOs, PRIs and others.
- Better and modern nursery management practices will be adopted at the Range level to ensure the availability of quality planting stock. Programmes to encourage the participation of youth organisations, mahila mandals and CBOs in nursery raising will be put in place.
- Research programmes covering all important aspects of forest plantations including tree improvement, provenance trials, growth and yield tables and end uses will be planned and implemented.

6.4 Forest Sector and Land Use Planning

The need for land use planning becomes imperative to balance the competing demands of different sectors in order to promote balanced land use and check the diversion of prime lands under forestry and agriculture. The State Land Use Board will undertake this task on priority. The forest sector shall be an integral part of the land use planning.

Land under tree cover needs to be safeguarded for providing sustained benefits to the community and diversion of such land to other purposes should be done after careful examination from the social and environmental standpoint. Strategies

- The State Land Use Board (SLUB) will be strengthened for streamlining the land use planning process and existing arrangements of the state land use resources by empowering it through adequate financial resources, representative staffing from all land using departments and regulatory functions.
- Land using departments will have an environment expert to integrate the environmental concerns in their planning process.
- Efforts will be made to increase awareness and sensitivity to environmental impacts of various schemes and programmes of the concerned land using departments.
- The community will be informed and their skills upgraded for adoption of appropriate land use practices in order to increase both productivity and incomes.

6.5 Rights and Concessions

As per settlement records local people enjoy certain rights and concessions to use forest resources either free of cost or on payment of nominal fee and such rights are appended to agricultural land. The National Forest Policy, 1988 unequivocally stipulates that rights and concessions should always remain related to the carrying capacity of the forests. In Himachal Pradesh due to increasing human and cattle population and increasing demands and commercial needs the rights and concessions are now beyond the carrying capacity of the forests.

The holders of the rights and concessions in forest areas will have the responsibility to identify themselves with the protection, development and management of forests in order to ensure the continuity and sustainability of such rights and concessions. Further, the rights and concessions which existed in the erstwhile princely states and territories will be reviewed in a participatory manner as impacts of such rights and concessions have changed over the years as a result of reorganisation of state, changing lifestyles, socio economic status and depleting forest resource.

Strategies

- The definition of 'right holder' will be standardized for application to the whole of the state.
- Rights will be non-transferable except by inheritance.
- Conflict resolution mechanisms such as *Lok Van Adalats* comprising PRIs, government departments and other stakeholders will be established to resolve issues relating to rights and concessions in forest areas.

6.5.1 Timber Distribution

According to the rights mentioned in the settlements, people are entitled to have trees at concessional rate. Splitting of families does not entail multiplication of Timber Distribution (TD) Rights. Similarly purchase of land of a right holder need not automatically transfer the right to TD.

TD Rights are currently given after recommendation by the Panchayat Pradhan, Revenue and Forest authorities in that order. The existing system will be further improved by ensuring more participation, collective responsibility and information. Hence, to ensure equity and transparency, instead of the current practice of recommendation by Panchayat Pradhan alone the system of granting of TD Rights will be decentralised through the institution of Gram Panchayat/Gram Sabha prior to sanction by the forest department.

The periodicity, quantity and rates for TD Rights will also be rationalised on the basis of sustainability of resources and site-specific environmental and socio-economic conditions.

Wherever TD right holders are not able to perform the duties and responsibilities to protect and manage the right burdened forests due to reasons such as distance from forests or other bonafide reasons the exercise of rights will be in accordance and proportion to the efforts on protection and management. A mechanism for rights commensurate with responsibility will be developed to address the above.

Efficient use of timber, use of wood preservatives for increasing durability of timber and use of timber substitutes in construction will be encouraged and popularised. Strategies

- The government shall review the periodicity and ceiling for TD for construction of a new house and for subsequent repairs.
- The quantum and allocation of TD Rights shall be determined after the consent of the Gram Panchayat, through the Panchayat resolution and further depending on the silvicultural availability and socio economic condition of the TD Right holder.
- Right holder rates of trees will be fixed on sliding scale- the economically weaker sections/ BPL families to pay only one percent of the market rates and the better off to pay higher sliding rates based on the economic status of the person subject to a maximum of 20 % of the market rates. Possibility to eventually phase out economically well off right holders with respect to grant of Timber at concessional rates will be explored.
- A compilation of TD grantees in a year will be made and displayed at Panchayat and Division level. A computerised database of the TD grantees shall be maintained and updated at the divisional level and shall be displayed on the Forest department's website.
- TD Right holders will have the first charge on the salvage trees.
- Wood preservation treatment plants will be promoted to enhance the durability of timber.
- Substitutes for timber for construction purpose will be popularized and made available in rural areas.
- All timber used in government construction in rural areas should invariably be charged at the prevailing commercial rates.

6.5.2 Grazing

Although the livestock population of the state has declined in the last decade, the availability of grazing land is still far below the optimum requirement.

Regulating and controlling grazing and improving the quality of both grazing as well as cattle will lead to stall feeding and reduce incidence of open grazing and thus improve the health of the forest.

Migratory grazing poses another significant impact on the forests as well as causes jurisdictional conflict with local grazing practices. This will be resolved through a consultative mechanism with the involvement of the Gram Sabha. Further the scope of the present grazing policy, which is currently limited to migratory graziers, will be widened.

Co-ordination between the Forest, Animal Husbandry, Agriculture and other concerned Departments will be increased to improve cattle breeds, augment fodder development, improve pasture lands and promote more livelihood opportunities. The welfare of the migratory graziers will receive due attention of the Forest Department, including the efforts to settle Himachali Gujjars.

Livestock population of the state, which had been constantly rising, has recorded a decrease from 51.17 lakhs (1992 census) to 50.46 lakhs (2003 census). During the period between 1992 and 2003, the sheep population decreased by 1.73 lakhs whereas bovines number has recorded an increase of 97,278 of which buffaloes alone has contributed nearly, 70,000 towards this increase. The number of crossbred cows increased from 1, 95, 574 to 5, 15, 964 (163.82 %) and crossbred bulls from 84,819 to 1, 34, 779 (58.90%) between 1992 and 2003.

The minimum requirement per animal unit is 0.5 ha of grazing land while the availability is only about 0.26 ha statewide.

Source: Calculation based on Annual Season and Crop Report, 1997-98

Strategies

- The breed-upgradation programme for cattle will be intensified and the system of para-vets to facilitate the delivery of veterinary services at the doorsteps will be introduced by the Animal Husbandry department. Further programmes to discourage unrestricted breeding of less productive cattle will be undertaken.
- Plantations of fodder trees will be promoted in the community forests and fodder production will be increased on farm lands. □An adequate budget for pasture improvement work will be ensured.
- Grazing permits to the migratory graziers will be issued for the actual number of animals and the existing grazing fee rates will be increased proportionally.
- A consultative mechanism with the involvement of the Gram Sabha to integrate migratory graziers and the local community to address grazing issues will be evolved. A cell will be created in the HP Forest Department to look into the problems and welfare issues of Himachali Gujjars, including their settlement in well planned colonies.
- New forest areas for grazing to migratory graziers will be given by the concerned DFOs on the recommendation of concerned Gram Sabha.
- Programmes for augmenting the productivity of grazing lands including alpine pastures will be implemented through introduction of better quality nutritious grasses and legumes, rotational closures, and eradication of obnoxious weeds and shrubs. Alpine pastures will be improved through indigenous species interventions, keeping in view the ecological sensitivity of these pastures. The Forest Department will work in close coordination with the Animal Husbandry and Agriculture Department in this regard.

6.5.3 Fuel wood

Fuel wood continues to be the predominant source of energy in rural areas of the state. High density plantations of fast growing, short rotation and site specific fuel wood species will be raised on both forest lands as well as private lands. This will be one of the objectives for planning and managing the Community Forests. The village communities will have the first charge on dry fallen fuel wood trees and will be regulated and managed at the Panchayat level through the Gram Sabha.

Efficiency in consumption through energy saving devices and substitution of fuel wood with alternative energy sources will be promoted especially in fuel wood scarce areas.

Strategies

- High density fuel wood plantations over government and private lands will be raised, particularly over degraded areas and community forests.
- No fuel wood lots for commercial purpose will be marked in forests contiguous to the villages to ensure availability of fuel wood to the local people.
- Non-conventional energy sources such as hydro-electricity, Biogas, solar and wind energy shall be promoted.
- Fuel efficient devices will be popularized. Thus for example smokeless chullahs, pressure cookers and improvised crematoria will be popularised.
- Low cost technologies for biomass based fuel such as lantana or pine needle briquettes will be encouraged.

6.6 Biodiversity and Wildlife

Biodiversity and wildlife conservation and management is supported by Central legislations such as the Biodiversity Act, 2002 and Wildlife (Protection) Act, 1972 and statutory bodies such as State Biodiversity Board and State Wildlife Board.

The Government of Himachal Pradesh is committed to the conservation of the biodiversity (genetic, species and ecosystem) to meet the needs and aspirations of present and future generations. The Government will promote the conservation of representative ecosystems, habitats and species. It is also committed to wise use of the biodiversity components. Wise use would include the linkage of biodiversity conservation to livelihoods, traditional knowledge

systems and equitable benefit sharing arising out of the use of biological resources. In addition the Government will also support efforts to preserve livestock and agricultural biodiversity recognizing the endemic value of species and habitat.

The Government will further support and integrate efforts by concerned line departments, PRIs, community based institutions, NGOs with defined responsibilities in biodiversity conservation initiatives in protected areas, wetlands, forest land outside the protected area network, farm forests and agricultural lands.

Efforts will be made to ensure that the integrity of ecologically sensitive areas is not compromised to meet competing development demands of the state. In this regard the existing processes and institutions such as Environment Impact Assessment, Forest Clearances, National Environment Appellate Authority and National Environment Tribunal (as and when created) shall be further strengthened.

The government will give special emphasis to increase the population of species that are endangered through measures such as habitat management and captive breeding.

The government will review existing mechanisms and develop new methods to mitigate the problem of damage to human life and property, livestock and agricultural crops from wild animals on a priority basis.

Strategies

- The management of existing protected area network will be strengthened to conserve the genetic stock of wildlife, especially endangered species and increase their population through habitat management and captive breeding.
- Measures for conservation of biodiversity and genetic resources available in different types of forest eco-systems will be developed and promoted. This will include imparting education and raising public awareness about benefits and importance of biodiversity, capacity building of the government staff, NGOs and communities.
- The existing system of developing Management Plans for biodiversity rich areas will be revised to incorporate a collaborative methodology between the concerned line departments, PRIs, CBOs, NGOs and private enterprise. This will include clear definitions regarding benefit sharing, rights and responsibilities for all stakeholders.
- Existing threats to the biodiversity resources will be assessed and strategies to counter these threats will be developed and implemented. Systems to facilitate the inventory, monitoring and management of biodiversity resources at various levels will be institutionalized. This will include assessment and documentation of traditional conservation practices.
- The State Biodiversity Board will advise the State Government and the Central Government through the National Biodiversity Authority on matters relating to the conservation of biological diversity, sustainable use of its components and equitable sharing of benefits arising from the utilisation of biological resources.
- The Biodiversity Management Committees as required by the National Biodiversity Act, 2002 will be established and harmonised with the PFM Resolution of the State.
- A coordinated approach between the State Biodiversity Board and State Wildlife Board will be followed and adequate representation of the forest department in the State Biodiversity Board will be ensured.
- An assessment of the wetlands of the state will be undertaken to establish status, threats and management strategies for sustainable use and conservation. The HPFD will be the nodal agency for management of wetlands.
- Conservation and management of endangered faunal species such as pheasants, vulture, musk deer, snow leopard and Tibetan wolf and critically endangered floral species will receive special attention.
- The State Government will develop a State Wildlife Action Plan for the state of Himachal Pradesh in keeping with the provisions of the National Wildlife Action Plan 2002-16 of the Ministry of Environment & Forests.
- The dynamics of human-animal conflict, especially in context of increasing damage caused by monkeys, wild boars and leopards, will be assessed. Effective measures to mitigate damage caused by such species will be devised. In this regard suggestion will be made to

amend the Wildlife (Protection) Act, 1972 especially the power of the State Government to declare vermin and update Wildlife Protection Rules, Orders and Notifications of Himachal Pradesh.

- Preventive measures to limit damage to crops, livestock and human beings will be promoted. Mechanisms to settle the compensation claims expeditiously will be developed. Cases involving damage by endangered species such as snow leopard will be given enhanced rates of compensation. Plantations of wild fruit species in forest areas will be done to augment the food base for wildlife.

6.7. Watershed Management

Watershed management is integral to sustainable forest management. Watershed approach is gaining importance in planning and implementation of natural resource management programmes especially forestry programmes. Such approach will be used to check soil erosion and denudation of catchment areas of important river systems for mitigating floods, landslides and for reducing siltation.

Synergies between concerned government agencies, PRIs, CBOs and NGOs will be developed for supporting watershed approaches for natural resource management. This will be coordinated through a nodal agency.

The state will explore the potential of market based instruments for facilitating protection and development of water catchments and liaise with the national government for capturing watershed values so that the value of the state's forests to the rest of India and beyond is recognized.

The government will liaise with other mountain states in the country to explore markets for ensuring payments for watershed services to the state and village communities for protecting, managing and developing watersheds. The above concepts are gaining national and global importance and thus will be explored in the state.

Strategies

- Integrated approach to watershed management involving all land using departments, PRIs, CBOs and NGOs will be adopted to facilitate holistic development of Natural resources. Panchayat Level Micro-plans will follow watershed approach.
- Watershed programmes will also give due emphasis to grazing and pasture lands.
- A nodal agency which may be an organization, directorate or an authority shall be created for all watershed programmes in the state to enable convergence of approaches and resources to facilitate coordination.
- Meaningful partnerships with research institutions, NGOs, natural resources management (NRM) projects within the state and outside will be established for networking, experience sharing and capacity building.
- Incentives and regulatory mechanisms through appropriate legal and administrative measures for promoting rainwater conservation and harvesting will be established.
- The government will explore economic and market based instruments through standardizing methodologies, evidence gathering and providing incentives for public and private sector projects and programmes to promote protection and development of water catchments.
- Negotiations with the Centre for the capture of watershed values in the GDP calculations will be given priority.
- Participatory methodologies for assessment of watershed values from forests will be developed so that the value of watershed services is recognized by communities. This will serve as an incentive to promote participatory forest management as well as strengthen the communities in local self governance.

6.8 Non Wood Forest Products including Medicinal and Aromatic Plants

Non Wood Forest Products (NWFP) are important source of supplementary incomes for rural households. Its sustainability and management are thus crucial to rural livelihoods. Medicinal and Aromatic Plants (MAPs) constitute an important aspect of NWFP management. Regulation of collection and trade of certain medicinal and aromatic plant (MAP) species has

been entrusted to the panchayats. The Forest and Ayurveda Departments will build capacity and provide other support to effectively manage this activity in a sustainable and equitable manner.

The state will conserve, regulate, harvest, regenerate, use and export MAPs with emphasis on livelihood security in both public and private lands.

For other NWFPs such as resin, katha, bamboo, fibres, fruits, the government will promote collaborative arrangement between public community and private entities for production harvest, benefit sharing, value addition, trade, marketing and support for developing micro enterprises.

The legal framework for NWFP including MAPs is inadequate to address the issues that have emerged in their management including collection, processing, cultivation, transit and trade. This needs to be addressed through a comprehensive Act on NWFP and MAPs.

Strategies

- A comprehensive action plan for the medicinal and aromatic plants will be prepared which will incorporate in-situ and ex-situ conservation measures, resource inventory and status assessment, documentation of variation, multiplication of gene pool, cultivation, value addition and processing, developing market links and interdepartmental co-ordination.
- Silviculture systems for propagation of MAPs in conjunction with trees (multi-tier forests) for integrated and sustainable management of forests for timber and MAPs will be developed and adopted. This will be done through a participatory approach.
- Organic cultivation of MAPs on private lands will be promoted through grower co-operatives.
- Criteria and Indicators will be developed for quality certification of MAPs and other NWFPs.
- Capacity building programs for Panchayats to fulfil the responsibilities of regulating harvest and export of MAPs, in a sustainable and effective manner will be undertaken.
- A nodal agency such as the Medicinal Plant Board or any other appropriate agency will be designated to promote in-situ and ex-situ conservation of MAPs, value addition and processing, develop market linkages for gathering trade related information and making it available to the resource user groups and to promote publiccommunity-private partnerships in the sector. In this regard coordination between Forest, Agriculture, Horticulture, Ayurveda Departments, Forest Corporation, self-help groups, federation of user groups, NGOs, PRIs, trade and development Co-operatives, financial institution, will be done.
- Linkages with universities, NGOs, private/ traditional practitioners and other institutions for research support on cultivation, screening of plants, harvesting time and cycle will be developed.
- Programmes to strengthen and support indigenous knowledge base, especially traditional systems of medicine through documentation and promotion of co-operatives will be undertaken. This knowledge will be used for development of programmes for conservation of MAPs.
- A comprehensive State Act for regulating cultivation, extraction, transit and trade of NWFP and MAPs will be made where inputs from Forest, Agriculture, Horticulture and Ayurveda Departments will necessarily be solicited.

6.9 Forest Harvesting

The state, recognizing, the ecological importance of forests has imposed a moratorium on commercial felling of green trees since early eighties, however there is a need to reconsider this position and resuming regeneration felling primarily for sustainable and scientific management of forests. Forest harvesting will be carried out strictly in accordance with the prescriptions of working plan approved by Government of India and every area felled will be regenerated within fixed time schedules. Mechanisms for regular monitoring of the progress of harvesting and regeneration operations will be developed. An adequate portion of the revenue generated from the sale of harvest will be utilised for regeneration activities and developing infrastructure for the benefit of local communities.

The existing forest management systems need to be re-examined in the light of significant shift from tree-centric to multiple-use based, people centric approach.

The forest harvesting measures will give special emphasis on the protection of threatened endemic species in forest areas.

Tree harvesting on private lands are presently subject to detailed scrutiny and regulation depending on nature of species, transit requirements and felling cycles. Such detailed procedures will be simplified to encourage forestry on private lands.

Strategies

- Enabling executive orders will be issued to re-examine existing forest management systems for forest harvesting to facilitate the shift from tree-centric to multiple-use based, people-centric forestry.
- For mobilization of resources for regeneration activities and developing infrastructure for local communities, necessary changes in the administrative and financial rules will be made.
- Subsidiary silvicultural operations such as early thinning and cleaning will be carried out regularly and an incentive mechanism for involving local communities in these operations will be developed, particularly for community forests.
- Capacity building and welfare programmes for persons engaged in harvesting and extraction of forest produce will be given due thrust in the HRD strategy of the HPFD.
- For optimum utilization of the forest resource a multi-product orientation to harvesting will be adopted.
- Tree species such as oaks, anogeissus, chilgoza pine, yew, junipers and walnut in forest areas will not be felled and effective measure to protect and regenerate these species will be undertaken.
- Silvicultural operations in natural forests will be carried out regularly. Wherever feasible, local communities will be involved to execute subsidiary silvicultural operations such as thinning and cleaning in natural forests as distinguished from PFM areas and allowed to take home the non-marketable material obtained from these operations.
- The procedures for harvest, sale and transport of forest produce from private lands will be simplified through enabling rules or executive orders and tree planting on private lands will be promoted through extension programmes.
- The process for fixation of prices of trees/forest produce growing on private lands will be revisited to ensure a more just, equitable and transparent system.

6.10 Forest Based Industries

The government will develop incentives to encourage wood based enterprise to procure raw material from sources other than government forests. The wood based industries in rural areas will be regulated through Gram Sabhas. Special attention will be given to value addition and diversification of wood and forest based products.

Strategies

- Status of existing sawmills and timber sale depots/ furniture shops will be reviewed especially in areas adjoining the forests. Proliferation of private timber sale depots will be checked.
- The recommendation of the Gram Sabha will be mandatory to register new private timber sale depots, furniture shops and other forest based enterprise in the rural areas. Stringent regulatory measures will be reinforced through appropriate legal amendments or executive orders to check misuse of TD grants under the garb of such establishments.
- Value addition through high quality secondary and tertiary processing that reduces inefficiency and wastage and enhances the longevity of the forest based product will be promoted.
- The availability of market information for purchase of raw material and sale of finished products will be facilitated through the State Forest Corporation and other forestry extension services.

6.11 Nature Based Tourism

Nature Based Tourism including wilderness tourism will be promoted in consonance with the eco-tourism policy of the state with an aim to maximise benefits for local communities through public community private partnerships.

The government will build on the experience gained from the ecotourism societies established under the Ecotourism Policy and extend and develop these societies or other such institutional mechanisms at the state level.

In addition the government will encourage rural tourism for enhancing rural livelihoods and promoting nature awareness by providing support and setting standards and norms for the same. Dispersed tourism will be encouraged to decongest popular destinations and promote equitable benefits to larger sections of society.

Regulatory systems to minimise potential negative impacts of tourism activities to the forest sector will also be set up.

Strategies

- Nature based tourism will be promoted in forest areas having such potential and eco-tourism societies or other institutional mechanisms will be established for sustaining it.
- An inventory of existing and potential locations for nature based tourism with information of facilities for tourists, recreational activities and resources in rural areas will be compiled and disseminated.
- Facilities and programmes for recreation activities, including cultural and visitor centers, to attract tourists from established tourist destinations to less visited areas with the twin aim to popularize dispersion of tourism and nature based tourism will be established.
- Specific areas within the state that are endowed with unique wildlife will be promoted as Wildlife tourism destinations. However a central government guidelines especially for PA based tourism will be adhered to.
- Public-community-private partnerships especially user groups and youth associations in the tourism sector will be strengthened through training for hospitality, wildlife tourism, safety standards, financial support, business support and networking, Nature based tourism guidelines, accreditation systems, setting standards and norms for responsible nature based tourism will be developed.
- The Tourism Master Plans for popular destinations will lay emphasis on ecological and environmental concerns.

6.12 Industry, Mining and Hydel Projects

Clearance from the Forest Department, concerned Gram Sabha and Panchayats at appropriate level for industries especially having impact on the forest sector including mining and hydel projects shall be mandatory in all cases involving forest and forest land.

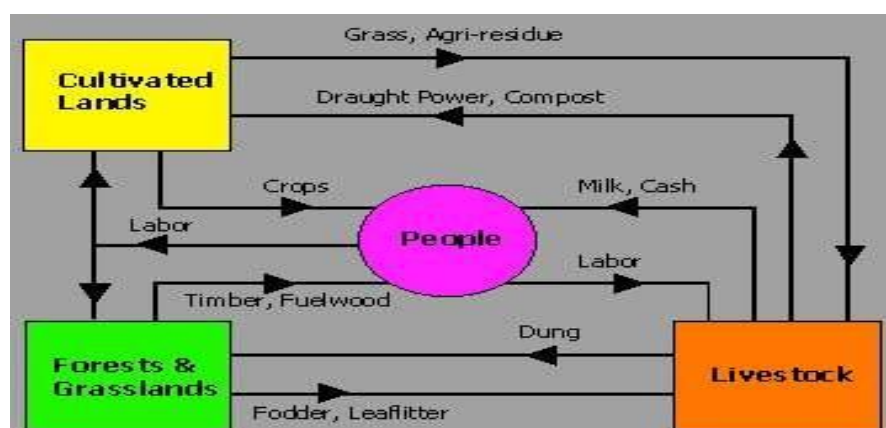
Further the current Environment Impact Assessments, and forest clearances for industry/ mining/hydel projects do not take into account loss of forest use to village communities. The Central Government will be approached for necessary amendments in the guidelines under the FCA and the notifications under EPA.

Strategies

- A resolution from the Gram Sabha, a "No objection" from the Forest Department and advance payment for rehabilitation of the areas to be mined will be prerequisites for granting a mining lease. Necessary amendments in the Panchayat laws as well as Mining laws will be carried out in this regard.
- Environmental cess will be levied on the Mining lessee by the concerned panchayat. Panchayat laws needs to be amended in this regard.
- Systems for transparency and participatory monitoring by communities and/or other stakeholders of industries especially having impact on the forest sector including mining and hydel projects will be introduced. The Central Government will be approached for necessary amendments in the guidelines under the FCA and the notifications under EPA.
- Participatory mechanisms for planning, implementation and monitoring of Catchment Area Treatment plans (CAT Plans) for hydel projects and mine management plans for Mining areas will be introduced. Special cost norms in the mountain context will be developed for rehabilitation of mined areas, dumping sites and other problem areas such as land slide prone areas and cloud burst affected areas. The plans including the compensation packages will give due consideration to loss of forest use to village communities.

6.13 Farming Systems and Forestry Interface

Farming systems adopted across Himachal Pradesh are directly linked to the long-run viability of rural livelihoods, rural communities and sustainable forests.



Flows between cultivated lands, support lands, livestock and the people

A hill based strategy will be formulated to reduce direct dependence on forests while preserving the mountain ecology. Such a strategy will encourage a balanced regional development of agriculture sector with emphasis on cash economy through diversification to high value crops rather than subsistence economy.

Integrated projects will be formulated in consonance with the hill based strategy taking into account the linkages of cultivated lands, forests and grasslands and livestock.

Strategies

- Diversified farming and interlinked nature of mountain farming systems with an emphasis on high value and low volume crops such as spices, condiments and medicinal plants, off season vegetables, horticulture, fish farming and dairy and poultry farming, agro forestry, farm forestry will be promoted to increase income levels and reduce forest dependence.
- Organic farming will be promoted and mechanism for certification for sale of organic products will be developed.
- Mechanisms for preserving indigenous germ-plasm of traditional crops, livestock breeds and landraces will be developed especially in integrated projects.
- Cropping patterns will be reviewed in the context of climate changes especially for judicious use of water and forest resources in the hill context.
- The tree species exempted from Land Preservation Act and Trade and Transit Rules will be reviewed periodically to encourage agro forestry and farm forestry on private lands.
- Awareness, extension and advisory activities for promoting farm forestry and agro forestry will be undertaken by the Forest and Agriculture departments with collaborative arrangements with Universities, research institutions and NGOs.

6.14 Cold Deserts

The cold desert areas of the state will receive special attention of the government with an aim to preserving the unique ecological and cultural characteristics of the region.

The government will promote native, medicinal and aromatic plants and will encourage cooperative micro-enterprises based on these species in the cold desert. Seabuckthorn will be given a special focus.

Wilderness and wildlife based tourism activities with a livelihood focus will be promoted in the cold desert region with active involvement of the local community.

Strategies

- Sea buckthorn will be promoted as a regional plant of cold desert of the state to improve livelihood security and ecology of the region. At least fifty percent of the plantations on government lands will be Sea buckthorn plantations.
- Co-operative micro-enterprises based on Sea buckthorn and other MAPs in the cold desert area of the state will be promoted. This will also build linkages with traditional systems of medicine such as *Amchi*.
- Germplasm of sea buckthorn will be screened for quality and production potential. Plantation technology for sea buckthorn and other native MAPs will be standardised.
- Plantations of species such as poplars, willow, wild apricot (Chuli) will be promoted where irrigation is possible.
- Wilderness and wildlife based tourism activities with a livelihood focus will be promoted in the cold desert region with active involvement of the local community to develop it as a unique nature based tourism destination.
- Special provisions will be made in the plantation norms for irrigation of forest plantation in cold desert areas as the present allocations do not adequately cover such costs.

6.15 Demarcation and Settlement

Only about 36% area notified as forests has been demarcated and settled as Reserve Forests and Demarcated Protected Forests under the Indian Forest Act as applicable in Himachal Pradesh. The survey, settlement and demarcation of undemarcated and unsettled notified forests will be taken up on high priority. Forest and Revenue Settlements will be carried out simultaneously to avoid conflicts in the rights to be admitted under the two settlements.

Strategies

- Entries of forest areas already settled as reserved and protected forests in the revenue records will be revisited and confirmed.
- Survey, measurement and demarcation with boundary pillars of remaining undemarcated/ unsettled areas and their entry in revenue records will be completed within ten years.
- Modern equipments and measurement technologies will be introduced to facilitate and expedite the survey and demarcation process.
- The HP Forest Settlement Rules and guidelines issued there under for Forest Settlement Officers (FSOs) will be revised and updated.
- The roles of Revenue and Forest Departments with respect to management, control and cognizance of offences under the HP Ceiling and Land Holdings Act, 1972 and the HP Village Common Lands (Vesting and utilization) Act, 1974 and its linkage with the Indian Forest Act as applicable in H.P. will be clearly established. Necessary amendments will be made in this regard.

6.16 Encroachments

Lack of proper survey, settlement, demarcation and delimitation of forest lands has resulted in maximum encroachment or illegal occupation on forest land. To check the incidence of such illegal occupation, the Government will give priority to survey and settlement of the remaining undemarcated and/or unclassified forests. A thorough settlement procedure including, demarcation and delimitation with boundary pillars in close coordination between the Forest and Revenue Departments will be carried out as envisaged earlier. The detection and eviction of encroachments on forest areas will be completed expeditiously and encroachments on forest lands ordinarily will not be regularised. However, the Central Government Guidelines of 1990 (FP) (1-6) as well as subsequent circulars including letter of the Central Government dated 21.12.2004 needs to be adhered to as it lays down special conditions of regularization of encroached lands.

Special fast track courts with powers of eviction will be set up to speed up the process of eviction.

For immediate detection of encroachments or illegal occupation on forest lands, mechanism to involve Gram Sabha members will be developed.

Strategies

- Close co-ordination between the communities and field functionaries of Revenue and Forest Departments will be ensured to prevent encroachment over forest area. Incentive mechanisms through necessary changes in the PFM Resolution will be made in this regard.

- A special action force comprising Revenue, Police and Forest functionaries for detection and report of the existing encroachments over forest lands will be constituted. Necessary changes in the Forest Act/Rules will be made to institutionalise the Special Action Force with enhanced powers of detection, removal and eviction of illegal occupant of forest land.
- Keeping in view the enormity and significance of the problem, special fast-track courts with powers of eviction for speedy trial and decision will be set up, specialised panels of legal experts will be set up especially at the circle level. Enabling statutory provisions will be made in this regard.
- Mechanism to involve Gram Sabha, CBOs for speedy detection, immediate report to the Forest Department and subsequent monitoring will be developed. The rights to forest such as TD rights, of individuals encroaching upon forest land will be suspended.

6.17 Fire Management

Forest fires cause irreparable damages to forests, biodiversity, wildlife, water sources and forest based livelihoods and wellbeing. The government will reinforce systems for fire management including revisiting Fire Management Rules, 1999. These include fire control measures such as fire lines, effective communication and information systems, defined responsibilities and introduce incentives to local communities for participation in fire management including its prevention.

Strategies

- Regular preventive measures such as control burning, clearing and creating fire lines, engaging fire watchers during fire season will be ensured.
- Appropriate educational, extension and training programmes to create greater awareness of the causes and ill effects of forest fires will be undertaken and people's participation will be encouraged and motivated to reduce fire incidences.
- Adoption of improved and modern fire management practices and fast and efficient communication systems, quick mobilization of adequate human resources with modern firefighting equipments and tools will be arranged particularly in fire prone Forest Divisions and Ranges.
- Incentive mechanisms and rewards for involving Panchayats and communities directly in forest fire prevention and control will be developed.

6.18 Invasive Weeds

Invasion of forestlands by incidence of weeds is a serious problem faced by forest resource managers particularly in the Shivaliks and lower Himalayas. The forest weeds compete with the native and desired forest flora, decrease forest productivity, reduce grazing lands and ultimately affect the livelihood of the rural populace. Programmes for control and management of invasive species, especially lantana will be accorded high priority. This will include research and application of tested methods, mass mobilisation for eradication programmes, developing incentive mechanisms, promoting technologies for commercial use of invasive species including lantana.

Strategies

- Invasive weeds eradication programmes will be enhanced in the state. Appropriate technologies for eradication/ economically viable uses of these weeds will be tested, introduced, implemented and monitored in a phased manner.
- Networking and collaboration with research institutions, NGOs, Integrated Projects and concerned line departments will be developed and supported.
- Use of invasive weeds in vermicomposting will be popularized in rural areas.

6.19 Stray Cattle Management

The stray cattle problem has become a serious threat to forest and forest based resources especially in the lower areas of the state along the inter-state borders of Punjab and Haryana. Unproductive cattle, scarcity of fodder and water and less remunerative farming often force the farmers to abandon the cattle in the open and thereby adversely affecting forest resources. The government will provide support for developing mechanisms to reduce the incidence of stray cattle by involving all stakeholders, including the cattle owners, NGOs and faith based organisations.

Strategies

- Fodder production on agriculture fields, private grass lands, and degraded grazing lands will be enhanced by cultivation of improved varieties of fodder crops, grasses and plantation of fodder trees.
- Registration of bovines (cattle and buffaloes) will be made mandatory in the state at the Panchayat and urban local bodies' level through appropriate legal changes in the Panchayat and Municipal Acts.
- Birth, death, sale and purchase of bovines will be recorded through the Gram Panchayat. Permanent identification mark to be allotted to individual bovine to discourage abandoning of unproductive animals by owners.
- The relevant Acts such as Panchayat Act and Cattle Trespass Act will be amended to make abandoning domestic animals a punishable offence.
- NGOs including faith-based organizations will be encouraged to establish Gosadans for housing stray cattle where treatment for infertility and induction of lactation will be provided.

6.20 Institutional Support

To support the implementation of the forest sector policy and strategy the Forest Department as a nodal agency for forest management will support other institutions (government and non government) in forest management through better coordination, new partnerships, clarification of roles and responsibilities and improved regulation.

Strategies

- The institutional support will draw on the strengths of various existing institutions to reflect the importance of technological and scientific cooperation, decentralized governance, planning and regulation for balanced land use, market support, capacity building, advocacy, research, monitoring and evaluation in the forest sector through the following institutions and measures:
- The Forest Department shall be strengthened as a professional, technical and managerial body, providing support to PRIs, relevant government departments and other stakeholders for assisting them in fulfilling their roles and responsibilities for sustainable forest management.

The role of the Forest Department shall further include:

- Working collaboratively with the various stakeholders for preparing, implementing, monitoring and evaluating forest management plans especially for community forests and ensuring coordination and synergy between various forest management plans.
 - Providing and protecting the livelihood security of forest resource dependent communities, particularly the poor and marginalized, through skills upgradation and convergence of financial resources for this sector.
 - Protecting the Traditional Forest Related Knowledge (TFRK) through intellectual property rights regime. Necessary legal and administrative measures will be suggested in this regard to the Central Government.
 - Recommending strategic investment under State and Central funding programs.
 - Developing strategies and implementing green accounting measures to ensure that the environmental values of forests and wildlife are recognized, accounted for and captured in state and national income.
 - Developing community based conflict resolution mechanisms such as Lok Van Adalats in the context of sustainable forest management within districts in partnership with PRIs, government departments and other stakeholders.
- Panchayati Raj Institutions - at district, block and village level will be one of key planning and implementing agencies of the Forest Sector Policy and Strategy duly supported by funds and functionaries. They will play an active role in the preparation, implementation, monitoring and evaluation of forest management plans for Community Forests. The Zila Parishad will also function as a regulatory appellate body for certain categories of disputes in the forest sector arising from within the district. Necessary amendments to the Panchayat Act/Rules will be made in this regard.
 - The State Land Use and Wasteland Development Board (SLUB) will be strengthened to facilitate forest sector planning in the context of balanced land use.

The functions of SLUB will include:

- the provision of strategic advice to the Government on the condition and management of land resources and its linkage with the forest sector in the State.
- formulation and subsequent implementation of land use policy with a focus on forest land use policy in the mountain context.
- The HP State Forest Corporation shall be responsible for developing mechanisms for production and marketing of timber and NWFPs. For NWFPs the Forest Corporation will work in close cooperation with PRIs, cooperative institutions of user groups, private entrepreneurship and other stakeholder groups. In scheduled areas, the Gram Sabha will be the focal point for NWFP ownership, control and management.
 - It will also equip itself to undertake programmes for production, value addition, marketing and capacity building in these fields. It is here that new models of public-community-private partnership will be developed as forest based enterprises. □ In addition to NWFPs, the Forest Corporation will develop a diversification strategy for forest based and other enterprises for augmenting business incomes building on its strength of its extensive presence in remote rural areas.
- Non-Government Organisations (NGOs) /Community Based Organisations (CBOs) /Civil Society Organizations (CSOs) will be integral to the development of the Forest Sector. Their main role will be capacity building, advocacy, research, monitoring and evaluation.
- Centre for Policy and Planning (CPP): The present Policy Analysis and Planning Unit (PAPU) will be further strengthened and reconstituted as independent, autonomous and multi-sectoral Centre for Policy and Planning. The CPP will be the nodal policy, planning and monitoring body for the forest sector in the State.

Specifically its functions will include:

- Monitoring, evaluating and reporting on the effectiveness of the Forest Sector Policy and Strategy.
- Review of laws, rules, administrative orders, guidelines for effectively implementing the Forest Sector Policy and Strategy including other sectoral policies.
- Facilitate conflict resolution through alternative dispute resolution mechanisms in the context of forest land use.
- Ensuring compliance with obligations under International Covenants and Treaties, while protecting national / indigenous rights to resources.
- Integrate learning of Policy Implementation in the policy process.
- Information dissemination of policy process, implementation and monitoring. It will further act as a platform for policy exchanges within and outside states.

6.21 Human Resource Development

To realise the full potential of this Policy, the government will aim to develop new skills and enhance the capabilities of the staff of Forest and other line departments and agencies, PRIs, CBOs, NGOs and other stakeholder groups. Important areas to be addressed will include knowledge building, positive attitudes, participatory integrated planning, improved communication and technical skills. Gender, equity and poverty alleviation measures will also be addressed.

An HRD strategy will be formulated for the HPFD with the key aim to effectively manage the existing large, diverse workforce and the imminent retirement as well as recruitment of staff. It will also strive to build joint capacity in stakeholders for effective forest management partnerships to respond appropriately to a rapidly changing forest sector operational environment.

Strategies

- A comprehensive human resource development strategy for the Himachal Pradesh Forest Department will be formulated and adopted covering areas and issues such as HRD management, setting up of a staff database system, communication, training and career development, employee support and appraisal system, gender balance and rationalization of workload.
- The HPFD HRD database will be utilized to provide a sound basis for establishing basic staffing requirements, making relevant changes in staffing patterns, job descriptions and responsibilities of persons at various posts.

- Primary recruitment process will be reoriented to include persons in the HPFD with skills other than forestry including community mobilization, livelihood enterprise development, nature based tourism and other facets of forest sector development.
- The strategic needs of women in the forest sector will be addressed through developing and implementing a recruitment and placement strategy of women officials at all levels of forestry cadre.
- Government will ensure sustained availability of trained workforce at every level of Forest Department's hierarchy and fill up direct recruitment vacancies regularly to maintain high professional standards.
- The Forest Training Centres in the state will be strengthened and developed as autonomous self-financing institutions and the scope of these centers will be widened in consonance with the provisions of this policy and strategy. Efforts will be made to evolve these as centers of excellence in forestry including community forestry, forest based livelihoods, HRD and other disciplines in collaboration with state and national institutions such as Himalayan Forest Research Institute, Himachal Pradesh Institute of Public Administration and Indian Institute of Forest Management.

6.22 Research and Development

The government will promote cost effective research on forest sector that responds to the needs of local communities, government agencies, private investors and other stakeholders. Institutional co-ordination and collaboration between researchers and end users will be improved. Applied forestry research will be addressed through a specialized R & D unit within the HPFD. Participatory research relevant to sustainable forest management and enhancing forest-based livelihoods will be promoted. Indigenous knowledge will be documented and protected for ensuring equitable benefit sharing to communities. Appropriate rural technologies will be promoted for conservation and sustainable utilisation of forest resources.

Strategies

- A Research and Development Unit of HP Forest Department will be set up that will lead the process of developing a long term agenda for Research and Development for the state, with special focus on applied forestry research.
- The agenda would include issues related to sustainable forest management and forest based livelihoods.
- Need based and demand driven research will be taken up as a priority and will form part of the research plans of research institutions.
- Production of high quality tree seed and planting stock will be supported.
- Economic feasibility of raising Bio-fuel plants will be explored and if appropriate promoted both in forest and non forest lands.
- A Participatory Action Research for PFM and consequent Adaptive Forest Management programme will be developed in a phased manner.
- A state level network, coordinated by the R&D unit will be set up for research on forestry and forest based livelihoods. The network will inter alia prepare compendium of research findings, provide forum for sharing experiences and ideas and set up research dissemination systems. The network will identify hill area specific research problems which can be addressed to research institutions for finding cost-effective solutions, by promoting public-community-private partnerships.
- The capacity of forestry field staff, communities, PRI functionaries and NGOs for facilitating, conducting forestry research and for adopting existing research knowledge will be enhanced through training, exposure visits and other participatory learning methods.
- A sound basis for green accounting will be established to further understand and quantify the actual contribution of forests to the National and State well-being and economy.

6.23 Forestry Extension

Forestry extension shall promote participatory and multi-stakeholder approaches to enhance the contribution of trees and other forest resources to sustainable land use and livelihoods security. Forestry extension will be demand driven; pluralistic in nature (i.e. it allows participation of a multiplicity of service providers); focused on capacity building of rural communities in the State for accessing technology and information; contribute to the development of benefit sharing mechanisms and access to markets.

Strategies

- The Forest Publicity Division will adopt an effective communication methodology and produce stakeholder specific quality information on items such as improved and innovative technology, schemes, research findings, incentives, laws and best practices in the forest sector.
- Effective communication through media, both print and electronic on various forestry extension programmes will be used for imparting training to local communities especially those dependent on the forest sector.
- Significant International, National and State events on environment and forests will be organised through exhibitions, awareness camps and other public events on a large scale to popularise and highlight the importance of sustainable forestry, sustainable livelihoods and respect for environment in general.

6.24 Information Technology in Forestry

Forest Sector Management requires vast data base on natural resources, comprises products and services as well as human resources who are directly or indirectly dependent on it. To sustainably manage & conserve the forests of the state for their multiple ecological, economic & social benefits, the application of advanced environmental information systems can contribute to Sustainable Forest Management. This will also facilitate the implementation of Right to Information in the forest sector in the State.

Strategies

- Priority will be accorded to develop a comprehensive database regarding the forest resources (physical and human) for easy access and to bring transparency in the functioning of the department as well as other line agencies which impact the forest sector in the state & to update it on a regular basis.
- A Forest Information Centre (FIC) will be set up with trained human resource as well as for computation of hardware and software resources and the existing statistical wing of the department will be dovetailed with this Centre.
- Use of Geographical Information System & Global Positioning System will be encouraged to generate and update the information about forest extent, status, composition, planning and monitoring of forests, wild life and bio- resources. A state of the art Geomatics Center will be a part of the FIC and it will help in creating and analysing spatial & non- spatial digital database pertaining to the forest sector.

6.25 Planning and Management

Planning procedures for each of the forest categories will incorporate planning for multiple uses, multi-stakeholder participation and embedding monitoring and evaluation systems. The planning procedures, plan components and processes will ensure that appropriate roles and responsibilities for each of the institutions -Government, PRIs, Forest Corporation, NGOs/CBOs Market based institutions and communities are defined. The procedures and processes will aim to strengthen and supplement the methodology for developing Working Plans and micro plans on these lines. The plans will give due recognition to rights, concessions and responsibilities in the forest and include rules for management of forests, incentive based mechanisms and activities for promotion of forest based livelihoods.

Strategies

- The planning process will be guided by the Working Plans. The micro plans will be integrated appropriately in the Working Plan and necessary changes will be made in the Working Plan Code. □ Plans for all categories of forests will include:
 - Technical interventions and management strategies including incentive based mechanisms to promote sustainable forestry and sustainable livelihoods.
 - Activities for enhancing forest based livelihoods. □ Monitoring and evaluation.
- New methodologies and toolkits such as Participatory Action Research for planning for different categories of forests will be developed and tested on a pilot basis before its application in the entire state.
- The experience and outcomes of micro-planning under various initiatives will be reviewed periodically to enhance the planning process for better and sustainable management of forests giving due regard to livelihood security.

- Institutional mechanisms such as Block Level Expert Committee (BLEC) District and Circle Level Forum for ensuring backward and forward linkages between Panchayat Level Micro-plans and District Development Plans with regard to the forest sector will be developed. This will further be integrated with the Working Plans.

6.26 Monitoring and Evaluation

The government will set up monitoring and evaluation systems for the forest sector at the Division, Circle and State level based on clear criteria and indicators, the target population and specific and measurable outcomes.

Strategies

- Monitoring and evaluation systems for assisting management and decision making will be done through regular and timely information on performance of activities, investments, measuring the progress to planned outputs, identification of problem areas and causes and remedial action in implementation.
- Specific M & E systems for different categories of forests shall be developed based on the learnings of the M & E unit of the Forest Department and other experiences and programmes.
- Periodic monitoring of the implementation of the Forest Sector Policy and Strategy will be done through agencies such as Policy Analysis and Planning Unit (PAPU) or the proposed Centre for Policy and Planning.

6.27 International Covenants and Agreements

India has signed a number of international agreements that influence the forest sector such as the Convention on Biological Diversity, World Trade Organisation, Kyoto Protocol and Convention on International Trade in Endangered Species of Wild Flora and Fauna and is party to other non-legally binding instruments such as the Forestry Principles and United Nations Forum on Forests. The Government of Himachal Pradesh will meet its national obligations to these Agreements, Protocols and Conventions through enabling instruments such as executive orders, policy and legislative measures.

Strategies

- A careful inventory of international instruments to which India is a Party and its status will be carried out in the State context. Thus for example the role of State Biodiversity Board (SBB) and National Biodiversity Authority (NBA) will be assessed in the context of Convention on Biological Diversity (CBD) and the state's position on the same.
- In formulating the Working Plans special attention will be given to the international instruments such as CBD, Forestry Principles and Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).
- Protocols for sharing benefits arising from the utilisation of biological resources will be developed by the State Biodiversity Board in consultation with the Biodiversity Management Committees and in line with CBD and with various stakeholders giving due weightage to the Forest Settlements.
- Benefits for afforestation activities on both public and private lands will be optimised through developing Clean Development Mechanisms (CDMs) under the Kyoto Protocol on climate change. These mechanisms will also be used for both, providing incentives for tree plantation and for sustainable management of forests.
- Capacity building programmes for all stakeholders on international covenants and national agreements, legislations and mechanisms for supporting the covenants will be developed and implemented. This will include capacity building with respect to the WTO Agreement on Agriculture and its challenges particularly in the realm of medicinal plants and rare plant varieties and landraces (seed varieties improved by farmers) of agricultural products.

6.28 Administrative and Legal Changes

The government will review the prevailing administrative and legal framework related to forest sector to determine the nature of legal reform that will be required to support the new forest sector policy.

Strategies

- Necessary amendments in forest sector related Acts, Rules, Orders at the State level and suggestions at the Central Government level including appropriate interventions in the

appellate courts on forest sector related matters will be given priority to give effect to the Forest Sector Policy.

- Rules and enabling Orders for activities based on appropriate incentives and disincentives conforming to this policy and strategy will be put in place.
- Giving legal sanctity to the PFM resolution, appropriate amendments and enabling rules in the Panchayat Act including State PESA, Cattle Trespass Act, Wildlife Protection Rules, Biodiversity Act, suggestions on Central Acts such as the Wildlife Protection Act, Forest Conservation Act and Guidelines will be carried out to realize the full potential of the Forest Sector Policy as has been indicated variously in the Policy.
- The Government of Himachal Pradesh will meet its national and international obligations, participate fully in the implementation of cross-border cooperation agreements and apex court orders through policy and legislative action.

6.29 Extra-sectoral Policy Influences and Inter-sectoral Coordination

Extra-sectoral policies and institutions such as Grazing Policy, Water Policy, Agricultural Policy, Power Policy, SLUB, Medicinal Plants Board, State Biodiversity Board, that influence the forest sector will be analysed and discussed to understand their impacts on forests, so that they become more responsive and meet long term challenges. Crosssectoral collaborative mechanisms will be established to promote complementarities and recognize and remove inconsistencies.

Strategies

- A State Level Consultative Forum will be established as a forum for discussion, co-ordination and harmonization of policies that relate to the natural resource management sector in general and forest sector in particular. The forum will be supported by specialised agencies such as Policy Analysis and Planning Unit (PAPU) or the proposed Centre for Policy and Planning.
- The process of consultation on forestry issues and co-ordinated planning through Circle and District Level Forums, Block Level Expert Committees and Group Development Support Teams will be strengthened in light of the past and ongoing experiences.
- The Panchayat Micro plans and recommendations of the above consultative forums on the forest sector will be integrated with the district level planning process.
- A common micro-planning formulation format will be followed by all development departments to ensure coordinated implementation in the forest sector.
- The State Land Use Board will be strengthened to play an active role for coordination and convergence between all natural resource based departments and programmes in order that it functions as a compliment to the proposed Centre for Policy and Planning in the forest Sector.

6.30 Financial Support to the Sector

The implementation of the Forest Sector Policy and Strategy will require significant financial and human resources. The State Government will develop a long-term investment programme for forest sector funding, commensurate with the contribution of forests to the State GDP, through public sector participation and need-based international funding, in addition to the regular budgetary allocation.

Strategies

The International funding shall be treated as additional to the regular budget of the Forest Department, and such funding shall be in conformity with the Forest Sector Policy.

Efforts will be made to improve the financial basis for the sustainable management of forests through exploring the potential of green accounting and capture of watershed values.

The State Government will also promote self-generating mechanisms on mobilisation of resources such as value addition to forest products, market linkages and nature based tourism to supplement the financial resources to the sector.

CHAPTER II
THE INDIAN FOREST ACT, 1927

CONTENTS

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

1. Short title and extent
2. Interpretation clause

CHAPTER II

OF RESERVED FORESTS

3. Power to reserve forests
4. Notification by State Government
5. Bar of accrual of forest-rights
6. Proclamation by Forest Settlement-officer
7. Inquiry-by Forest Settlement-officer
8. Powers of Forest Settlement-officers
9. Extinction of rights
10. Treatment of claims relating to practice of shifting cultivation
11. Power to acquire land over which right is claimed
12. Order on claims to rights of pasture or to forest-produce
13. Record to be made by Forest Settlement-officer
14. Record where he admits claim
15. Exercise of rights admitted
16. Commutation of rights
17. Appeal from order passed under section 11, section 12, section 15 or section 16
18. Appeal under section 17
19. Pleadings
20. Notification declaring forest reserved
21. Publication of translation of such notification in neighbourhood of forest
22. Power to revise arrangement made under section 15 or section 18
23. No right acquired over reserved forest, except as here provided
24. Rights not to be alienated without sanction
25. Power to stop ways and water-courses in reserved forests
26. Acts prohibited in such forests
27. Power to declare forest no longer reserved

CHAPTER III

OF VILLAGE-FORESTS

28. Formation of village-forests

CHAPTER IV

OF PROTECTED FORESTS

29. Protected forests
30. Power to issue notification reserving trees, etc.
31. Publication of translation of such notification in neighbourhood
32. Power to make rules for protected forests
33. Penalties for acts in contravention of notification under section 30 or of rules under section 32
34. Nothing in this Chapter to prohibit acts done in certain cases

CHAPTER V

**OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY
GOVERNMENT**

- 35. Protection of forests for special purposes
- 36. Power to assume management of forests
- 37. Expropriation of forests in certain cases
- 38. Protection of forests at request of owners

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

- 39. Power to impose duty' on timber and other forest-produce
- 40. Limit not to apply to purchase-money or royalty

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

- 41. Power to make rules to regulate transit of forest-produce
- 41 A. Powers of Central Government as to movements of timber across customs frontiers
- 42. Penalty for breach of rules made under section 41
- 43. Government and Forest-officers not liable for damage to forest-produce at depot
- 44. All persons bound to aid in case of accidents at depot.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

- 45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly
- 46. Notice to claimants of drift timber
- 47. Procedure on claim preferred to such timber
- 48. Disposal of unclaimed timber
- 49. Government and its officers not liable for damage to such timber
- 50. Payments to be made by claimant before timber is delivered to him
- 51. Power to make rules and prescribe penalties

CHAPTER IX

PENALTIES AND PROCEDURE

- 52. Seizure of property liable to confiscation
- 53. Power to release property seized under section 52
- 54. Procedure thereupon
- 55. Forest-produce, tools, etc., when liable to confiscation
- 56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed
- 57. Procedure when offender not known, or cannot be found
- 58. Procedure as to perishable property seized under section 52
- 59. Appeal from orders under section 55, section 56 or section 57
- 60. Property when to vest in Government
- 61. Saving of power to release property seized
- 62. Punishment for wrongful seizure
- 63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks
- 64. Power to arrest without wan-ant
- 65. Power to release on a bond a person arrested
- 66. Power to prevent commission of offence
- 67. Power to try offences summarily
- 68. Power to compound offences
- 69. Presumption that forest-produce belongs to Government

CHAPTER X

CATTLE-TRESPASS

- 70. Cattle-trespass Act, 187 1, to apply
- 71. Power to alter fines fixed under that Act

CHAPTER XI

OF FOREST-OFFICERS

- 72. State Government may invest Forest-officers with certain powers
- 73. Forest-officers deemed public servants
- 74. Indemnity for acts done in good faith
- 75. Forest-officers not to trade

CHAPTER XII

SUBSIDIARY RULES

- 76. Additional powers to make rules
- 77. Penalties for breach of rules
- 78. Rules when to have force of law

CHAPTER XIII

MISCELLANEOUS

- 79. Persons bound to assist Forest-officers and Police-officers
- 80. Management of forests the joint property of Government and other persons
- 81. Failure to perform service for which a share in produce of Government forest is employed
- 82. Recovery of money due to Government
- 83. Lien on forest-produce for such money
- 84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894
- 85. 85. Recovery of penalties due under bond
- 86. 85A. Saving for rights of Central Government
- 87. 86. [Repealed.]

THE INDIAN FOREST ACT, 1927

(16 of 1927)

[21st September, 1927]

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

Whereas it is expedient to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:

CHAPTER I

PRELIMINARY

1. Short title and extent.

- (1) This Act may be called the Indian Forest Act, 1921.
- (2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.
- (3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal; but the Government of any State may by notification in Official Gazette bring this Act into force in the whole or any specified part of that State which this Act extends and where it is not in force.]

2. Interpretation clause. In this Act, unless there is anything repugnant in the subject or context.

- (1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
- (2) "Forest-officer" means, any person whom the State Government or any office empowered by the State Government in this behalf, may appoint to carry out all any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;
- (3) "forest-offence" means an offence punishable under this Act or under any rule made thereunder;
- (4) "forest-produce" includes
 - a) the following whether found in, or brought from, a forest or not, that is to say timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and
 - b) the following when found in, or brought from a forest, that is to say
 - i. trees and leaves, flowers and fruits, and all other parts or produce not herein before mentioned, of trees,
 - ii. plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
 - iii. wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and
 - iv. peat, surface soil, rock and minerals (including lime-stone, laterite, mineral oils, and all products of mines or quarries);
- (4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such Court;]
- (5) "river" includes any stream, canal, creek or other channels, natural or artificial;
- (6) "timber" includes trees, when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and
- (7) "tree" includes palms, bamboos, stumps, brush-wood and canes.

CHAPTER II

OF RESERVED FORESTS

3. Power to reserve forests. The State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by State Government.

- (1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette.
 - a) declaring that it has been decided to constitute such land a reserved forest;
 - b) specifying, as nearly as possible, the situation and limits of such land; and
 - c) appointing an officer (hereinafter called "the Forest Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation. For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

- (2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.
- (3) Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

5. Bar of accrual of forest-rights. After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the State Government in this behalf.

6. Proclamation by Forest Settlement officer. When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
- (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and
- (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section, 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement-officer. The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

8. Powers of Forest Settlement-officers.- For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:

- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and
- (b) the powers of a Civil Court in the trial of suits.

9. Extinction of rights.-Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

10. Treatment of claims relating to practice of shifting cultivation.

- (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.
- (2) On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.
- (3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise
 - a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or
 - b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.
- (4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the State Government.
- (5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the State Government.

11. Power to acquire land over which right is claimed.

- (1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right to forest produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either
 - i. exclude such land- from the limits of the proposed forest; or
 - ii. come to an agreement with the owner thereof for the surrender of his rights; or
 - iii. proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).
- (3) For the purpose of so acquiring such land
 - a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 1894);
 - b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
 - c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and
 - d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

12. Order on claims to rights of pasture or to forest-produce. In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

13. Record to be made by Forest Settlement-officer. The Forest Settlement officer, when passing any order under section 12, shall record, so far as may be practicable,

- a) the name, father's name, caste, residence and occupation of the person claiming the right; and the designation, position and area of all fields or groups fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

14. Record where he admits claim. If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

15. Exercise of rights admitted.-

- (1) After making such record the Forest Settlement officer shall, to the best of his ability, having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.
- (2) For this purpose the Forest Settlement-officer may
 - a. set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
 - b. so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or
 - c. record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the State Government.

16. Commutation of rights. In case the Forest Settlement-officer finds it impossible having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the State Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

17. Appeal from order passed under section 11, section 12, section 15 or section 16. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department of rank not lower than that of a Collector, as the State Government may, by notification in the Official Gazette, appoint to hear appeals from such orders:

Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17

- (1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.
- (2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

- (3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.
- (4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the State Government, be final.

19. Pleadings. The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

20. Notification declaring forest reserved:

- (1) When the following events have occurred, namely:
 - a) the period fixed under section 6 for preferring claims have elapsed and all claims (if any) made under that section or section 9 have been disposed of by the Forest Settlement-officer;
 - b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and
 - c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act, the State Government shall publish a notification in the Official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.
- (2) From the date so fixed such forest shall be deemed to be a reserved forest.

21. Publication of translation of such notification in neighbourhood of forest. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

22. Power to revise arrangement made under section 15 or section 18. The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

23. No right acquired over reserved forest, except as here provided. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction. (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the State Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

- (2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

25. Power to stop ways and water-courses in reserved forests. The Forest-officer may, with the previous sanction of the State Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the State Government deems to be

reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

26. Acts prohibited in such forests.(1)Any person who

- a) makes any fresh clearing prohibited by section 5, or
- b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;
or who, in a reserved forest
- c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf,
- d) trespasses or pastures cattle, or permits cattle to trespass;
- e) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- f) fells, girdles, lops, or bums any tree or strips off the bark or leaves from, or otherwise damages, the same;
- g) quarries stone, bums lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;
- h) clears or breaks up any land for cultivation or any other purpose;
- i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or
- j) in any area in which the Elephants Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the state Government; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the State Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

27. Power to declare forest no longer reserved. (1) The State Government may, by notification in the Official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under the Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III

OF VILLAGE-FORESTS

28. Formation of village-forests.-(1) The State Government may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

(2) The State Government may make rules for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

CHAPTER IV
OF PROTECTED FORESTS

29. Protected forests.(1) The State Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which,, is not included in a reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. Power to issue notification reserving trees, etc. The State Government may, by notification in the Official Gazette,

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by, the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the State Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such terms, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the right suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

31. Publication of translation of such notification in neighbourhood. The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. Power to make rules for protected forests. The State Government may make rules to regulate the following matters, namely:

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;

(b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;

(c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production

d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

- (f) the examination of forest-produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879 (6 of 1879), is not in force;
- (k) the protection and management of any portion of a forest closed under section 30; and
- (l) the exercise of rights referred to in section 29.

33. Penalties for acts in contravention of notification under section 30 or of rules under section 32. - (1) Any person who commits any of the following offences, namely:

- (a) fells, girdles, lops, taps or bums any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;
- (b) contrary to any prohibition under section 30, quarries any stone, or bums any lime or charcoal or collects, subjects to any manufacturing process, or removes any forest-produce;
- (c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;
- (d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing fallen or felled, or to say closed portion of such forest;
- (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;
- (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
- (g) permits cattle to damage any such tree;
- (h) infringes any rule made under section 32,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the State Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

34. Nothing in this Chapter to prohibit acts done in certain cases. Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

35. Protection of forests for special purposes.-(1) The State Government may, by notification in the Official Gazette, regulate or prohibit in any forest or waste-land

- (a) the breaking up or clearing of land for cultivation;
- (b) the pasturing of cattle; or
- (c) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:

- (i) for protection against storms, winds, rolling stones, floods and avalanches;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land slips or of the formation of ravines, and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;
- (iii) for the maintenance of a water-supply in springs, rivers and tanks;
- (iv) for the protection of roads, bridges, railways and other lines of communication;
- (v) for the preservation of the public health.

(2) The State Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the State Government.

36. Power to assume management of forests. (1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the State Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

37. Expropriation of forests in certain cases. (1) In any case under this Chapter in which the State Government considers that, in lieu of placing the forest or land under the control of a Forest-Officer, the same should be acquired for public purposes, the State Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

(2) The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the State Government shall require such forest or land accordingly.

38. Protection of forests at request of owners. (1) The owner of any land or, if there more than one owner thereof, the owners of shares therein amounting in the aggregate at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire

(a) that such land be managed on their behalf by the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the State Government may, by notification in the Official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

39. Power to impose duty on timber and other forest-produce.(1)The Central Government may levy a duty in such manner, at such places and at such rates as it may declare by notification in the Official Gazette on all timber or other forest-produce

(a) which is produced in the territories to which this Act extends, and in respect of which the Government has any right;

(b) which is brought from any place outside the territories to which this Act extends.

(2) In every case in which such duty is directed to be levied ad valorem the Central Government may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the State Government, shall be deemed to be and to have been duty levied under the provisions of this Act.

(4) Notwithstanding anything in this section, the State Government may, until provision to the contrary is made by 11[Parliament], continue to levy any duty which it was lawfully levying before the commencement 12 of 13[the Constitution], under this section as then in force:

Provided that nothing in this sub-section authorises the levy of any duty which as between timber or other forest-produce of the State and similar produce of the locality outside the State, discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the State, discriminates between timber or other forest-produce of one locality and similar timber or other forest-produce of another locality.

40. Limit not to apply to purchase-money or royalty.—Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

41. Power to make rules to regulate transit of forest produce.—(1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may

(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State;

(b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes and for the payment of fees therefor;

(d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;

(e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

(g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

(h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing or making of timber, the altering or

effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;

(i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The State Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

[41 A. Powers of Central Government as to movements of timber across customs frontiers.--Notwithstanding anything in section 41, the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from 16[the territories to which this Act extends) across any customs frontier as defined by the Central Government, and any rules made under section 41 shall have effect subject to the rules made under this section.]

42. Penalty for breach of rules made under section 41.--(1) The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) Such rules may provide that penalties which are double of those mentioned in subsection (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. Government and Forest-officers not liable for damage to forest-produce at depot.--The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

44. All persons bound to aid in case of accidents at depot. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.--(1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

in such areas as the State Government directs, all unmarked wood and timber,

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51 and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The State Government may, by notification in the Official Gazette, exempt any class of timber from the provisions of this section.

46. Notice to claimants of drift timber.--Public notice shall from time to time be given by the Forest-officer, of timber collected under section 45. Such notice shall contain a description of

the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

47. Procedure on claim preferred to such timber.-(1) When any such-statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after according his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons who he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. Disposal of unclaimed timber.-If no such statement is presented as aforesaid, if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

49. Government and its officers not liable for damage to such timber.-TN Government shall not be responsible for any loss or damage which may occur in respect any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously fraudulently,

50. Payments to be made by claimant before timber is delivered to him.-No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.

51. Power to make rules and prescribe penalties.-(1) The State Government in make rules to regulate the following matters, namely:

- (a) the salving, collection and disposal of all timber mentioned in section 45;
- (b) the use and registration of boats used in salving and collecting timber;
- (c) the amounts to be paid for salving, collecting, moving, storing or disposing such timber; and
- (d) the use and registration of hammers and other instruments to be used marking such timber.

(2) The State Government may prescribe, as penalties for the contravention of any rule made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER IX

PENALTIES AND PROCEDURE

52. Seizure of property liable to confiscation.-(1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce together with all tools, boats, carts or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

53. Power to release property seized under section 52. - Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

54. Procedure thereupon.-Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

55. Forest-produce, tools, etc., when liable to confiscation.--(1) All timber or forest produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed.-When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.

57. Procedure when offender not known or cannot be found.-When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

58. Procedure as to perishable property seized under section 52.-The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

59. Appeal from orders under section 55, section 56 or section 57.-The officer made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on an appeal shall be final.

60. Property when to vest in Government.-When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all encumbrances.

61. Saving of power to release property seized.-Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the State Government, from directing at any time the immediate release of any property seized under section 52.

62. Punishment for wrongful seizure.—Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable confiscation under this Act shall be punishable with imprisonment for a term which extend to six months, or with fine which may extend to five hundred rupees, or with both.

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.—Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code.

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of Government or of some person, or that it may lawfully be cut or removed some person; or

(b) alters, defaces or obliterates any such mark placed on a tree or on timber by under the authority of a Forest-officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to two years, or fine, or with both.

64. Power to arrest without warrant.—(1) Any Forest-officer or Police-officer without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

65. Power to release on a bond a person arrested.—Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police station.

66. Power to prevent commission of offence.—Every Forest-officer and Police officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

67. Power to try offences summarily.—The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

68. Power to compound offences.—(1) The State Government may, by notification in the Official Gazette, empower a Forest officer

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

69. Presumption that forest-produce belongs to Government.-When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER X

CATTLE-TRESPASS

70. Cattle-trespass Act, 1871, to apply. - Cattle trespassing in a reserved forest any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damages to a public plantation within the meaning of section II of Cattle-trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by Forest-officer or Police-officer.

71. Power to alter fines fixed under that Act.-The State Government may, notification in the Official Gazette, direct that, in lieu of the fines fixed under section I the Cattle-trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding following, that is to say:-

For each elephant ten rupees

For each buffalo or camel two rupees

For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer one rupee

For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid eight annas

CHAPTER XI

OF FOREST-OFFICERS

72. State Government may invest Forest-officers with certain powers.-(1) The State Government may invest any Forest-officer with all or of the following powers, that is to say:-

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) the powers of a Civil Court to compel the attendance of witnesses and production of documents and material objects;

(c) power to issue a search-warrant under the Code of Criminal Procedure, 1898 (5 of 1898); and

(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in subsequent trial before a Magistrate, provided that it has been taken in the presence of accused person.

73. Forest officers deemed public servants.-All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860 (45 of 1860).

74. Indemnity for acts done in good faith.-No suit shall lie against any public servant for anything done by him in good faith under this Act.

75. Forest-officers not to trade.-Except with the permission in writing of the State Government, no Forest-officer shall, as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside 17[the territories to which this Act extends].

CHAPTER XII

SUBSIDIARY RULES

76. Additional powers to make rules.-The State Government may make rules

- (a) to prescribe and limit the powers and duties of any Forest-officer under this Act;
- (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and
- (d) generally, to carry out the provisions of this Act.

77. Penalties for breach of rules.-Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

78. Rules when to have force of law.-All rules made by the State Government under this Act shall be published in the Official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

79. Persons bound to assist Forest-officers and Police-officers.-(1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest-officer or Police officer or not,-

- (a) to extinguish any forest fire in such forest of which he has knowledge or information;
 - (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest,
- and shall assist any Forest-officer or Police-officer demanding his aid
- (c) in preventing the commission in such forest of any forest-offence; and
 - (d) when there is reason to believe that any such offence has been committed such forest in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse (the burden of prove in which shall lie upon such person) fails

- (a) to furnish without unnecessary delay to the nearest Forest-officer or Police (officer any information required by sub-section (1);
- (b) to take steps, as required by sub-section (1), to extinguish any forest fire in reserved or protected forest;
- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such fore.4 from spreading to such forest or
- (d) to assist any Forest-officer or Police officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason believe that any such offence has been committed in such forest, in discover and arresting the offender,

shall be punishable with imprisonment for a term which extend to one month, or with fine which may extend to two hundred rupees, or with both.

80. Management of forests the joint property of Government and other persons. (1) If the Government and any person be jointly interested in any forest or waste-land, a in the whole or any part of the produce thereof, the State Government may either

(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the State Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapters 11 and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

81. Failure to perform service for which a share in produce of Government forest is employed. - If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed:

Provided that no such share be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the State Government.

82. Recovery of money due to Government. - All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

83. Lien on forest-produce for such money. - (1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894. - Whenever it appears to the State Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894 (1 of 1894).

85. Recovery of penalties due under bond. When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any an bond or instrument to perform any duty or act or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), be recovered from him in case of such breach as if it were an arrear of land revenue.

85 A. Saving for rights of Central Government.-Nothing in this Act shall authorise a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.

86. Repeals:- [Rep. by Repealing and Amending Act, 1947 (2 of 1948), sec.2 and Sch.]

THE SCHEDULE.-[Enactments Repealed.] Rep. by sec. 2 and Sch., ibid.

THE INDIAN FOREST (HIMACHAL PRADESH AMENDMENT) ACT, 1968,

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

Whereas it is expedient to consolidate the law relating to forests, the transit of forests-produce and the duty leviable on timber and other forest-produce. It is hereby enacted as following:-

Short-title and extent

- 1 - (1) This Act may be called the Indian Forest (Himachal Pradesh Amendment) Act, 1968,
(2) It, shall extend to the whole of Himachal Pradesh

"(2A) Notwithstanding, anything contained in sub- section (2), it also extends to such territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, and have since merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966."

(3) It applies to the territories which, immediately before the 1st November, 1956 were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh. Orissa. Punjab, Uttar Pradesh and West Bengal: but the Government of any State may by notification in the Official Gazette bring this Act into force in the whole or any specified part of that State to which this Act extends and where it is not in force.

Interpretation clause

2 In this Act unless there is anything repugnant in the subject or context-

(1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, Ponies, colts, fillies, mines, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

(2) "Forest-officer" means any person whom the State Government or any officer empowered by the State Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made there- under this Act or under any rule made thereunder;

(3) "forest offence" means an offence punishable under this Act or under any rule made thereunder;

(4) "forest-produce" includes-

(a) the, following whether found in, or brought from. a forest or not, that is to say:-

timber, charcoal, caoutchouc, Catechu, wood-oil, resin, natural varnish, bark, Lac, Mahua flowers, Mahua seeds, Kuth and myrabolams, and

(b) the following when found in, or brought from a forest, that is to say-

(i) trees and leaves, flowers and fruits, and all other parts or produce not herein- before mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all part or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals and

(iv) peat, surface soil, rock, and minerals (including lime-stone, laterite, mineral oils and all products of mines or quarries);

(4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such Court;

(5) "river" includes any stream, canal, creek other channels, natural or artificial;

(6) "timber" includes trees when they have fallen or have been felled, and all wood whether out up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms bamboos, stumps, brush- wood and canes.

OF RESERVED FOREST

Power to reserve forests

3. The State Government may constitute any forest land or waste-land which is the property of Government, of over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by State Government

4. (1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette--

- (a) declaring, that it has been decided to constitute such land a reserved forest;
- (b) specifying as nearly as possible, the situation and limits of such land; and
- (c) appointing an officer (hereinafter called "The Forest Settlement officer") to inquire into and determine the existence, nature, and extent of any right alleged to exist in favour of any person in or over any land comprised within such limits in or over any forest produce and to deal with the same as provided in this Chapter.

Explanation:- For the purpose of clause (b); it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries. '

(2) The officer appointed under clause (c) of sub- section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement- Officer.

(3) Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of which shall be a person holding any forest-office except as afore said, to perform the duties of a Forest Settlement- Officer under this Act.

Bar of accrual of forest-rights

5. After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or, on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearing for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the State Government in this behalf.

Proclamation by Forest Settlement-Officer

6. When a notification has been issued under section 4, the Forest Settlement-Officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation-

- (a) specifying, as nearly as possible, the situation and limits of the proposed-forest;
- (b) explaining the consequences which, as here in after provided, will ensure on the reservation of such forest; and
- (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such Period either to present to the Forest Settlement-Officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Forest Settlement-Officer

7. The forest Settlement-Officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6, so far as the same may be ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same time.

Powers of Forest Settlement-Officer

8. For the purpose of such inquiry, the Forest Settlement-Officer may exercise the following powers, that is to say:-

- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and
- (b) the powers of a Civil Court in the trial of suits.

Extinction of rights

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement- Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Treatment of claims relating to practice of shifting cultivation

10. (1) In the case of a claim relating to the practice of shifting cultivation the Forest Settlement officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part the Forest Settlement-Officer may arrange for its exercise-

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the State Government.

(5) The State Government shall in all cases deem the practice of shifting cultivation a privilege subject to control, restriction and abolition.

Power to acquire land over which right is claimed

11. (1) in the case of a claim to a right in or over any land, other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either-

(i) exclude such land from the limits of the proposed forest; or

(ii) come to an agreement with the owner there- of for the surrender of his rights, or

(iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

(3) For the purpose of so acquiring such land-

(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894; (1 of 1894).

b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the, Court, with the, consent of both parties, may award compensation in land, or partly in land and partly in money.

Order on claims to rights of pasture or to forest- produce

12. In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement officer shall pass an order admitting or rejecting the same in whole or in part.

Record to be made by Forest Settlement-officer

13. The Forest Settlement-Officer, - when passing any order under section 12, shall record, so far as may be practicable,-

- (a) the name, father's name, caste, residence and occupation of the person claiming the right; and
- (b) the designation, position and area of all fields or groups of fields (if any) and the designation and position of all buildings (if any) in respect of which the exercise of such, rights is claimed.

Record where he admits claim

14. If the Forest Settlement-officer admits in whole or in part any claim under section 12 he shall also record the extent to which the claim so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorised to take or receive and such other particulars as the case may require. He shall also record whether the timber or other forest produce obtained by the exercise of the rights claimed may be sold or bartered.

Exercise of rights admitted

15. (1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement-officer may-

- (a) set out some other forest-tract of sufficient extent and in a locality reasonably convenient for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
- (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the State Government.

Commutation of rights

16. In case the Forest Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the State Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Appeal from order passed under section II, section 12, section 15 or section 16

17. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement officer under section 11, section 12, section 15 or section 16 present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the State Government may, by notification in the Official Gazette, appoint to hear appeals from such orders.

Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and, when the Forest Court has been so established, all such appeals shall be presented to it.

Appeal under section 17

18. (1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeal in matters relating to land-revenue,

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighborhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of, such Court, as the case may be, shall, subject only to revision by the State Government be final.

Pleaders

19. The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

Notification declaring forest reserved

20. (1) When the following events have occurred namely:-

(a) the period fixed under section 6 for preferring claims has elapsed and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders, passed on such claims has elapsed and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894, (I of 1894), have become vested in the Government under section 16 of that Act,

the State Government shall publish a notification in the Official Gazette specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest

Publication of translation of such notification in neighbourhood of forest

21. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

Power to revise arrangement made under section 15 or section 18

22. The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

No right acquired over Reserved Forest, except as here provided

23. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

Rights not to be alienated without sanction

24. (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant sale, lease, mortgage or otherwise without the sanction of the State Government.

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

Power to stop ways and watercourses in reserved forests

25. The Forest officer may, with the previous sanction of the State Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the State Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest officer in lieu thereof.

Acts prohibited in such forests

26. (1) Any person who-

(a) make any fresh clearing prohibited by section 5; or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest-

(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(f) fells girdles, lops, taps or bums any tree or strips off the bark or leaves from, or other-wise damages, the same;

(g) quarries stone, burns lime or charcoal, or collects, subject to any manufacturing process, or removes, any forest-produce;

(h) clears or breaks up any land for cultivation or any other purpose;

(i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or

(j) in any area in which the Elephants Preservation Act, 1879, (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made;

shall be punishable with imprisonment for a terms which may extend to six months or with fine which may extend to live hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit-

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the State Government; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused willfully or by gross negligence in a reserved forest, the state Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Power to declare forest no longer reserved

27. (1) The State Government may, by notification in the Official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation

Formation of village forests

28. (1) The State Government may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. A forests so assigned shall be called village,-forests.

(2) The State Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forest shall (so far as they are not inconsistent with the rules so made) apply to village forests.

29. (1) The State, Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste land which is not included in a reserved forest, but which is the property of Government or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:-

Provided that if in the case of any forest-land or waste land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meant me to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities

Power to issue notification reserving trees, etc.

30. The State Government may, by notification in the Official Gazette,-

(a) declare any trees or class of trees in a protected forest to be reserve from a date fixed by the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the State Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient for the due exercise of the rights suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal or the collection or subjection to any manufacturing, process, or removal of, any forest-produce in any such forest and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

Publication of translation of such notification in neighbourhood

31. The Collector shall cause, a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification

Power to make rules for protected forests

32. The State Government may make rules to regulate the following matters, namely:-

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forest;

(b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;

- (c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes trade, and the production and return of such licences by such persons;
- (d) the payments, if any to be made by the persons mentioned in clause (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;
- (f) the examination of forest-produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or, other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephant's Preservation Act, 1879 (6 of 1879), is not in force;
- (k) the protection and management of any portion of a forest closed under Section 30; and
- (l) the exercise of rights referred to in section 29.

Penalties for Acts in contravention of notification under section 30, or of rules under section 32

33. (1) Any person who commits any of the following offences, namely:-

- (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;
- (b) contrary to any prohibition under section 30, quarries any stone or burns any lime or charcoal or collects, subjects to any Manufacturing process or removes any forest-produce;
- (c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;
- (d) sets fire to such forest, or kindles of fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest;
- (e) leaves burning any fire kindled by him in the vicinity of any such tree or Closed portion;
- (f) fells any tree or drags any timber so as to damage, any tree reserved as aforesaid;
- (g) permits cattle to damage any such tree;
- (h) infringes any rule made under section 32;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Whenever fire is caused willfully or by gross negligence in a protected forest, the State Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Nothing in this Chapter to prohibit Acts done in certain cases

34. Nothing, in this Chapter shall be deemed to prohibit any Act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

OF THE CONTROL OVER FOREST AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

Protection of forests for special purposes

35. (I) The State Government, may by notification in the Official Gazette, regulate, or prohibit in any forest of waste-land:-

- (a) the breaking up or clearing of land for cultivation;
- (b) the pasturing of cattle; or
- (c) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:-

- (i) for protection against storms, winds, rolling- stones, floods and avalanches;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys, of hilly tracts, the prevention of and slip or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;
- (iii) for the maintenance of a water-supply in springs, rivers and tanks;
- (iv) for the protection of roads, bridges, railways and other lines of communications;
- (v) for the preservation of the public health;

(2) The State Government may, for any such purpose, construct at its own expense, in or upon any forest or wasteland, such work as it thinks fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same have been heard by an officer duly appointed in that 'behalf and have been considered by the State Government.

Power to assume management of forests

36. (1) in case of neglect of, or willful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require the State Government may, after notice in writing to the owner of such forest or land after considering his objections, if any, place the same under the control of a Forest-officer, and, may declare that all or any of the provisions of this Act relating, to reserved forests shall apply to such forest or land

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner

Expropriation of forests in certain cases

37. (1) In any case under this Chapter in which the State Government considers that in lieu of placing the forest or land under the control of a Forest-officer, the same should be acquired for public purposes, the State Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (I of 1894).

(2) The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the State Government shall acquire such forest or land accordingly.

Protection of forests at request of owners

38. (1) The owner of any and or, if there be more than one owner thereof, the owners of the majority of shares therein may, with a view to the formation or conservation of forests thereon, represent in writing to the collector their desire-

- (a) that such land be managed on their behalf by the Forest officer as a reserved or protected forest on such terms as may be mutually agreed upon; or

- (b) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the State Government may, by notification in the Official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

OF THE, DUTY ON TIMBER AND OTHER FOREST PRODUCE

Power to impose duty on timber and other forest produce

39. (2) The Central Government may levy a duty in such manner, at such places and at such rates as it declare by notification in the Official Gazette on all timber or other forest-produce--

- (a) which is produced in the territories to which this Act extends, and In respect of which the Government has any right.
- (b) which is brought from any place outside the territories to which this Act extends.

(2) in every case in which such duty is directed to be levied advalorem the Central Government may fix by like notification the value on which such duty Shall be assessed.

(3) All duties on timber or other forest-produce at the time, when this Act comes, into force in fill territory, are levied therein tinder the authority of the State Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

(4) Notwithstanding anything in this section, the State Government may, until provision to the contrary is made by Parliament, continue to levy any duty which it was lawfully levying before the commencement of the Constitution under this section as then in force.

Provided that nothing in this subsection authorises the levy of any duty which as between timber or other forest produce of the State and similar produce of the locality outside the State, discriminates in favour of the former, or which, in the case of timber or other forest produce of localities outside the State, discriminates between timber or other forest-produce of one locality in similar timber or the forest-produce of another locality.

Limit not to apply to purchase money or royalty

40. Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

OF THE CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT

Powers to make rules to regulate transit of forest produce.

41. (1) The Control of all rivers and their banks as regards the floating to timber, as well as the control of all timber and other forest produce in transit by land or water is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may--

- a. prescribe the routes by which alone timber or other forest-produce may be imported', exported or moved into from or within the State;
- b. prescribe the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the, same, or otherwise than in accordance with the conditions of such pass;
- c. provide for issue, production and return of such passes and for the Payment of fees therefor;
- d. provide for the stoppage, reporting, examination and making of timber or other forest- produce in transit, in respect of which there is reason to believe that pay money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;
- e. provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination or for the payment of such money or in order that such marks may be affixed to it and

the, conditions under which such timber or other produce, shall be brought to, stored and removed from such depots;

- f. Prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any Act which may cause such river to be closed or obstructed;
- g. Provide for the prevention or removal of any obstruction of the channel or banks of any, such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;
- h. Prohibit absolutely or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting burning, concealing or marking of timber, the alternate or effacing of any marks on the same or the possession or carrying of marking hammers or other implements used for marking timber;
- i. Regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The State Government may direct that any rule made under this section shall not apply to any specified class, of timber or other forest-produce or to any specified local area.

Powers of Central Government as to movements of timber across customs frontiers

41A. Notwithstanding anything in section 41 the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from the territories to which this Act extends across any customs frontier as defined by the Central Government, and any rules made under section 41, shall have effect subject to the rules made under this section.

Penalty for breach of rules made under section 41

42. (1) The state Government may by such rules prescribe as penalties for the contravention therefore, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both

(2) Such rules may provide that penalties which are double those mentioned in subsection (1) may be inflicted in cases where the offence is committed after sunset, and before sunrise or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

Government and Forest Officers not liable for damage to forest-produce at depot

43. The Government shall not be responsible for any loss or damage, which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

All persons bound to aid in case of accident at depot

44. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly

45. (1) All timber found a drift, beached, stranded or sunk:

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated or defaced by fire or otherwise; and

in such areas as the State Government directs, all unmarked wood and timber;

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the game by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The State Government may, by notification in the Official Gazette, exempt any class of timber from the provisions of this section.

Notice to claimants drift timber

46. Public notice shall from time to time be given by the Forest-officer of timber collected under section 45. Such notice shall contain a description of the timber and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Procedure on claim preferred to such timber

47. (1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems, entitled there to, or may refer the claimants to the Civil Courts, and retain the timber pending this receipt of an order from any such court for its disposal

(3) Any person Whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer, an account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered or a suit has been brought, as provided in this section.

Disposal of unclaimed timber

48. If no such statement is presented as aforesaid or if the claimant omits to Prefer' his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government or, when such timber has been delivered to another person under section 47, in such other person free from ill encumbrances not created by him.

Government and its officers not liable for damage to such timber

49. The Government shall not be responsible for any loss or damage which occur in respect of any timber collected under section 45, and no Forest-officer shall be, responsible for any loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

Payment to be made by claimant before timber is delivered to him

50 No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum of account thereof as may be due under any rule made under section 51.

Power to make rules and prescribe penalties.

51 (1) The State Government may make rules to regulate the following matters, namely :-

- a) the salving collection and disposal of all timber mentioned in section 45;
- b) the use and registration of boats used in salving and collecting timbers;
- c) the amounts to be paid for salving, collecting, moving storing or disposing of such timber; and
- d) the use and registration of hammers and other instruments to be used for marking such timber.

(2) The State Government may prescribe, as penalties for the contravention of any rule made under this section, imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees, or both.

PENALTIES AND PROCEDURE

Seizure of Property liable to confiscation

52. (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, vehicles' or cattle used in committing any such offence, may be, seized by any Forest-officer or Police- officer;

(2) Every officer seizing any property under this section shall place in such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;

Provided that, when the forest produce with respect to which such offence believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Power to release property seized under section 52

53. Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate has seized any tools boats, vehicles or cattle under section 52, may release the same on the executions by the owner thereof a bond for the production of the property so released, if and When so required before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Procedure there upon

54. Upon the receipt of any such report, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

Forest produce, tools, etc., when liable of confiscation

55. (1) All timber or forest-produce which is not the property of Government and in respect of which a forest-officer has been committed, and all tools, boats, vehicles and cattle used in committing any forest-offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest-offence of, produce in respect of which it was contributed.

56. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a forest-officer and, in any other case, may be disposed of in such manner as the Court may direct.

Procedure where offender not know, or cannot be found

57. When the offender is not known or cannot be found the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to tile person whom the Magistrate deems to be entitled to the same;

Provided that no such order shall be made, until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 52

58. The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal under section 55, section 56 or section 57

59. The officer who made the seizure under section 52, or any of his official superiors or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section appeal therefrom to the Court to which order made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government

60. When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such

order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all encumbrances.

Saving of power to release properly seized

61. Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the State Government from directing at any time the immediate release of any property seized under section 52,

Punishment for wrongful seizure

62. Any Forest officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which, may extend to five hundred rupees, or with both.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks

63. Whoever, with intent to cause damage or injury to the public or to any person, or to cause, wrong full gain as defined in the Indian Penal Code (45 of 1860)

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officer to indicate that such timber or tree is the property of the Government or of some person, or, that it may lawfully be cut or removed by some person; or
- (b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or
- (c) alters, moves, destroys or defaces any boundary mark of any forest or waste land to which the provisions of this Act are applied;

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant

64. ((1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (e) of section 30.

Power to release on a bond a person arrested

65. Any Forest-officer of a rank not inferior to that of a Ranger, who, or whole subordinate, has arrested any person under the, provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police-station.

Power to prevent commission of offence

66. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to try offence summarily

67. The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government may try summarily, under the Code of Criminal Procedure, 1898 (5 of 1898) any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

Power to compound offences

68, (1) The State Government may, by notification in the Official Gazette, empower a Forest-officer --

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and
- (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money, or such value ' or both, as the case may be to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceeding shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger and is in receipt of monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

Presumption, that forest produce belongs to Government

69. When in any proceedings taken under than Act, or in consequence of anything done under this Act, a question arise as to whether any forest produce is the property of the Government, such products shall be presumed to be the property of the Government until the contrary is proved

CATTLE-TRESPASS

Cattle trespass Act, 1871 to apply

70. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871 (I of 1871), and may be seized and impounded as such by any Forest-Officer or Police-officer.

Power to alter fines fixed under that Act.

71. The State Government may by notification in the Official Gazette, direct that, in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871 (I of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say:-

For each elephant		ten rupees,
For each buffalo or camel		two rupees.
For each horse, mare, gelding pony, colt, filly, mule, bull, bullock, cow or heifer		one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid		Eight annas.

OF FOREST-OFFICERS

State Government may invest Forest officers with certain powers

72. (1) The State Government may invest any forest-officer with all or any of the following powers, that is to say:-

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;
- (e) power to issue a search-warrant under the Code of Criminal Procedure, 1898 (5 of 1898); and
- (d) power to hold an inquiry into forest-offences, and in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of subsection (1) shall be admissible in subsequent trial before a Magistrate, provided that it has been taken in the presence of accused person.

Forest officers deemed public servants

73. All forest-officers shall be deemed to be public servants- within the meaning of the Indian Panel Code. (45 of 1860).

Indemnity for acts done in good faith

74. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Forest Officer not to trade

75. Except with the permission in writing of the State government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any Forest, whether in or outside the territories or to which this act extends.

SUBSIDIARY RULES**Additional powers to make rules.**

76. The State Government may make rules-

- (a) to prescribe and limit the powers and duties of any Forest officer under this Act;
- (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons-, and
- (d) Generally, to carry out the provisions of this Act.

Penalties for breach of rules

77. Any person contravening any rule under this Act, for the, contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

Rules when to have force of law

78. All rules made by the State Government under this Act shall be published in the Official Gazette, and shall thereupon, so far as they are consistent with this Act, have effects if enacted therein

Persons bound to assist Forest Officers and Police officers

79. (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or, to cut and remove timber or to pasture cattle in such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any forest-officer or Police-officer or not.

- (a) to extinguish any forest fire in such forest of which he has knowledge or information,
- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge, or information from spreading to such forest, and shall assist any Forest-officer or Police-officer demanding his aid.
- (c) in preventing the commission in such forest of any forest offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who, being, bound so to do, without lawful excuse (the burden or providing which shall be upon such person) fails-

- (a) to furnish without unnecessary delay to the nearest, Forest-officer or Police officer any information required by subsection (1);
- (b) to take steps as required by subsection (1) to extinguish any forest fire in a reserved or protected forest;
- (c) to prevent as required by sub-section (1) any fire in the vicinity of such forest from spreading to such forest; or
- (d) to assist any Forest-officer or Police-officer demanding his aid in Preventing the commission in such forest of any forest-offence, or when there is reason to believe that any offence has been committed in such forest, in discovering and arresting the offender;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Management of forests the joint property of Government anti other person

80. (1) If the Government and any person be jointly the interested in any forest or waste-land, or the whole or any part of the produce thereof, the State Government may either-

- (a) undertake the management of such forest, waste-land or produce accounting to such person for his interest in the same; or
- (b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interested of all parties therein.

(2) When the State Government undertakes under clause (a) of subsection (1) the management of any forest, waste-land or produce it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapter II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Failure to perform service for which a share in produce of. Government forest is enjoyed

81. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the, Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon, the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed. :

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service have been heard by an officer duly appointed in that behalf by the State Government.

Recovery of money due to Government

82. (1) All money payable to the State Government, under this Act or under any rule made under this act or on account of the price of timber, or other forest-produce, or of expenses incurred in execution of this Act in respect of timber and other forest-produce, or under any contract relating to timber and other forest-produce, including any sum recoverable there under for the breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the value of timber or other forest-product by auction or by invitation, or renders, issued by or under the authority of a Forest-Officer, and all compensation awarded to the State Government under this Act may, if not paid when due, be recovered under the law for the time been- in force, as if it were an arrears of land revenue.

(2) For the removal of doubts, it is hereby declared that the provisions of sub-section (1), shall also apply to all case of, recovery which are either pending at the commencement of the Indian Forest (Himachal Pradesh Amendment) Act, 1968 or are initialed thereafter in respect of contracts entered into prior to such commencement, any judgment, decree or order of any court to the contrary notwithstanding.

Lien on forest-produce for such money

83. (1) When, any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest- officer until such amount has been paid.

(2) If such amount is not paid when clue, the Forest- officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Land required under this Act to be deemed to be needed for a public purpose under the Land acquisition Act, 1894

84. Whenever it appears to the State Government that any land is requited for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894 (I of 1894).

Validity of settlements etc. of covenanting States

84 A. "For the removal of doubts, it is hereby declared that every settlement or arrangement made before the 20th August 1948, under the authority of the Government of any covenanting State forming part of the territories referred to in sub-section (2-4) of section 1, with respect to

any claims or rights of any persons admitted by the Government of that State to be in existence in any of the forests or waste lands which were the property of that Government or over which that Government had proprietary rights or to the whole or part of the forest-produce of which that Government was entitled, shall be deemed to be a settlement of claims and rights made under this Act and all such claims and rights shall be deemed to be claims and rights duly inquired into and admitted for the purposes of this Act and shall be deemed always to have been so inquired and admitted for the purposes of the Patiala Forest Act, 1999 BK, and it shall not be, and shall be deemed never to have been, necessary to determine the rights of persons in accordance with chapters II and IV, as the case may be, for declaring any forest or waste land to be a reserved or protected forest of a first or second class forest".

Recovery of penalties due under bond

85. When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or Act, or covenants by any bond or instrument that he, or that he and his servants and against will abstain from any Act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract, Act, 1872 (9 of 1872) be recovered from him in case of such breach as if it were an arrear of land-revenue.

Saving for rights of Central Government

85A. Nothing in this Act shall authorise a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.

86. (Repeals) Rep. by the Repealing and Amending Act, 1948 (2 of 1948), s. 2 and Sch.

THE SCHEDULE.-[Enactments Repealed.] Rep. by s. 2 and Sch., *ibid*.

The Indian Forest (Himachal Pradesh Amendment) Act, 1968

Repeal and savings

(1) The Indian Forest (East Punjab Amendment)? Act, 1948 (7 of 1948) the Indian Forest (Punjab Amendment) Act, 1954 (20 of 1954) and the Indian Forest (Punjab Amendment) Act, 1962 (113 of 1962), in so far as these apply to the areas merged in Himachal Pradesh under section 5 of the Punjab Re- organization Act, 1966 (31 of 1966) are hereby repealed.

Provided that such repeal shall not affect-

- (a) the previous operation of the Acts so repealed or anything duly done or suffered there under; or
- (b) any right, privilege, obligation or liability acquired, occurred or incurred under the Acts so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or
- (e) operation of section 39 of the Patiala Forest Act, 1999 BK, which is a saving under section 7 of the Indian Forest (Punjab Amendment)! Act, 1962 (13 of 1962).

and any such investigation legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation bye-law or from framed) so far as it is not inconsistent therewith shall be deemed to have been done or taken under the principal Act as so amended:

Provided that all forests which, immediately before the commencement of the Indian Forest (Punjab Amendment) Act, 1962 (13 of 1962) are, or are deemed to be first and second class forests under the Acts repealed by sub-section (1) shall respectively, be deemed to be reserved and protected forests for the purposes of the principal Act as amended by this Act,

AUTHORITATIVE ENGLISH TEXT

Act No. 15 of 1991

THE INDIAN FOREST (HIMACHAL PRADESH SECOND AMENDMENT) ACT, 1991.

(As Assented to by the President on 9th July, 1991)

An

ACT

Further to amend the Indian Forest Act, 1927 (Central Act No. 16 of 1927) in its application to the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-second Year of the Republic of Indian as follows:-

1. This Act may be called the Indian Forest (Himachal Pradesh Second Amendment) Act, 1991.
2. In section 2 of the Indian Forest Act, 1927 (hereinafter called the principal Act):-

- (a) in clause (6), the word “and” occurring at the end shall be omitted;
- (b) in clause (7), for the sign “ ”, the sign and word “and” shall be substituted; and
- (c) After clause (7) so amended, the following clause (8) shall be added, namely:-

“(8) “Vehicle” means a wheeled conveyance of any description which is capable of being used for movement on land and includes a cart, trolley Vehicle and trailer but does not include bicycle and cattle”

3. In sections 26, 33 and 42 of the principal Act, for the words “six months” and “five thousand” shall be substituted respectively.
4. For sub-section (2) of section 52 of the principal Act, the following sub-sections (2) and (3) shall be substituted, namely:-

“(2) Any Forest Officer or Police Officer may, if he has reasons to believe that a vehicle has been or is being used for the transport of timber (excluding fuelwood) resin, khair wood and katha in respect of which a forest offence has been or is being committed, require the driver or other person-in-charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person-in-charge of the vehicle.

(3) Every Officer seizing any property under this section shall place on such property a mark indicating that the same has been seized, and shall, as soon as may be, make a report of such seizure—

(a) where the offence, on account of which the seizure has been made, is in respect of timber (excluding fuelwood), resin, khair wood and katha which is the property of the State Government, to the concerned authorized officer under sub-section (1) of section 52-A; and

(b) in other cases, to the magistrate having jurisdiction to try the offence on account of which “the seizure is made”.

5. After section 52 of the principal Act, the following sections 52-A and 52-B shall be inserted; namely:-

“52-A”. Confiscation by Forest Officers in certain cases. —(1) Notwithstanding anything contained in this Chapter, where a forest offence is believed to have been committed in respect of timber (excluding the wood), resin, khair wood and katha, which is the property of the State Government, the Officer seizing the property under sub-section (1) of section 52 shall without any unreasonable delay produce it, together with all tools, ropes, chains, boats or vehicles used in committing such offence before an Officer, authorized by the State Government in this behalf by notification published in

the Official Gazette, not below the rank of an “Assistant Conservator of Forests (hereinafter referred to as the authorized officer).

(2) Where an authorized officer seizes under sub-section (1) of section 52 any timber (excluding fuelwood) resin, Khairwood and Katha, which is the property of the State Government or where any such property is produced before an authorized officer under sub-section (1), once he is satisfied that a forest offence has been committed in respect of such property, such authorized officer may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property so seized together with all tools, ropes, chains, boats or vehicle used in committing such offence.

(3) (a) Where the authorized officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall where the order of confiscation made under section 53-A is set aside or annulled by an order under section 59 or section 59-A, be paid to the owner thereof or the person from whom it was seized as may be specified in such order.

52 B. Issue of show cause notice before confiscation under section 52-A – (1) No order confiscating any timber (excluding fuel) resin, khair wood and katha, ropes, chains, boats or vehicles shall be made under section 52-A except after notice in writing to the person from whom it, is seized and considering his objections, if any.

Provided that no order confiscating a motor vehicle shall be made except, after giving notice in writing to the registered owner thereof, if in the opinion of the authorized officer it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat or vehicle shall be made under section 52-A if the owner of the tool, rope, chain, boat or vehicle proves to the satisfaction of the authorized officer that it was used in carrying the timber (excluding fuelwood), resin, khair wood and katha without the knowledge or connivance of the owner himself, his agent, if any, and the person-in-charge of the tool, rope, chain, boat or vehicle and that each of them had taken all reasonable and necessary precaution against such use.”

6. At the end of section 53 of the principal Act but before the sign “.” The words, brackets, figures, sign and alphabet “or before the authorized officer under sub-section (1) of section 52-A” shall be inserted.

7. After the words “The Magistrate” occurring in the beginning of section 58 of the principal Act, the words, brackets, figures and alphabet “or subject to such rules as may be prescribed, the authorized officer under sub-section (1) of section 52-A” shall be inserted .

8. In section 59 of the principal Act-

- (a) in the heading after the words “orders under section” but before the figure “55”, the figure, alphabet and sign “52-A”, shall be inserted:-
- (b) the existing section shall be re-numbered as sub-section (1); and
- (c) after sub-section (1) so re-numbered, the following sub-section (2) and sub-section (3) shall be added, namely:-

“(2) Any person aggrieved by any order passed under section 52-A or section 59-A may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the authorized officer or the officer specially empowered under section 59-A, as the case may be, to be

heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

- (3) The order of the Sessions Judge under sub-section (2) shall be final and shall not be questioned in any Court of law.”

9. After section 59 of the principal Act, the following sections 50-A and 50-B shall be inserted, namely:-

“59-A” *Revision:-* Any forest officer not below the rank of Conservator of Forests, specially empowered, by the State Government in this behalf by notification published in the Official Gazette, may, before the expiry of thirty days from the date of order of the authorized officer under section 52-A, suo-moto call for and examine the records of that order and may make such enquiry or cause such enquiry to be made and may pass such orders as he deems fit:

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

59-B *Bar of jurisdiction in certain cases:-* “Whenever any timber (excluding fuelwood) resin, khair wood and katha together with any tool, rope; chain, boat or vehicle used in committing any forest offence is seized under section: 52, the authorized officer under sub-section (1) of section 52-A or the officer specially empowered under section 59-A on Sessions Judge hearing an appeal, under sub-section (2) of section 59 shall have, and notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or in any other law for the time being in force, any other officer, Court, Tribunal of authority shall not have, jurisdiction to make order with regard to custody, possession, delivery, disposal or distribution of such property.”

10. For section 60 of the principal Act, the following shall be substituted, namely:-

“60”. When an order for the confiscation of any property has been passed under section 52-A or section 55 or section 57, as the case may be, or where on revision application made under section 59-A such order for confiscation has not been set aside, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred or when, an appeal being preferred, the Appellate Court confirms such orders in respect of the property or a portion of such property, such property or such portion thereof, or if it has been sold under sub-section (3) of section 52-A the sale proceeds thereof, as the case may, shall vest in the State Government free from all encumbrances.”

11. After the figure “52” but before the sign “.” Occurring at the end of section 61 of the principal Act, the signs and ‘words’, “which is not the property of the Government, and the withdrawal of any charge made in respect of such property” shall be inserted.

12. For the words, brackets and figures “the Code of Criminal Procedure, 1898 (5 of 1898)” occurring in section 67 of the principal Act, the words, brackets and figures “the Code of Criminal Procedure, 1973 (2 of 1974)” may be substituted.

Authorised English text of this Department Notification No. Fts-B(A)1-1/91 dated 6/9/91 as required under clause (3) of Article 348 of Constitution of India.

**Government of Himachal Pradesh
Department of Forest Farming and Conservation.**

---0

No. Fts. (B)A 1-1/91, Dated Shimla-171002, the

6th Sept., 1991.

NOTIFICATION

In exercise of the powers conferred by sub-section(1) of Section 52-A of the Indian Forest Act, 1927, as amended by the Indian Forest (Himachal Pradesh Second Amendment) Act, 1991, the Governor, Himachal Pradesh is please to authorize and declare all the Divisional Forest Officers in charge of Territorial Forest Divisions and Wildlife Divisions in Himachal Pradesh as authorized officers within their respective jurisdictions for the purpose of aforesaid section to perform the functions and exercise the powers as stipulated therein.

By order

P.T. Wangdi
Financial Commissioner-cum-Secretary
to the Govt. of Himachal Pradesh.

Authorised English text of this Department Notification No. Fts-B (A) 1-1/91 dated 6/9/91 as required under clause (3) of Article 348 of Constitution of India.

**Government of Himachal Pradesh
Department of Forest Farming and Conservation.**

No. Fts. (B) A 1-1/91, Dated Shimla-171002, the

6th Sept., 1991.

NOTIFICATION

In exercise of the powers conferred by sub-section 59-A of the Indian Forest Act, 1927, as amended by the Indian Forest (Himachal Pradesh Second Amendment) Act, 1991, the Governor, Himachal Pradesh is please to empower all the Conservators of Forests of territorial circles in Himachal Pradesh to act as revisional authority within their respective jurisdictions, to perform all functions and to exercise all the powers conferred in this behalf under the aforesaid section.

By order

P.T. Wangdi
Financial Commissioner-cum-Secretary
to the Govt. of Himachal Pradesh.

HIMACHAL PRADESH PRIVATE FORESTS ACT
(Act No. 6 of 1955)

(Authoritative English Text of the Himachal Pradesh "Vaiyaktigat Vans Adhiniyam, 1954").

An Act to provide for the conservation of Private Forests.

It is hereby enacted in the Fifth Year of the Republic of India as follows

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Himachal Pradesh Private Forests Act, 1954.
- (2) It extends to the whole of the State of Himachal Pradesh.
- (3) It shall come into force at once.

Act not to apply to certain lands

2. This Act shall not apply-
 - (a) to any land which is vested in Government; or
 - (b) to any land which is a reserved or protected forest under Indian Forest Act, 1927 (Act XVI. of 1927).

Definitions

3. In this Act unless there is anything repugnant in the subject or context,-
 - (1) "Collector" includes any officer empowered by the State Government to discharge the functions of the Collector under this Act;
 - (2)' "Controlled Forest" means a forest in respect of which a notification has been issued under subsection (1) of section 35;
 - (3) "estate" means any area:-
 - (a) for which a separate record of rights has been made, or
 - (b) which has been separately assessed to land revenue,, or would have been so assessed if the land revenue had not been released, compounded for or redeemed, or
 - (c) which the State Government may, by general rule or special order, declare to be an estate;
 - (4) "Fee" includes also the fee payable to the State Government under the terms of Forest or Revenue Settlement or usage or custom subject to which permission to fell and sell trees was being given by the integrating States before their merger;
 - (5) "forest" includes any land recorded as forest in a record of rights;
 - (6) "forest offence" means an offence punishable under this Act or under any rule made there under,

- (7) "Forest Officer" means any person whom the State Government may appoint to carry out all or any of purposes of this Act or 'to do anything required by this Act or any rule made thereunder to be done by a Forest Officer;
- (8) "Forest Settlement Officer" means an officer appointed by the State Government to perform the duties of a Forest Settlement Officer under this Act;
- (9) "Landlord" means the owner of the estates or tenure in which a forest or wasteland is situated who is entitled to exercise any right in such forest or wasteland;
- (10) "Notification" means a notification published in the Official Gazette;
- (11) ".notified forest" means a forest specified in a notification issued under section 4; -
- (12) "Owner" includes a patta or jagir holder, lessee, mortgagee in possession, manager, trustee, receiver appointed by a competent court or a Court Wards in respect of property under the superintendence or charge of such court;
- (13) "Private forest" means a forest which is not the property of the Government or over which the State has no proprietary rights or to the whole or any part of the forest produce of which the State is not entitled;
- (14) "Prescribed" means prescribed by rules made under this Act;
- (15) "Right holder" means a person who has by custom a right of cutting or collecting in and removing from a forest, timber, fuel and other forest produce for his domestic and agricultural purposes and of pasturing his cattle in a forest;
- (16) "Rule" means a rule made under this Act.
- (17) "State Government" means the Lieutenant Governor of Himachal Pradesh;
- (18) "timber" includes trees when they (have fallen or have been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not;
- (19) "tree" includes timber and fuel trees, palms, bamboos, stumps, brush-wood and canes;
- (20) "wasteland" means any land which the State Government may, by notification, declare to be in wasteland for the purposes of this Act;
- (21) "working plan" means any written scheme for the management and treatment of a forest;
- (22) "year" means a Year beginning on the 1st day of April and ending, on the 31st day of March of the following year;
- (23) words and expression used but not defined in this Act and defined in the, Indian Forest Act, 1927, shall have the meanings respectively assigned to them in that Act.

GENERAL PROVISION RELATING TO THE MANAGEMENT OF, AND EXERCISE OF RIGHT IN A NOTIFIED FOREST

Power to prohibit certain acts

4. The State Government may, by notification and subject to such conditions as may be imposed by the Forest Officer concerned, prohibit the cutting, felling, girdling, lopping, burning, stripping off the bark or leaves or otherwise damaging any tree or counterfeiting or defacing marks on trees or timber in such private forest as may be specified.

Demarcation of private forests

5. In every private forest in respect of which a notification is issued under section 4, the Forest Officer shall within a period of one year from the date of publication of such notification demarcate the limit of such forest in accordance with the revenue records, and shall erect thereon such number of boundary pillars at such points of the line of demarcation as may be necessary at Government expense.

Rights in private forests or part thereof to be exercisable in accordance with this Act

6. In the forest notified under section 4 the rights of the landlord and notwithstanding anything contained in any record-of-rights prepared under any law for the time being in force, the rights of any other person to cut, collect or remove trees, timber or other produce in or from, or to pasture any cattle if any forest shall not been exercised in contravention of the provision made in or under this Act.

Restrictions on rights to cut, collect or remove timber etc. and reclaim forests for purposes of cultivation

7. In view of the necessity for conservation of soil and moisture and in the interest of the general public-

- (a) a Person who has a right to cut, collect or remove trees, timber or fuel from any notified forest shall not cut, collect or remove such trees, timber or fuel except under a permit granted by the Forest Officer in this behalf and in accordance with such conditions as the Forest Officer may impose:

Provided that nothing in this clause shall apply to any trees, timber or fuel when is required by the owner or right holder for domestic purposes, manufacture of agricultural implements or cremation or dead bodies;

- (b) a person who has a right to reclaim any land in notified forest for the purpose of cultivation and is the owner of the notified forest shall not reclaim any land therein except with the previous permission of the Forest Officer obtained in writing and in accordance with such conditions as the forest officer may impose.

Height at which trees and age of bamboo culms that may be cut

8. No person with a felling permit shall, in a private forest cut down any tree at a height of more than six inches from the ground or any bamboo culm less than one year old.

Certain persons not to sell or transfer timber

9. No person, not being a landlord, a person acting under the authority of a landlord or an officer acting under the provisions of this Act or rule made there under shall sell or otherwise transfer any timber obtained by him in the exercise of a right to cut timber in any notified forest, and the timber cut by him in excess of his requirement shall be liable to forfeiture by the State Government.

Restrictions of right of landlord or persons claiming through landlord to cut or remove timber or forest produce

10. The landlord, or a lessee or other person claiming through the landlord, shall not cut or remove or permit any person to cut or remove any tree, timber or other forest produce in or from any notified forest so as to effect the right of any person which such person may, subject to any rules made under this Act, enjoy under any custom or usage.

Grant of licence to fell trees and fees for sale of trees Preparation of a working plan

11. (1) A Forest Officer may, on the application of the landlord or owner, grant a licence for the felling of trees for such purpose and with such conditions as he may deem proper keeping

in view the necessity for conservation of soil and moisture and the interests of the general public, and thereupon it shall be lawful for landlord or the owner to carry out felling in accordance with the terms of the licence.

(2) The landlord or owner selling trees shall pay fees to the State Government and the timber shall not be removed from the forest unless fees have been paid.

(3) The owner may exercise the option of selling the trees either through the forest Department or direct to any contractor in the event of selling the trees direct the owner shall have to pay 15% fees as prescribed above on the price, of the trees calculated in accordance with the prescribed principles.

Preparation of a working plan

12. (1) The Forest officer may direct any owner of the notified forest to prepare within a specified period a working plan in the prescribed manner for management of the forest.

(2) The owner of such notified forest may either himself prepare the working plan or request the Forest Officer to prepare a working plan on his behalf.

(3) The Forest Officer may, after considering each working plan submitted to him, by an order in writing, accept or modify such working plan in such manner as he may consider necessary or substitute another working plan for it.

(4) If any owner of such notified forest does not submit a working plan within the period specified under sub-section (1) or does not request the Forest Officer to prepare one on his behalf within the period specified in sub-section (2), the Forest Officer may prepare a working plan in respect of such forest.

(5) The cost of the preparation of the working plan under sub-section (2) and (4) will be borne by the owner in the case of forests which will be at a profit and by Government in the case of forests run at a loss. Where the, cost is payable by the owner such cost may be realised as arrears of land revenue, when the landlord fails to pay it within the period, to be specified by the Forest Officer.

Management of forest

13. The forest for which an approved working plan exists will be managed by the owner himself according to prescriptions made in such working plan with the assistance of such trained staff as may be prescribed in the working plan and under the superintendence of the Forest Officer. No deviation from the prescriptions of the working plan will be permitted without the previous sanction of the Forest Officer.

Removal of timber and extraction and removal of resin from private forest

14. (1) Save as provided in the foregoing sections, no tree, unless marked and no timber, unless hammer marked by the, Forest Officer shall be cut or removed from the private forest and no tree or part thereof or timber from the private forest shall be launched into any river, stream or water, unless it bears property mark or marks and is covered by a permit granted in this behalf and fees therefor are first paid, provided always that no removal of a tree or part thereof or timber or fuel shall be done by land, unless covered by a challan issued by the Forest Officer subject to such restrictions as he may consider necessary to impose as regard its check while in transit and the time between which the movement of such tree timber or fuel shall remain suspended.

(2) No resin will be extracted, removed or carried from private forests except in accordance with the rules framed under the Act.

Recovery of fees due to the State Government

15. (1) Where a licence under section 11 is issued for the sale of tree timber or fuel from a private forest, the licence shall not be permitted to remove such trees, timber or fuel unless all prescribed fees payable to the, State Government are first paid in full.

(2) The removal of such trees, timber or fuel as are mentioned in subsection (1) shall be subject to such conditions as the Forest Officer may deem necessary to impose.

Prohibition of further contracts

16. A contract entered into by an owner with any person after the commencement of this Act conferring on such person the right to cut, collect or remove trees, timber or fuel from the

private forest shall be void unless the owner has first obtained a licence in this behalf under section II.

Restrictions on right to graze cattle

17. No person shall in exercise of any customary right or other right, pasture or cause to be pastured in any notified forest, any cattle, of which he is not the owner.

Offences under this chapter and trial of such offences and penalties thereof

18. (1) Any person who contravenes any of the provisions of this chapter or deviates from the prescriptions of the sanctioned working plan without the previous sanction of the Forest Officer, shall be punishable with a fine not exceeding rupees one thousand or simple imprisonment not exceeding three months or both.

(2) Offences under this section shall be triable by proceedings under this section may be instituted on a complaint made by the landlord of the notified forest in respect of which the offence is alleged to have been committed or by any right-holder of such a notified forest or by the Forest Officer or by any officer specially empowered by the State Government in this behalf.

(3) When any person is convicted of an offence under this section, any trees, timber or other forest produce in respect of which the offence is committed may be liable to forfeiture. If such trees, timber or other forest produce has or have been destroyed or converted or otherwise disposed of by him, the value thereof may be recoverable from him in the same way as a fine imposed on him under sub-section (1).

(4) Any trees, timber or other forest produce forfeited under this section shall be disposed of in such manner as the Collector may, subject to rules, if any, direct,

CONTROLLED FORESTS

Power to constitute a controlled forest

19. (1) If the State Government is satisfied at any time that the provisions of chapter 11 are not or have not been sufficient to secure due protection of any notified forest or that it is necessary in the interest of the general public to apply the provisions of this chapter to any private forest whether notified or not it may constitute such forest a Controlled Forest in the manner hereinafter provided.

(2) If it appears from the report of the Forest Officer that any wasteland, the area of which is not less than fifty acres which is lying uncultivated for more than seven years and suitable for afforestation and that the owner of such land is unwilling or unable to cultivate it by growing therein agricultural crops, or to use it for purposes of horticulture to the satisfaction of such Forest Officer or to afforest it, the State Government may, after satisfying itself that such land cannot be more advantageously used for the purposes of agriculture or horticulture than for the purposes of afforestation, constitute such wasteland as Controlled Forest in the manner hereinafter provided.

Notification by the State Government

20. (1) Whenever it is proposed by the State Government to constitute any area whether private forest or wasteland a Controlled Forest, the State Government shall issue a notification

- (a) declaring that it is proposed to constitute such area a Controlled Forest;
- (b) specifying, as nearly as possible, the situation and limits of such area; and
- (c) stating that any landlord whose interests are likely to be affected if such area is constituted a Controlled Forest, may, within such period not being less than six months from the date of the notification, as shall be stated in the notification, present to the Collector in writing any objection to such area being constituted a Controlled Forest.

(2) A copy of such notification shall be served on the landlord in the prescribed manner

Explanation. For the purpose of clause (b) it shall be sufficient to describe the limits of the area by roads, rivers, ridges or other well known or readily intelligible boundaries.

Hearing of objections

21 (1) The, Collector shall in the prescribed manner hear any objection presented under clause (c) of section 20 and shall pass an order

- (a) dismissing such objection, or
- (b) directing that the proposal to constitute the said area a Controlled Forest shall be dropped either in respect of the whole of the said area or in respect of a part of it to be specified in the order.

(2) Any landlord who is aggrieved by an order passed by the Collector under sub-section (1) or any Forest Officer or other person generally or specially empowered by the State Government in this behalf, may file a revision application to the State Government whose orders shall be final.

(3) If no objection, is presented under clause (c) of section 20 or if such objection is presented and is finally disposed of under the provisions of this section, the State Government may, where it considers that any area included in the notification issued under section 20, should be constituted a Controlled Forest, issue a notification-

- (a) declaring that it has been decided to constitute such area a Controlled Forest;
- (b) specifying as nearly as possible the situation and limit of that area; and
- (c) appointing a Forest Settlement Officer to enquire into and determine the existence, nature and extent if any rights other than landlord's rights alleged to exist in favour of any person in or over any area comprised within such limits, or in or over any forest produce and to deal with the same as provided in this chapter.

(4) The Forest Settlement Officer appointed under clause (e) of sub-section (3) shall, in the prescribed manner, give an opportunity to the landlord to be heard in the enquiry referred to in that clause.

Proclamation by Forest Settlement Officer

22. When a notification has been issued under sub- section (3) of section 21 the Forest Settlement Officer shall publish in every town and village in the neighbourhood of the area comprised therein, a proclamation-

- (a) Specifying as nearly as possible the situation and limits of the proposed area;
- (b) explaining the consequences which, as herein after provided will ensure when such area is constituted a Controlled Forest; and
- (c) fixing a period of not less than six months from the date of such proclamation, and requiring every person claiming any right mentioned in sub-section (3) of section 21 (other than landlord's rights) within such period either to present to the Forest Settlement Officer a written notice specifying or to appear before him and state the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by Forest Settlement Officer

23. The Forest Settlement Officer shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in sub-section (3) of section 21 other than landlord's rights and not claimed under section 22 so far as the same may be ascertainable, from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest settlement Officer

24. For the purpose of such inquiry the Forest Settlement Officer may exercise the following powers, that is to say-

- (a) power to enter, by himself or to authorise any officer to enter upon any land, and to survey, demarcate and make a map of the same; and
- (b) the powers of the Civil Court in the trial of suits.

Order on claims to rights of pasture or to forest produce

25. in the case of claim to rights of pasture or to forest produce, the Forest Settlement officer shall 'pass, subject to, the provisions of section 26 and 32, an order admitting or rejecting the same in whole or in part.

Manner in which Forest Settlement Officer should pass orders

26. (1.) The Forest Settlement Officer shall when passing orders under section 25-

- (a) prepare a list of the right-holders with their father's names, castes, residences and occupations of each;
- (b) decide what fraction of the timber and other forest produce of the forest notified under sub-section (3) of section 21 shall be allotted to the right-holders;
- (c) decide the maximum amount of timber and other forest produce to which each right- holder's entitled.
- (d) determine the number and description of the cattle, if any, which the claimant is form time to time entitled to graze in the area and the season during which such pasture is permitted;
- (e) consider the capacity of the area to supply without danger to its conservation, the requirements of the right-holders.

(2). In deciding what fraction of the timber and other forest produce shall be allotted to the right- holders, the Forest Settlement Officer shall have regard to-

- (a) the entries in any record of rights prepared and finally published under any law for the time being in force and value to be attached to such entries under such any;
- (b) the amount of forest produce which the right-holders have taken from the area notified tinder sub-section (3) of section 21 for their fuel or other domestic or agricultural purposes;
- (c) the attempts, if any, made from time to time by the landlords or the right-holders to preserve the said forest or utilise the said wasteland,
- (d) any other material showing the respective rights of the landlord and right-holders in the said area; and
- (e) the extent of land not included in the, area notified under sub-section (3) of section 21 and is still available for exercise of the rights of right holders.

Suspension of rights when required for the conservation of a forest

27. When passing an order under section 25 on any claim, the Forest Settlement Officer is of opinion that the conservation of the forest or the utilization of the wasteland concerned so requires, he may instead of permitting the exercise of the full rights proved by the claimant, order that the exercise of such rights shall be suspended wholly, or in part, for such period and subject to such conditions as may be specified in the order

Provided that it shall be, necessary for the Forest Officer to make adequate arrangements for the grazing of cattle.

Extinction of rights

28. Rights (other than landlord's rights) in respect of which no claim has been preferred under section 22 and regarding the existence of which nothing has come to notice during the inquiry under section 23 shall be extinguished unless before the publication of the notification under section 35 the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 22.

Prohibition of further contracts

29. After the issue of notification under section 20 the landlord of the forest or the area specified in such notification, shall not into any contract with any person conferring on such person the right, to cut, collect or remove timber or other forest produce or trees, in or from such area and any such contract entered into after the issue of the said notification under section, 20 shall be void:

Provided that this restriction shall, without prejudice to the other provisions of the Act, cease if the proposal to constitute the area, concerned Controlled Forest, is dropped or the area is eventually not constituted a Controlled Forest.

Prohibition of cutting of trees

30. (1) At the time of issuing a notification under section 20 or at any time thereafter the State Government may make an order prohibiting, until the date of the publication of a notification under section 35 and subject to such conditions and exceptions as may be specified in the order, the cutting, collection and removal of any trees, or any class of trees, in the area in respect of which such notification is issued, and effect shall be given to such order notwithstanding anything contained in any contract, grant or record-of-rights to the contrary

Provided that the order shall not apply to an area the proposal to constitute which as a Controlled Forest is dropped.

(2) Every such order shall be published in the neighbourhood of the said area in the prescribed manner.

Procedure for dealing with claims of forest contractors

31. (1) In the case of a person who claims to have a right under any contract with, or grant made by, the landlord before the issue of a notification under section 20, to cut, collect or remove any forest produce in or from, or to pasture cattle in an area notified under subsection (3) of section 21. or any part thereof and who; claims compensation, for the loss or modification, of such right, the Forest Settlement Officer shall determine the amount which should in his opinion, be awarded as compensation to such claimant and subject to the provisions of subsection (3) shall direct that the amount, if any, so determined shall be awarded to the claimant.

(2) In determining the amount of compensation to be awarded to such claimant, the Forest Settlement Officer shall take into consideration the following and no other matters, namely:-

- (a) any payment made by the claimant to the landlord;
- (b) whether or not such payment was a reasonable and bonafide payment;
- (c) whether or not the exercise by claimant of his rights under any contract entered into between the claimant and the landlord or under any grant made by the landlord contravened or tended to contravene the provisions of section 7;
- (d) any expense reasonably incurred by the: claimant in order to cut, collect or remove trees, timber or other forest produce;
- (e) the value of trees, timber or other forest Produce cut, collected or removed by, or with the permission of the claimant.

(3) Instead of directing the award of compensation in cash, the Forest Settlement Officer may direct that the claimant shall be permitted to cut, collect and remove from the said area such quantity of timber or other forest produce as shall not exceed in value the amount determined by the Forest Settlement Officer under subsection (1).

(4) The claimant shall not cut, collect or remove any timber or other forest produce except in such manner, and at such times and in such parts of the said area as may be specified in rules or instructions issued by the Forest Officer.

(5) The Forest officer shall decide when the claimant has cut, collected and removed trees, timber or other forest produce to the aggregate value mentioned in subsection (3) and the decision of the Forest Officer shall, subject to any order that may be passed in revision by the Conservator of Forests, Working Plans Circle, be final.

Appeal from orders passed under section 25 or section 31

32. Any person who has made a claim under Section 25 or section 31, any Forest Officer or other Person generally or specially empowered by the State Government in this behalf, may, within six months of the date of the order passed by the Forest Settlement Officer under section 25 or section 27 or section 31, present an appeal from such order to the prescribed authority.

Appeal under section 32

33. (1) Every appeal under section 32 shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the prescribed authority referred to in that section.

(2) The petition of appeal received from the Forest Settlement Officer shall be heard in the manner provided for the time being for the hearing of appeals in matters relating to land revenue.

Persons entitled to appeal, plead and act

34. The State Government, or any person who has made a claim or presented an objection under this Act may appoint any person to appear, plead and act on its or his behalf before the Collector or the Forest Settlement Officer or the appellate court, in the course of any inquiry hearing or appeal under this Act.

Notification declared land to be a Controlled Forest

35. (1) When the following events have occurred, namely
- (a) the period fixed under section 22. for preferring claims has elapsed, and all claims, if any, made under sections 22 and 31 have been disposed of by the Forests Officer and
 - (b) if any such claims have been made, the period limited by section 32 for appealing from the orders passed on such claims has elapsed, and all appeals, if any, presented within such period have been disposed of by the appellate officer,

the State Government shall publish a notification in the Gazette specifying definitely according to boundary marks, erected or otherwise, the limits of the area which is to be constituted a Controlled Forest, and declaring the same to be a Controlled Forest from a date fixed by the notification, and from the date so fixed such forest shall be deemed to be a Controlled Forest.

Provided that, if in the case of any area in respect of which notification under section 20 has been issued, the State Government considers that the enquiries procedure and appeals referred to in this chapter will occupy such length of time as to endanger in the meantime the conservation of the forest, the State Government may pending the completion of the said enquiries, procedure and appeals, declare such area to be a Controlled Forest, but not except as provided in sections 29 and 30 so as to prejudice or affect any existing rights.

(2) Any declaration made in respect of any area by the State Government under the provision to sub-section (1) shall cease to have effect from the date of any final order passed under section 21, directing that the proposal to constitute such area a Controlled Forest shall be dropped, or of any order passed under sub-section (1).

Publication of such notification in neighbourhood of forest

36. The Forest officer shall, before the date fixed by such notification, cause a copy thereof to be published in every town and village in the neighbourhood of the forest.

CONTROL AND MANAGEMENT OF CONTROLLED FORESTS AND POWERS OF FOREST OFFICERS

Control and management of Controlled Forests to rest in the State Government

37. The control and management of every Controlled Forest shall vest in the State Government.

Appointment of Forest Officers for Controlled Forests

38. The State Government shall, by notification, appoint a Forest Officer for the purposes of one or more Controlled Forests or of a specified portion thereof.

Power to invest Forest Officers with certain powers

39. The State Government may invest any Forest Officer with all or any of the following powers, that is to say :

- (a) power to enter upon a land and to survey, demarcate and make a map of the same;
- (b) the power of a Civil Court to compel the attendance of witnesses and the production of documents and material objects; and
- (c) power to hold inquiry upto forest offences and in the course of such inquiry to receive and record evidence.

Demarcation of Controlled Forests

40. ***The Forest Officer shall demarcate the Controlled Forest or portion of the Controlled Forest for which he is appointed in such manner as may appear to be necessary in the circumstances of the case.***

Extent to which landlord is to be allowed to remove timber and other produce from Controlled Forest.

41. The Forest Officer appointed for any controlled Forest shall, subject to the requirements of any working plan prepared for the forests allow the landlord or right-holders of such forests to cut, collect remove there from such quantity of trees, timber or other forest

produce as may, in the opinion of the Forest Officer, if required for his reasonable agricultural or domestic needs.

State Government to receive all revenues from and incur expenditure on Controlled Forest

42. The State Government shall receive all revenues accruing from the working and management of a Controlled Forest and shall pay the whole, expenditure incurred in the working and management of such forest, and the landlord of such forest or any other persons shall not be entitled to make any objection to any expenditure that the State Government may consider it necessary to incur on such working and management

Maintenance of revenue and expenditure account

43. The State Government, or any authority appointed by them in this behalf, shall maintain in the prescribed manner a revenue and expenditure account, the working and management of every Controlled Forest and shall supply an abstract of the yearly account to the landlord of such forest.

Payment of allowances for and net profits of Controlled Forest to landlord

44. (1) The State Government shall during the period of its control and management of any Controlled Forest pay, at prescribed intervals, to the land- lord of the area comprising-

- I Forest
- (a) an allowance calculated on the total area of the forest as determined by the Forest Officer at the rate of four annas per acre per annum or such higher rate not exceeding eight annas per acre per annum as the Forest Officer may, from time to time, by general or special order, determine; and
 - (b) the net profits, if any, accruing for the working and management of the forest will be paid to the owner, after deducting ten per cent, as the cost of management.

II Wasteland- (a) no allowance will be paid;

- (b) when all expenses incurred by the State Government for the afforestation of any such land have been recouped, the profits resulting from' such afforestation shall, during the period the control of such funds remains vested in a Forest Officer be paid to the owner after deducting ten per cent as the cost of management.

(2) For the purpose of calculating the net profits, the total expenditure incurred on the working and management of the Forest shall be adjusted against the total income from the working and management upto the date of account and the amount of any deficit shall be carried forward without interest from year to year till such amount is made up and surplus is effected.

(3) For the purposes of subsection (2)

- (a) the total expenditure shall include the allowance paid to the landlord concerned under clause (a) of sub-section (1) and any sum determined as compensation under sub-section (1) of section 31 or the value of anything taken from the forest under subsection (3) of that section; and
- (b) the total income shall include the proceeds of confiscation or forfeiture for forest offences not committed by the landlord in respect of the forest or the forest produce thereof after deducting from such proceeds-
 - (i) the rewards, if any, paid to informers and officers out of such proceeds, and
 - (ii) such incidental expenses as may be fixed by the Forest Officer including that incurred for the storage, transport and sale of the articles or forest produce forfeited or confiscated.

Rights of right-holders to be exercised in accordance with rules

45. The rights of right-holders in a Controlled Forest shall be exercised in accordance with the rules.

Grouping of forests for management

46. The Forest Officer may, with a view to the more efficient management and control of the forests, order that the Controlled Forests under his control in more than one village, and under more than one land lord shall be, grouped together.

System of annual groups

47. (1) When the Forest Officer has ordered the grouping of Controlled Forests under section 46, he may direct that the rights of right-holders in a Controlled Forest shall be exercised in such portion of such group as he may order.

(2) In passing orders under sub-section (1) the Forest Officer shall have regard to the conveniences of the right-holders so far as that is possible without prejudicing the efficient administration and conservation of the Controlled Forest

Extent of rights of right-holder to be varied by Forest Officer

48. When the right-holder's share of the produce of a Controlled Forest is insufficient in any year to meet the maximum requirements of the right-holders, the, Forest Officer shall determine for that year the amount of such produce which each right-holder may take in accordance with the rule.

Release of Controlled Forests

49. (1) The State Government may, at any time, by notification, declare that the provisions of this chapter shall cease to apply to a Controlled Forest from such date as may be specified in the notification and that, with effect from that date, the forest shall cease to be a Controlled Forest.

(2) If on the date of the publication of notification under sub section (1) the balance-sheet of the revenue and expenditure account prepared under section 43 shows that any amount is due to the State Government in respect of the management and working of such forest, such amount shall be recovered from the owner as may be determined generally or specially by the State Government.

PENALTIES AND PROCEDURE

Forest offences

50. Any person who, without the, permission of the Forest Officer in writing or in contravention of any provision of this Act or any rule or order made thereunder

- (a) fells, girdles, lops, taps or burns any tree in a Controlled Forest, or strips off the bark or leaves from, or otherwise damages, any such tree; or
- (b) quarries any stone, or burns any lime or charcoal, or collects, subject to any manufacturing process, or removes any forest produce from a Controlled Forest; or
- (c) breaks up or clears, for cultivation or any other purpose any land in a Controlled Forest; or
- (d) sets fire to a Controlled Forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any portion of such forest; or
- (e) 'Permits cattle to damage any tree in a Controlled Forest, shall be punishable with imprisonment for a term, which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalties for breach -of rules

51. Any person contravening any rule, for the contravention of which no penalty is otherwise provided by this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Seizure of property liable to confiscation

52. (1) When there is a reason to believe that a forest offence has been committed in respect of any forest produce, such produce found within the Controlled Forest where an offence has been committed, may be seized by any Forest Officer.

(2) Every officer seizing any property under this section shall place on such property a mark indication that the same has been so seized and shall, as soon as may be, make a report of such a seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Procedure thereupon

53. On receipt of any report made under sub- section (2) of section 52 the Magistrate shall with all convenient dispatch take such measure as may be necessary for the apprehension of and trial of the offender and the disposal of the seized property according to law.

Trees, timber, forest produce, when liable to Notification -

54. (1) All trees, timber or other forest produce in respect of which a forest offence has been committed shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for' such offence,

Disposal, on conclusion of trial for forest offence of produce in respect of which it was committed

55. When the trial of any forest offence is concluded, any tree, timber or other forest produce in respect of which such offence has been committed, shall, if it has been confiscated be taken charge of by a Forest Officer, and, in any other case, may be disposed of in such manner as the court may, subject to rule, if any, direct.

Procedure when offender not known or cannot be found

56. When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed order property in respect of which the offence has been committed, to be confiscated and taken charge of by the Forest Officer, or to be made over to the person whom The Magistrate deems to be entitled to the same.

Provided that no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person, if any, claiming any right thereof and the evidence, if 'any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 52

57. The Magistrate may notwithstanding anything herein before contained, direct the sale of any property subject to speedy and natural decay seized under sub-section (1) of section 52 and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under sections 54 to 56

58. The officer who made the seizure under section 52 or any official superior, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under sections 54 to 56 appeal against the order of acquittal or conviction on, as the case may be, to court to which orders made by such Magistrate are ordinarily appealable and the order passed on such appeal shall be final.

Property when to vest in the State

59. When an order for the confiscation of any property has been passed under section 54 or section 56, as the case may be, and the period prescribed by section 58 for an appeal from such order has expired and no such appeal has been preferred or when on an appeal being preferred the appellate court confirms such order in respect of the whole, or portion of such property, or such portion thereof, as the case may be, shall vest in the Government for the purpose of the State free from all encumbrances.

Saving of power to release property seized

60. Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the State Government from directing at any time the immediate release of any property seized under sub-section (1) of section 52.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks

61. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful man as defined in the Indian Penal Code -

- (a) Knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree belongs to a Controlled Forest or is the property of person or that it may lawfully be cut or removed by some person;
- (b) alters defaces, or obliterates any such mark placed on a tree in a Controlled Forest or on timber lying in or removed from any such forest by or under the authority of a Forest Officer; or
- (c) alters, moves, destroys or defaces any boundary mark of any Controlled Forest,

shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred rupees or with both.

Power to arrest

62. (1) When any person is reasonably suspected of having committed any forest offence punishable with imprisonment' for one month or upwards and refuses on the demand of a Forest Officer to give his name and address, or gives a name or address which such officer has reason to believe to be false, he may be arrested by such officer, in order that his name and address may be ascertained.

(2) When the true name and address of such person have been ascertained he shall be released. If the true name and address of such person are not ascertained within twenty-four hours from the time of his arrest, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Power to prevent commission of offence

63. Every Forest Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest offence.

Power to compound offence

64. The offences other than those specified in section 61 and section 62 punishable under the Act may with the permission of the Court before which any prosecution for such offence is pending be compounded by any Forest Officer so empowered by the State Government in this behalf.

Presumption that forest produce belongs to Controlled Forests

65. Whenever in connection with any forest offence a question arises as to whether any trees, timber or other forest produce seized within the limits of a Controlled Forest, belongs to such forest, such trees, timber or other forest produce shall, be presumed to belong to such forest until the contrary is proved.

CATTLE TRESPASS

Application of Cattle Trespass Act, 1871

66. Cattle trespassing in any portion of a Controlled Forest shall be deemed to be causing damage to public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871, and any such cattle may be seized and impounded by any Forest Officer.

Power to alter fines fixed under Cattle Trespass Act, 1871

67. The State Government may, by notification direct that in lieu of the fines fixed under section 12 of the Cattle Trespass Act, 1871, there shall be levied for each head of cattle impounded under section 66 of this Act such fines as it thinks fit.

MISCELLANEOUS

Forest officers deemed to be public servants

68. All Forest Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Forest officers not to trade

69. Except with the permission in writing of the State Government no Forest Officer shall, as principal or agent, trade in trees, timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working in any forest.

Bar of suits and other proceedings

70. When a notification has been issued in respect of any forest under section 20 or under sub-section (1) of section 35 or when an order has been made under subsection (1) of section 30 or under subsection (3) of section 31, no suit or other proceedings shall, save as otherwise provided in this Act lie in or be entertained by any civil, criminal or revenue court.

- (a) in respect of any modification, suspension or extinction as a result of any such modification or order or as a result of restriction imposed by section 28 or section 29 of any right which any person was entitled by virtue of any contract or otherwise to exercise in such forest;
- (b) to vary or set aside any order passed by a Forest Settlement Officer under sections 25, 27 or 31, or any order passed in appeal or revision under sub section (2) of section 33;
- (c) against the State Government or any servant of the Government in respect of anything done or controlled to be done in a Controlled Forest by the State Government or any such servant of the State Government while, such forest was under the control or management of the State

- Government or in respect of any profits claimed by the landlord to be due to him in respect of the management and working of such forest; and
- (d) in respect of anything done or purporting to be done in good faith by any servant of the Government in the discharge of any duty or the exercise of any power imposed or conferred on him under this Act.

Persons bound to assist Forest Officers

71. (1) Every person who exercises any right in a Controlled Forest or who is permitted to take any forest produce from or to cut or remove trees or timber in or from, or to pasture, cattle, in such forest, and every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay, to the nearest Forest Officer any information he may possess respecting the commission of or intention to, commit, any forest offences, and shall forthwith take steps, whether so required by any Forest Officer or -not-

- (a) to extinguish, any forest fire in such forest of which he has knowledge or information;
- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest and shall assist any Forest Officer demanding his aid;
- (c) in preventing the commission in such forest of any forest offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender.

(2) Any person who being bound to do, without lawful excuse (the burden of providing which shall lie upon such person) fails -

- (a) to furnish without unnecessary delay to the nearest Forest Officer any information required by sub-section (1); or
- (b) to take-steps, as required by sub-section (1) to extinguish any forest fire in a controlled forest or
- (c) to assist any Forest Officer demanding his aid in preventing the commission in such forest of any forest offence, or when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender.

shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

Recovery of money due to Government

72. All money payable to the State Government under this Act, or under any rule made under this Act, or on account of the price of any forest produce may, if not paid when due, be recovered under the law for the time being in force as if it were an arrears of land revenue.

Lien on forest produce for money due to Government

73. (1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be, first charge on such produce and such produce may be taken possession of by a Forest Officer until such amount has been paid.

(2) If such amount is not paid when due the Forest Officer may sell such produce by public auction and the proceeds of the sale shall be applied first in discharging such amount and the surplus, if any, shall be paid to the person.

Recovery of penalties due under bond

74. When any person in accordance with any provisions of this Act, or in compliance with any rule, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of the breach of the conditions thereof, may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 be recovered from him in case of such breach as if it were, an arrears of land revenue.

Power to make rules

75. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may regulate all or any of the following matters namely

- (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest produce from Controlled Forests;,,
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of Controlled Forests to take trees timber or other forest produce for their own use, and the production and return of such licences by such persons;
- (c) the granting of licences to persons for felling or removing trees or timber or other forest produce in or from such forests for the purposes of trade, and the production and return of such licences by such persons;
- (d) the payment, if any, to be made by the persons mentioned in clause (b) or (e) for permission to cut such trees or to collect and remove such timber or other forest produce;
- (e) other payments, if any, to be made by them in respect of such trees, timber and forest produce and the places where such payments shall be made;
- (f) the examination of forest produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and trees;
- (i) the cutting of grass and the pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests

Provided that the rules made under this clause shall not require the landlord of a Controlled Forest or any person authorised by him and by the Forest Officer to obtain a permit, or to pay any fee to hunt, shoot or fish in such forest;

- (k) the burning of charcoal, or the subjection of any forest produce to any manufacturing process in such forests;
- (l) the exercise in such forests of any rights of right-holders;
- (m) to regulate rewards to be paid to officers and informers out of the proceeds of fines, and confiscations under this Act,
- (n) the extracting of resin in, and its removal from a private forest;
- (o) to regulate working of mines and quarrying for minerals for purposes of section 50;
- (p) the powers and duties of a Forest Officer under this Act;
- (q) the items to be included as revenue and items to be included as expenditure in the account mentioned in section 43 and the manner, in which such account shall be prepared; and
- (r) any matter which is by this Act expressly required or authorised to be prescribed or to be provided for by rules.

(3) (a) The power to make rules under this section shall be subject to the condition of their being made after previous publication.

(b) All rules made under this section shall be published in the Official Gazette and they shall, unless a different date has been specified come into force from the date of notification.

Savings

76. Nothing in this Act shall affect any right to minerals lying in or under the Controlled Forest and the State Government shall make adequate provisions for exercise of this right by the person or persons legally entitled to this right in accordance with any rule made by the state Government in this behalf.

**NOTIFICATIONS AND RULES UNDER THE HIMACHAL PRADESH PRIVATE FORESTS ACT,
1954**

**APPOINTMENTS AND DELEGATIONS GOVERNMENT OF
HIMACHAL PRADESH
FOREST DEPARTMENT
NOTIFICATION**

Shimla-4, the 3rd September, 1956

No. Ft. 1-81/55. In exercise of the powers conferred by section 3 (7) of the Himachal Pradesh Private Forests Act, 1954, enforced in Himachal Pradesh with effect from the 20th August, 1955, the Lieutenant Governor Himachal Pradesh, is pleased to appoint the following officials as Forest Officers under the said section of the Act to carry out all or any purposes of this Act or to do anything required by this Act or any Rule made thereunder to, be done by the Forest Officer:-

1. Chief Conservator of Forests, Himachal Pradesh.
2. All Conservators of Forests in Himachal Pradesh.
3. All Divisional, Forest Officers in Himachal Pradesh' and Forest Officer, Bilaspur in Himachal Pradesh.

(R.H.P., dated the 8th September, 1956, P. 527)

FOREST DEPARTMENT NOTIFICATION

Simla-4, the 28th October, 1969

No. Ft. 12-114/58 (M). In exercise of the powers vested in him under section 75 of Himachal Pradesh Private Forest Act, 1954 (6 of 1955), the Lieutenant Governor, Himachal Pradesh is pleased to make the following rules, the same having been previously published in Himachal Pradesh Rajpatra (Extraordinary), dated 14-3-1961.

1. These rules may be called the Himachal Pradesh Private Forest Rules, 1969.
2. In these rules unless there is anything repugnant in the subject or context
 - (a) 'Act' means the Himachal Pradesh Private Forest Act, 1954 (6 of 1955);
 - (b) 'Section' means a section of the Act;
 - (c) the terms 'Collector', 'Controlled Forest', 'Estate', 'Fee' 'Forest' 'Forest Offence', 'Forest Officer', 'Forest Settlement Officer', 'Land Lord', 'Notification', 'Owner', 'Notified Forest', 'Private Forest', 'Prescribed', 'Right holder', 'Rule', 'State Government', 'Timber', 'Tree', 'Waste Land', 'Working Plan' and 'Year' used in these rules shall have the same meaning as assigned to them in their definitions given in section 3 of the Act.

3. Notice to Owner(s):- The Forest Officer before submitting any proposals for notifying any private forest as 'Notified Forest' under section 4 of the Act will serve a notice in Hindi or Local vernaculars on the owner(s) intimating of the action contemplated by the State Government and calling for his/their objections, if any, within 30 days of receipt of such notice and such objections shall be considered by the State Government before notification under section 4 of the Act is issued.

4. Rules under clause (a) of section 7 read with section 9 to regulate the rights to cut, collect or remove timber etc., from notified Private Forests:-

(1) The issue of the permits to cut, collect or remove trees, timber or fuel from a notified forest for purposes other than, the domestic requirements of the owner or the right-holders including manufacture of agricultural implements or cremation of dead bodies shall be governed by rules framed under sections 11, 14 and 15 of the Act.

(2) A rightholder shall cut trees, timber or fuel from a notified forest only to the extent specified in his rights. He shall not sell or otherwise transfer any timber obtained by him in the exercise of a right.

5. Rules under clause (b) of section 7 to regulate the rights to reclaim land in a notified Private Forest for purposes of cultivation (including raising of fruit orchards).

(1) The owner of a notified forest wishing to bring his forest or portion thereof under cultivation or fruit orchards shall apply for permission to do so to the Forest Officer, i.e., the Divisional Forest Officer having territorial jurisdiction over the said areas giving full particulars of the situation, Khasra numbers and extent of area. The applicant should also state that in case permission is granted would he like to sell the trees to be cut for clearing the land through the Forest Department or direct to contractors.

(2) Permission to reclaim any land for cultivation (including raising of fruit orchards) in notified forests will be granted only if

- (i) The owner or owners of a private forest do not possess sufficient cultivable land, For this purpose, 60 bighas cultivable land will be considered as sufficient,
- (ii) The slope, of the land to be reclaimed for cultivation is not more than 20%
- (iii) The land required to be reclaimed does not form an isolated patch in the middle of a notified forest or other Government Forest of waste land surrounding it;
- (iv) The land required to be reclaimed is not to be converted into a Ghasni or used for temporary cultivation
- (v) The applicant pays 15% of the sale price of trees assessed as per rule 7 of the rules issued under sections 11 and 15(i) of the Act;
- (vi) The applicant undertakes to abide by the terms of the bond appended to these rules in regard to bringing it completely under cultivation within a maximum period of 3 years or fruit orchards as the case may be within a maximum period of 5 years of the grant of permission for its reclamation and in proof of his earnestness deposits security of 5 per cent of the balance amount after due payment of 15 per cent of the sale price of the timber to the Forest Department, Himachal Pradesh Govt.

This security shall be deposited in the form of Post Office S.B Deposits pledged to the Forest Officer. Security money will be returned if the land is brought under proper cultivation within three years or utilized for raising a fruit orchard as the case may be within the stipulated period of 5 years, to the satisfaction of the Forest Officer, but failing that, the amounting of security deposits will be forfeited to Government.

(3) The Forest Officer after satisfying himself about the ownership, boundaries and rights over the area etc. shall arrange to get the trees marked if in his opinion requisites as per rule (4) are fulfilled and permission for breaking up the land for cultivation or raising of fruit orchards in part or, whole could be granted. The Forest Officer shall be empowered to permit clear felling of the area or gradual removal of trees as cultivation or planting of fruit trees progress. Provided that permission will not be granted for clear felling of more than 10 bighas at a time. Further, permission will be granted for not more than 10 bighas at a time. Provided that area for which permission has been granted earlier is developed as an orchard or brought under cultivation to the satisfaction of the Forest officer.

(4) When the landlord or the owner has paid the Government fees vide rule 5 (2) (V); and made security deposits vide rule 5, (2) (vi) the Forest Officer shall issue a permit granting permission for reclaiming the land for cultivation or fruit orchards in the form appended to these rules and shall also issue a licence on the prescribed form for felling and disposal of trees under section II of the Act.

(5) The rule made under section (11), 14 (1) and 15(1) and (2) regarding the, felling of trees, their conversion and extraction and removal of the produce shall be deemed to be the rules made under this section as well to regulate the same operation.

6. Rules under section 10 to regulate the rights of landlord or persons claiming through the landlord to cut or remove timber or other forest produce from a notified forest.

(1) The landlord or a lessee or any other person claiming through the landlord shall not cut or remove or permit any person to cut and remove any tree, timber or other forest produce in or from a notified forest so as to affect the rights of any person which he enjoys under law, custom or usage. The Forest Officer shall determine and limit the quantity of timber and other forest produce to be cut and removed by the landlord or a lessee or any other person on behalf of the landlord, should the timber and other forest produce to be removed from a notified forest under the provisions of a sanctioned working plan or silviculturally available in an area for which no working plan has been prepared be insufficient to meet the requirements of right-holders.

(2) An appeal against the orders passed by the Forest Officer under sub-rule (1) shall lie with the territorial Conservator of Forests whose decision shall be final. The appeal shall be preferred within a period of three months of the communication of the order.

7. Rules under section II read with section 15 (I) to regulate grant of licences to fell trees and fees for sale of trees.-

(1) The owner/owners of a private forest wishing to sell trees from his forests shall apply for permission to -do so to the Forest Officer, i.e., the Divisional Forest Officer having territorial jurisdiction over the said area giving full particulars of the situation, Khasra numbers and acreage of the area.

The applicant should also state if he would like to sell the trees through the Forest Department or direct to any contractor in case the permission for sale is granted to him.

(2) The application should be accompanied by:-

(a) A Shajra map of the; area duly verified by the Patwari

(b) A certificate issued by the HalqaKanungo to the effect that the applicant/applicants is/are the sole owner/owners of the area and that the said area is free from rights of users. If the area is encumbered with any rights, the nature and extent of rights may also be clarified in the said certificate,

(3) The Forest officer after satisfying himself about the ownership, boundaries and rights over the area shall arrange to get the trees marked through the territorial Range Officer or any authorised assistant according to the prescriptions of the working plan or scheme for the area. If no regular working plan or scheme exists for the area then trees will be got marked according to silvicultural requirement of the crop and also keeping in view the necessity for conservation of soil and moisture and interest of general public and that of right-holders over the area.

4. If no trees can be marked over the area, the Forest Officer shall inform the applicant accordingly, giving specific reasons in this respect. An appeal against the orders of the Forest Officer shall lie with the Territorial Conservator of Forest within a period of 3 months from the date of original order whose decision shall be, final.

(5) Permission for sale of trees shall be granted subject to restrictions and limitations imposed under section 10 in the prescribed form.

(6). If the owner wishes to sell the trees marked through the Forest Department, then the Forest Officer shall arrange sale through auction or calling for tenders as he deems fit.

(7) The landlord of the owner selling the trees shall pay 15% of the sale price as fees to the State Government. If the sale is made through the Forest Department, then 15% of the actual amount realised shall be payable as fees but if the landlord or the owner chooses to sell the trees direct to any contractor then the sale price of the trees marked will be assessed according to the following principles which shall be deemed accepted principles vide sub-clause (3) of section II and 15 % of the value of trees marked so worked out shall be payable as State fees

(i) if the volume marked is less than 1,400 cubic meters, the sale price will be worked out at the rate of 30% of the market rates for the Forest Division concerned for different species;

(ii) for volume marked from 1,400 to 2,800 cubic meters, 2,800 to 5,600 cubic meters and above 5,600 cum, the sale price shall be worked out at the rate of 50%, 75% and full market rates respectively;

- (iii) for purposes of assessment of the sale price market rates will be those fixed by the Chief Conservator of Forests, Himachal Pradesh annually for each Forest Division or locality for different species.

(8) On payment of Government fees by the landlord or the owners of the trees, the Forest Officer shall issue a licence for the sale and felling of trees in his favour on the form appended with these rules and subject to the conditions appearing on the back of the form.

(9) Prescriptions of the Working Plan/Scheme and instructions issued by the Forest Officer regarding conduct of fellings and conversion of the produce shall be deemed to be the rules for cutting of trees under this clause provided that trees are not cut at a height of more, than 15 centimeters from the ground and no bamboo culm less than one year old is cut and provided further that no charcoal burning is done without the permission of the Forest Officer in writing or in contravention of the direction issued by him.

(10) The licence shall be surrendered to the issuing authority on the expiry of its period and work stopped unless the period of licences is further extended by the Forest Officer.

(11) The Forest Officer may at any time cancel the license in case of abuse or breach of any rules and conditions, stop the work and seize the trees or produce thereof to release any Government dues. In the event of cancellation of the license, the licensee shall have no claim against the Forest Officer or the State Government for any loss or damages on this account nor shall he be entitled to any refund for fees paid by him. An appeal against the order of the Forest Officer shall lie with Territorial Conservator of Forest within a period of 3 months from the date of original order.

8. Rules under section 12 to regulate, preparation of plan for notified private forests.-(1) The period within which any owner of a notified forest will be directed to prepare a Working Plan in the manner prescribed by the Forest Officer shall not be less than one full year if the area is 400 hectares and above in extent and 6 months for areas below 400 hectares in an extent to be reckoned from the date, directions are issued by the Forest Officer. No working Plans' shall be required for notified forests less than 10 hectares in extent,

(2) Permission to cut, collect or remove timber or fuel for sale in a notified forest shall not be granted in areas for which a Working Plan is required to be made until such Working Plan is approved by the competent authority.

(3) The competent authority to sanction Working Plans of notified forests shall be as follows

(a) Divisional Forest Officer-Area 10 to 20 hectares,

(b) Conservator of Forests Incharge territorial or Working Plan Circle-Area above 20 hectares.

The Working Plan shall be subject to review by the Chief Conservator of Forests in case the owner prefers an appeal.

(4) If the owner of a notified private forest wishes that Working Plan be prepared by the Forest Officer on his behalf under section 12(2) then he shall communicate his wishes to the Forest Officer within a period of 3 months of the receipt of notice served on him by the Forest Officer' regarding preparation of Working Plan vide Rule (1) above.

(5) If the cost of the Working Plan is to be borne by the owner as per provisions of sub-clause (5) of the section the Forest Officer shall present a regular bill to him and the owner shall pay up the amount within 6 months of receipt of the bill, failing which the amount of the bill will be recovered from him as arrears of land revenue,

9. Rules under section 14(1) and 15(3) to regulate extraction and removal of timber from notified private forests.-

(1) Save for trees, timber and fuel required by the owners or the right-holder for domestic purpose, manufacture of agricultural implements or cremation of dead bodies, no trees shall be felled unless they are duly hammer marked by the Range Forest Officer incharge of the territorial Forest Range or covered by a license to be issued under rules framed under sections 7, 11 and 15(1) of the Act. If any tree is irretrievably damaged in the course of felling, the licensee shall obtain a fresh licence for their disposal and shall not fell or convert them till then.

(2) The removal of trees, timber fuel or charcoal by land or river shall be strictly in accordance with the general and specific rules and regulations enforced by the Himachal Pradesh Government for the locality from which trees, timber, fuel and charcoal is desired to be removed.

10. Rules under section 14(2) to regulate resin tapping in Private Chit, Kail Forest.

(1) The owner of a private chil/kail forest wishing to carry out resin tapping in his forest 'shall apply to the Forest Officer, i.e., the Divisional Forest Officer having, territorial jurisdiction over the said area or any subordinate officer authorised by him in this behalf, giving full details of the situation, Khasra numbers and extent of the area.

(2) The application should be accompanied by

(a) A Shajra map of the area duly verified by the Patwari.

(b) A certificate issued by the halqua Kanungo to the effect that the applicant/applicants is/are the sole owner/owners of the area and that the said area is free from rights of users. If the area is encumbered with any rights, their nature and extent may also be clarified in the said certificate.

(3) The Forest Officer after satisfying himself about the ownership boundaries and rights over the area shall arrange to get the trees fit for resin tapping, enumerated, punch marked and listed.

(4) The Forest Officer shall grant permission to the owner to carry out resin tapping on trees so marked and listed in the form appended to these rules, no resin shall be extracted from any other trees or without the permission in writing by the Divisional Forest Officer.

(5) Resin tapping rules and regulations laid down in technical order No. 13 and instructions issued from time to time by the Forest Officer shall be deemed to be the tapping rules under this section. Ordinarily light tapping will be done. Heavy tapping will only be permitted on trees for which the owner holds a felling licence. The following instructions will be strictly adhered to

(i) The first channel will be near the ground on the southern face of the tree. In case of trees which have been tapped previously, it is possible that the last channel may not have reached the permissible height. In such cases the old channels will be continued. New blazes will be set only on trees which have either no channel or the old channel has been tapped for atleast four seasons.

(ii) In case of new blazes the intervening space between successive blazes will be at least 13 cms at the ground level and at least 10 cms (ten centimeters) at the top level of the previous channel discontinued after four years tapping.

(iii) The length of the blazes in the first year shall not exceed 48 cms. (forty eight centimeters) and for the subsequent years a blaze shall not exceed 38 cms. (thirty eight centimeters) in length at the end of a tapping season. Width and depth of channel shall not exceed 10 cms. (ten centimeters) and 2.5 cms. (two and half centimeters) respectively.

(iv) The ground will be kept clear of chips, shavings and other inflammable material upto one metre ail round the trees under tapping on level ground and in case of slopping ground upto a distance of 2 metres downward and one metre upward respectively.

(V) The freshening will be done after every six days and not more than 9 mm. will be cut at each freshening-

11. Rules under section 27 to regulate the rights of grazing of cattle in notified forests.-

(I) The right holders shall graze cattle in notified forests only to the extent specified in their rights admitted under law [or] through customs or usage.

(2) No right holder shall pasture or cause to be pastured in a notified forest any cattle of which he is not the owner.

12. Rules under section 18(4) to regulate the disposal of forfeited forest produce.-

(1) Any tree, timber or other forest produce forfeited under section 18 shall be transferred to the charge of the Forest Officer by the Collector. The Forest Officer shall dispose of the said trees, timber or other forest produce to the best advantage and shall deposit the sale proceeds thereof in a Government Treasury to the credit of the State Government] as revenue to the Forest Department. If for any reason there is no Forest Officer available to take charge of the forfeited articles, the Collector shall sell away the said articles, and credit the sale proceeds in the same manner. Provided that the said articles shall not be disposed of by way of sale or otherwise, until the expiry of the period for filing appeal against the order of the magistrate and in case an appeal has been preferred, until the decision of that appeal. The articles after the decision shall be disposed of keeping in view the orders of the appellate court

Provided further, when the sad articles seized are subject to speedy and natural decay or when the expense keeping them in custody is likely to exceed their value, the same may be sold.

13. Rules under section 20(2) to regulate the service of a copy of notification on the landlord.-

(1) As soon as a notification under section 20 is issued, the Collector shall serve a copy thereof on the landlord where there is a sole landlord, or where there are two or more landlords, on each landlord. If the Collector has reason to believe that the landlord or landlords has or have transferred his or their rights to some other person or persons, he shall serve a copy of the notification on each transferee or transferees.

(2) In each case under the preceding rule the copy of the notification shall be forwarded by post in a cover registered under Chapter V of the Indian Post Office Act, 1899 (VI of 1898).

(3) The Collector shall also cause a copy of the notification to be affixed in conspicuous place in every town and village, the revenue survey area of which contains any part of the forest comprised in the notification and shall further cause the purport of the, notification to be published by beat of drum in such of the above towns and villages as the Collector may consider necessary.

(4) If for any reason the copy of the notification forwarded in the manner indicated in sub rule (2) is not received by any landlord or landlords or any transferee or transferees, as the case may be, it shall not invalidate the Collector's proceedings under the Act provided due publicity to the notification has been given by affixing a copy thereof and by announcing the purpose of it by beat of drum in the locality and in the manner prescribed in sub-rule (3).

14. Rules under section 21 (1) to regulate the manner of hearing the landlords objection under section 20 (c).

(1)- The procedure followed by the Revenue Court shall mutatis mutandis be followed by the Collector in hearing an objection presented in writing under section 20(1) (c).

(2) The collector shall give due notice of the date of hearing to the Forest Officer appointed under section, 34 and, shall supply him with a copy of the landlord's objection, if any presented in writing and, the Forest Officer may, if he considers it necessary, be present at the hearing and shall be entitled to produce evidence or adduce arguments if any, and such evidence or arguments or cross-examination shall, be, recorded by the Collector and be taken by him into consideration in passing orders under these rules.

15. Rules under section 21 (2) prescribing the Period within which shall be filed or revision application against the Collector's order under section 21(l).

The period prescribed for filling a revision application under section 21(2) shall be 90 days from the date of the order passed by the Collector under section 21 (1).

16. *Rules under section 21(4) prescribing the procedure to be followed by the Forest Settlement Officer in hearing the landlord in an enquiry conducted under section 21 (3) (c).*

As soon as a notification under section 21(3) is issued, the Forest Settlement Officer shall, in the manner prescribed in the rules under section 20, give an opportunity to the landlord to be heard in the enquiry referred to in section 21 (3) (c). The landlord shall be allowed for this purpose time of one month from the date of receipt of the notice by him.

17. *Rules under section 30(2) to regulate the manner of publishing order under section 30 (1)-*

The Collector shall cause a translation of the order passed by the State Government under section 30 (1) to be made into the local vernacular and published in every town and village in the neighbourhood or the said private forest.

18. Rules under section 32 prescribing the-authority hear the appeal against the orders of the Forest Settlement Officer the prescribed authority under section 32 shall be the Collector of the district in which the forest is situated provided that where the Collector himself is the Forest Settlement Officer, the prescribed authority shall be the Commissioner, Himachal Pradesh.

19. *Rules under section 44 to prescribe the time for payment of allowance and net profits to the landlord.-*

The allowance referred to in section 44 (1) (a) shall be paid to the landlord in October each year. The net profit for a financial year shall be paid in the month of May next year after deducting 10 per cent towards the cost of management as provided in section 44 (I) (b).

20. *Rules under sub-section (2) of section 75 to regulate the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest produce from controlled forests :-*

(1) In the interval between the issue of notification under section 20 and 35 of the Act the provisions of the order issued by the State Government under section 30 of the Act shall be deemed to be the rules made under this clause.

(2) The prescriptions of the sanctioned Working Plan or Working Scheme for a controlled forest shall be deemed to be the rules for marking and cutting' of trees under this clause.

(3) No trees shall be cut unless they have been duly hammer marked by, the Forest Officer.

(4) The removal of timber by land or water routes and collection and removal of other forest produce shall be subject to rules and regulations enforced by the State Government in this behalf from time to time. Rules 2 to 5 made under section 14 (1) and 15 (2) of the Act regarding export of timber, fuel and charcoal shall be deemed to be the rules made under this clause as well.

21. *Rules under clauses (b), (c), (d) and (e) of sub-section (2) of, section 75 to regulate the grant of licences to persons for taking for their own use or felling or removing for purpose of trade any trees, timber, and other forest produce from controlled forests and the payments if any, to be made for the grant, of licences and the places where such payments shall be made-*

(1) After meeting the requirements of landlord and the right-holders all trees marked in a Controlled Forest according to prescriptions of a Working Plan or Working scheme in all other surplus forest produce shall be disposed off by public auction or any other method approved by the Territorial Conservators of Forests.

(2) No, persons other than the owner or right holders of Controlled Forests who have been allowed to cut and remove timber and other forest produce, under section 41 of the Act shall take, tree, timber or other forest produce from such forest for their personal use unless they hold a pass permit or licence for such tree, timber or other forest produce issued in their name by the Forest Officer or having paid the stipulated Price thereof. Provided that no permit shall be required when wood is required for cremation purposes.

(3) All persons permitted by the Forest Officer to take any forest produce shall carry with them the pass, permit or licences granted to them by such Forest Officer when they go to the particular forest or coupe for taking the forest produce and produce it on demand by a Forest Officer on duty.

(4) No person shall be allowed to fell or remove any timber or other forest produce from a Controlled Forest for the purposes of trade unless he has entered into agreement in this behalf with the State, Forest Department. All felling and removal of any such forest produce by such persons shall be subject to the terms and conditions laid down in the' instrument of sale or lease executed or in the licences issued under these rules.

(5) All payments to be made for such trees, timber or other produce, the time of making payments and the Places where such payments shall be made in accordance with provisions of the said instrument of sale or lease or licences.

22. Rules under clause (f) of subsection (2) of section 75 to regulate the examination of forest produce Passing out of Controlled forests.

(1) Any forest produce passing out of Controlled Forest shall be licence issued under these rules by the forest officer in a form prescribed by him Provided that no pass or licences will be required for cremation purposes.

(2) If the forest produce, referred to in sub rule (1) is timber, the said pass, permit or licences shall bear a proper hammer mark or any other mark of the Forest Department.

(3) All forest produce, in transit, may be stopped and inspected at any place by any Forest Officer and all persons incharge of forest produce shall be bound to produce the pass, permit or licences when called upon to do so by such Officers... If the said forest produce is not covered by a pass, permit or licences as required under sub rule (1), or if the entries in the pass, permit or licences produced by the said person or persons do not agree with the forest produce in transit, a forest offence in respect of the forest produce would be deemed to have been committed and the forest produce in transit together with all tools, boats carts, motor trucks or cattle etc., shall be liable to seizure by any Forest Officer.

(4) Where check posts have been established along the route for examination of forest produce in transit by land or water such forest Produce shall pass through such check posts and the, persons incharge of the said forest produce in transit shall get the pass, permit or licences endorsed by the Forest Officer in charge of the check posts. No forest produce shall pass through a check post after sunset and before sunrise.

23. Rules under Clause (g) sub section (2) of section 75 to regulate the clearing and breaking up of land for cultivation or other purposes in controlled Forests.

No clearing or breaking up of land for cultivation or other purposes will be permitted in Controlled Forests.

24. Rules under clause (h) of subsection (2) of section 75 to regulate the protection from fire of timber lying in Controlled Forests and trees.

(1) Any person authorised to collect any inflammable forest produce including grasses and bamboos within the limit of a Controlled Forest shall do so in stacks in all open space at a reasonable distance from such forests so as to involve no danger to the said forest in the event of ignition of the stacks.

(2) No person shall camp within a controlled forest at any place other than a place cleared and set apart for the purpose of camping by the Forest Officer. The Forest Officer shall in each year publish a list of places which may be used as camping grounds during that year.

(3) No person shall carry any burning- wood, 'Mashal', lighted biri or cigarette or any other burning matter along the boundary of or through Controlled Forests.

(4) No person shall kindle a fire for the purpose of clearing any standing forest or grass land near a Controlled Forest in such manner as to endanger such forest, unless :-

(a) he gives at least one week's notice to the Forest Officer or the nearest Ranger or Forester of his intention to do so;

(b) he clears a belt of land at least 6 metres broad on that -side of the land which 'he proposes to burn % which is nearest to such forest.

(5) No person shall kindle any fire referred to in sub-rule (4), on any day or at any time when high wind is blowing.

(6) No person shall kindle fire for the purpose of burning any wood, grass, weeds or other cut materials on land adjoining a Controlled Forest unless such materials are first collected in heaps and the heaps are burnt separately in such a manner as not to endanger such forest.

(7) No person shall kindle fire for cooking near a Controlled Forest in such a way as to endanger such forest and any person who kindles any such fire near a Controlled Forest shall extinguish it before leaving the spot on which the fire was kindled.

(8) These rules shall apply only during the period .beginning with the first day of October and ending on the first day of July in each calendar year.

25. Rule under clause (i) of sub-section (2) of section 75 to regulate the cutting of grass in Controlled Forests.-

(1) Cutting of grass by the landlords shall be regulated by the Forest Officer according to the provisions of section 41 of the Act.

(2) The right-holders shall be permitted to cut grass to the extent their rights are admitted in a Controlled Forest under section 26 (I) (d).

(3) Non-right-holders shall be permitted to cut grass from a Controlled Forest only if in the opinion of the Forest Officer the produce is in excess of the requirement of the landlord and the right-holders. Only grass cutting will be allowed by the Forest Officer on permits to be issued on payment of fees {and under executive directions issued by the Territorial Conservators of Forests from time to time}

26. Rules under clause. (i) of sub-section (2) of section 75 to regulate hunting, shooting, fishing, poisoning water, and setting traps or snares in Controlled Forest-

(1) Hunting, shooting, fishing, poisoning of water and setting traps and snares in a Controlled Forest shall be regulated by the Forest Officer on issue of permits according to the rules and regulations in force for Government Protected Forest in the State.

(2) The Territorial Conservator of Forests may at any time declare that any Controlled Forest or part thereof (Hereinafter called the Sanctuary) shall be closed to shooting and hunting of all games either permanently or for such temporary period as he may specify in his order.

(3) Subject to the control of the Conservator of Forests the Forest Officer shall divide all Controlled Forests other than the sanctuaries into shooting blocks and shall fix the number of animals or birds which may be killed in any such block in any particular year and shall restrict the killing of animal or birds so as to prevent such number being exceeded.

(4) No person, other than a permit holder or any exempted person shall hunt, shoot, fish, poison water or set up traps and snares in any Controlled Forest.

(5) This rule shall not require the landlord of a Controlled Forest or any person Authorised by him and by the. Forest Officer to obtain a permit, or to pay any fee to hunt, shoot, or fish in such forests.

27. Rules under clause (k) of sub-section (2) of section 75 to regulate the burning of charcoal, or the subjection of any forest produce to any manufacturing process in Controlled Forests.-

(1) Burning of charcoal in a Controlled Forest is prohibited except under permission of the Forest Officer in writing and subject to such conditions with regard to season and site etc. as the Forest Officer may fix.

28. Rules under clause (b) of sub-section (2) of section 75 to regulate the exercise in Controlled forests of any rights of right-holders:

(1) In the Controlled Forests each right-holder shall be entitled to an allotment of timber and other forest produce according to the maximum quantity admitted under clause (c) of sub-section (1) of section 26 of the Act, but should in any year the yield from a coupe or portion of the forest to be worked under the prescriptions of the Working Plan/Scheme be insufficient to most the maximum requirements of right-holders the Forest Officer shall determine for this year the quantity of timber or other forest produce which each right holder may take under section 48 of the Act read with sections 41 and 45 of the Act.

(2) The right of grass cutting in, Controlled Forests shall be exercised in accordance with rules made under section 75 (2) (i).

(3) A rightholder will cut only such trees which have been duly marked by the Forest Officer and specific allotted to him. Cutting of any other trees by the right-holders shall be treated as an offence under the Act.

(4) A rightholder will not be allowed to remove his equipment's unless he, holds a permit issued in his name by the Forest Officer or his duly authorised assistant. He must carry this permit with him when he goes to the forest for removal of the forest produce and shall show it to any Forest Officer on demand. Provided that these restrictions shall not apply when wood is required for cremation purposes.

(5) Trees will be cut a height of not more than 15 cms from the ground and no bamboo culm less than one year old will be cut. The cut produce will be properly stacked by the right-holders in the forest and not removed till after it has been checked and entered on the permit by a Forest Officer on duty.

(6) No rightholder shall sell or transfer any timber obtained by him for his domestic requirement in exercise of his rights.

(7) If any Controlled Forest are grouped by the Forest Officer under section 46, the rights therein shall be exercised in the manner specified and as directed by the Forest Officer under section 41.

29. Rules under clause (m) of subsection (2) of section 75 to regulate the rewards to be paid to officers and informers out of the proceeds of fine and confiscation's under the Act.

(1) All non-Gazetted Government officers and persons not in the employment of Government are eligible for rewards under these rules.

(2) Where any Magistrate or Court has imposed a fine for any forest offence under the Act, such Magistrate or Court shall send a report of the imposition and realisation of such fine to the Forest Officer.

(3) The Forest Officer may grant rewards in such proportions as he thinks fit to persons instrumental in the detection of the offence, the seizure of the article or the capture of the offenders

Provided that

- (i) the total awards paid in respect of any forest offence shall not exceed the amount of fine realized and the sale proceeds of any articles confiscated;
- (ii) a reward exceeding Rs. 10 shall not without the previous sanction of the Conservator of Forests, be paid in respect of a forest offence.

4. (i) when it has been decided to grant to any person a reward exceeding Rs. 100 the whole amount of such reward shall be paid without any delay to such person.

(ii) When it has been decided to grant a reward exceeding Rs. 100 to any person, Rs. 100 of the amount of such reward shall be paid without any delay to such person, and the balance shall be paid to him after the expiration of the period allowed for filing an appeal against the decision of the Magistrate or Court trying the offence in respect of which the reward has been granted 'or if an appeal has been preferred after it has been decided.

(iii) If the conviction for a forest offence in respect of which reward has been paid to any person is reversed on appeal, the amount paid to such person shall not be recovered from him unless the officer granting the reward is satisfied that such person has acted fraudulently in obtaining such reward.

(5) When a Forest Officer, has under section 64 of the Act accepted a sum of money as compensation, reward may be paid by the Forest Officer to any person who may have contributed to the discovery of the suspected offender

Provided that

- (i) the Forest Officer shall not without the previous sanction of the Conservator of Forests, pay a reward exceeding Rs. 10 in respect of anyone suspected offence; and
- (ii) the total reward paid in connection with the discovery of anyone suspected offence shall not exceed the sum recovered as compensation.

30. Rules under, clause (n) of Subsection (2) of section 75 to regulate the extracting of resin in and its removal from a private forest-

(1) Instruction contained in Technical Order No. 13 shall be deemed to be the rules for resin tapping in private forests under this clause.

(2) Extraction and removal of resin from notified private forests shall be regulated according to rules made under section 14(2) of the Act. In the case of controlled forests extraction and removal of resin shall be carried out and controlled by the Forest Officer in the same manner as for Government protected forests.

31. Rules under Clause (o) of subsection (2) of section 75 to regulate working of mines and quarrying of minerals for purpose of section 50 read with section 76 of the Act.

(1) any prospecting, quarrying or mining lease in a controlled forest has been granted by any person legally entitled to mineral right (herein after regarded to as mineral owner) prior to the forest having been taken over under the said Act, or whenever any such lease is granted by him after forest has been so taken over the grant shall report to the Forest Officer the name and address of the lessee together with the terms of the lease.

(2) The mineral owner or the lessee or the lessee or their agents and workmen shall at all times have the right and liberty to enter upon any part of the Controlled forests without let or hindrance for purposes of prospecting quarrying or mining, but they shall do nothing in respect of any forest produce nor shall they disturb the surface in any way except as hereinafter provided.

(3) Where prospecting, quarrying or mining operation does not involve the clearing or putting of any forest growth, it may be done without the permission of or without reference to the Forest officer.

(4) Where the prospecting, quarrying or mining involves clearance of undergrowth, such as shrubs, or bushes over an area not exceeding one twenty fifth of an hectare, but does not involve the cutting of any tree or pole sapling or bamboo, the clearance may be done but a report thereof shall immediately be submitted to the Forests Officer.

(5) Where prospecting, mining or quarrying, necessitates clearance of under growth over an area exceeding one twenty-fifth of an hectare or the cutting down of trees or poles or saplings or bamboos, the previous permission in writing of the Forest Officer shall be necessary, and the clearance shall not be done or the trees or poles or sapling or bamboo shall not be cut until these have been marked by the Forest department for felling and the royalty thereof assessed and paid

Provided that the Forest Officer shall be at liberty to refuse to permit what he considers wasteful cutting or clearance of forest growth unnecessary for the rights of the mineral owner:-

Provided further that an appeal against the Forest Officer's order shall lie to the Territorial Conservator of Forest within a period of three months from the date of original order, whose decision shall be final.

(6) If the mineral owner or his lessee desires to construct any road or building, any other work or structure for purposes of mining or quarrying he shall obtain the previous permission of Forests Officer and shall pay compensation assessed by the Forest Officer and abide by the conditions and regulations issued by the Forest Officer in this behalf.

(7) Mining and quarrying of stones and slates or burning of lime etc. in controlled forests by persons who have no mineral rights in the said forests shall be subject to the terms and conditions or any lease sanctioned by the competent authority or any instructions issued in this behalf by the Forest Officer.

32. Rules under clause (p) of sub-section (2) of section 75 to regulate the power and duties of a. Forest Officer under the Act –

(1)(i) Unless other- wise specifically provided in these rules or by notification under clause (7) of section 3 of the Act, every Gazetted Forest Officer (whether Class I or Class II) incharge of a territorial Forest Division, shall be deemed to be "Forest Officer" within his territorial jurisdiction, for the purposes of the Act and these Rules.

(ii) Without prejudice the generality of the foregoing delegation, the Conservators of Forests within their respective territorial jurisdictions and also the Chief Conservator of Forests will be competent to exercise the powers and discharge the functions of

“Forest officer”, under the Act and these rules, provided if any such, power is exercised or function discharged by the Conservator of Forests then the appeal, if a provision exists in these Rules for such appeal, shall lie to the Chief Conservator of Forests.

(2) The Chief Conservator of Forests and all Conservator of Forests are empowered to exercise all or any of the powers conferred on Divisional Forest Officers.

(3) For the purpose of section 64 all gazetted Forest Officers are empowered to compound forest offences other than those specified in Section 61 and 62 of the Act with the permission of the Court before which any prosecution for the offence is pending.

33. Rules under clause q of sub-section(2) of section 75 to regulate the items to be included as revenue and items to be included as expenditure in the account mentioned in section 43 and the manner in which such account shall be prepared.

(1) The revenue, expenditure accounts (including timber account) shall be maintained in the same manner as for a Forest Range. On the receipt side of the account shall be credited all cash and book transfer receipts of every description. The total income shall include the sale proceeds of forest produce as well as proceeds of confiscation or forfeiture in forest offence. On the expenditure or debit side of the account shall be entered all cash and book transfer expenditure on works, staff, allowances and profits paid to the landlord under section 44, rewards paid to informers and officers in for offences expenses incurred on purchase and repairs of stores, tools and, plant and other incidental and sundry charges incurred in connection with management.

(2) When the forests of two or more land lords where the forests are grouped together for management under section 46 then the apportionment of general cost on management shall be made in accordance with the areas of respective forests and intensity of works at the Forest officer may decide, with the approval of Territorial 'Conservator of Forests provided that any special charges incurred solely on account of management of any particular forest shall be debited to the accounts of that landlord.

(3) The apportionment of revenue derived from forests belonging to two or more landlords where the forests are grouped together for management and the, forest produce is sold, in one lot for unavoidable reasons shall be made on quantity of produce sold from each forest by the Forest Officer with approval of the Territorial Conservator of Forests provided that revenue derived solely, from any individual forest shall be credited into the accounts of the Landlord of the said forests.

(4) An abstract of debit and credit to be made against each landlord shall be Posted monthly in the cash book after close of the accounts as well as separate ledger accounts to be maintained for each landlord.

(5) A profit and loss account shall be prepared for each landlord in accordance with instructions contained inspection 44 at the close of the, financial year.

APPENDIX 'A'

(See Rule 8 and 20)

The following headings will be used in writing up a working Plan

TABLE OF CONTENT'S

INTRODUCTION

Glossary of local names of trees, shrubs etc. Glossary of local terms.

PART I

SUMMARY OF FACTS ON WHICH PROPOSALS ARE BASED.

- Chapter I-** The Track dealt with.
Name and situation.
Configuration of the ground.
Geology rock and soil.
Climate and rainfall.
Water supply.
Distributing and area
State of boundaries.
Legal position.
Rights and concessions.
- Chapter-II** The Forest.
Composition and condition of the crop.
Injuries to which be crop is liable.
- Chapter III** Utilization of the Forest Produce.
The people, their agricultural customs and requirements
Markets and Marketable products.-
Lines of export.
Methods of exploitation and their cost.
Past and current prices.
- Chapter-IV** Staff and labour supply
The forest Staff, Labour supply.
- Chapter. V** Past systems of management.
General history.
- Past system of management and their results.
Special works of, improvement undertaken.
Past outturn
Past revenue and expenditure.
- Chapter VI-** Statistics of growth and yields.
Growth and yield statistics of different species.

PART II

FURTHER MANAGEMENT DISCUSSED AND PRESCRIBED

- Chapter I-** Basis of proposals,
General objects of management.
Constitution of working circles.
Blocks and compartments.
Period of the plan.
Necessity of intermediate revision.
- Chapter II, III etc.** Details of management of each working circle. (Separate chapter for each working circle).
General constitution.
Special objects of management.
Division onto felling series.
Area.
Analysis and valuation of the crop.
Silvicultural system.
Rotation and exploitable size.
Division into periods.
Reduced areas and reducing factors.
Calculation of the yield.
Tabulate statement of fellings.
Method of executing fellings.
Subsidiary operation.
Artificial regeneration protection and tending of the crop-
Regulation and limitation of rights of user.
- Chapter Next-**Miscellaneous regulations.
Roads and paths.
Building and wells.
Fire protection.
Grazing.
Plantation and Nursery
Survey and maps.
Collection and record of statistics.
- Chapter Next-**Establishment and labour.
Establishment Labour.
- Chapter Next-**Control and record.
Control forms.
Compartment and block histories.
Note book of matters of special importance.
Fire records,
- Chapter Next-**Financial forecast and cost of the plan.
Financial Forecast.
Cost of the plan.
- Chapter Next-**Summary of prescription.

APPENDICES

- I. Area Statement.
- II. Enumeration results.
- III. Any rules, Government Notifications or orders relating to the forest.
- IV. Statement or rights and concessions.
- V. Any other matter affecting the legal position and management of the forest.

Date of issue

I/we certify that I/we have strictly carried out conditions attached to this licence and have felled.....trees and converted.....scantling, ballies etc., as per lists attached during the period of the licence i.e. from to

Dated.....

Signature of License Holder

CONDITIONS FOR ISSUE OF THE LICENCE

1. This licence is personal and nontransferable.
2. This licence must be produced on demand by any Forest Officer or Police Officer.
3. This licence is valid only for the forest area, trees and period mentioned overleaf. The licence shall be surrendered to the issuing authority on the expiry of its period or completion of work whichever is earlier. If the work is not completed within the period it shall be stopped unless the period of the licence is further extended by the Forest Officer.
4. The licensee shall fell only such trees that are duly hammer marked by the Forest Department and covered by the licence. No other trees will be felled. If any trees are irretrievably damaged in the course of fellings, the licensee shall obtain a fresh licences for their disposal and shall not fell or convert them till then.
5. No tree or part thereof or timber obtained from the trees covered by a licence shall be launched into any river, stream or water unless it bears a property marks or marks duly registered and is covered by a permit granted in this behalf by the Forest Officer and fees thereof are first paid under the River Rules.
6. No trees, part thereof timber or fuelwood shall be exported by road by the licensee unless covered by a Challan or permit issued by the Forest Officer subject to such restrictions as he may consider necessary to impose as regards its check while in transit and the time between which the movement of such trees, timber or fuel shall remain suspended.
7. The Forest Officer may at any time cancel the licence in case of abuse or breach of any rules and condition, stop the work and seize the trees or produce thereof to release any Government dues. In the event of cancellation of the licence, the licensee shall have no claim against the Forest Officer of the State Government for any loss or damages on this account, nor he shall be entitled to any refund of fees paid by him. An appeal against the order of the Forest Officer shall lie with the Territorial Conservator of Forests within a period of three months from the date of Forest Officer's order.

(FORM OF PERMIT)

HIMACHAL PRADESH FOREST DEPARTMENT (Vide sub-rule 4 of rule 10)

..... **FOREST DIVISION**

**PERMIT FOR RESIN TAPPING IN PRIVATE CHIL/ KAIL FORESTS ISSUED UNDER THE
RULES FRAMED UNDER SECTION 14(2) OF THE HIMACHAL PRADESH PRIVATE FOREST
ACT, 1954**

Permit No.

Dated.....

Name and address of the permit holder.....

Area covered by permit: Khasra Nos Village

Tehsil District

Abstract of Chil/Kail trees punch marked for min tapping

Particulars							Diameter breast height classes
30 cm.	40 cm.	50 cm.	60 cm.	70 cm.	80 cm.	90 cm.	Total
40 cm.	50 cm.	60 cm.	70 cm.	80 cm.	90 cm.	over	

Name of trees

No. of blazes for heavy tapping

No. of blazes for lights tapping

Permission is hereby granted to Shri.....S/O Sh..... of

..... Pargana Tehsil District.....

.....to carry out resin tapping on Chil/Kail trees

as per abstract and area given above during.....season, i.e., 15th February to

30th November, 19..... subject to the rules issued under section 14(2) of the Act and

conditions appearing on the back of the permit.

Divisional Forest Officer,

Forest Division,

Himachal Pradesh.

Date of issue

CONDITION FOR ISSUE OF THE PERMIT

1. This permit must be produced on demand by any Forest Officer or Police Officer.
2. The permit is valid only for the forest area, trees and period mentioned overleaf.
3. The tapping shall be carried out by the permit holder according to rules and regulations laid down in the Punjab Forest Leaflet No. 13 and instructions issued from time to time by the Forest Officer. The following instructions in particular will be strictly adhered to:-

- (i) The first channel will be near the ground on the southern face of the tree. In the case of trees which have been tapped previously it is possible that the last channel may not have reached the permissible height. In such cases the old channel will be continued. New blazes will be set only on trees which have either no channel or the old channel has been tapped for at least four season.
- (ii) In case of new blazes the intervening space between successive blazes will be at least 13 cm. at the ground level and at least 10 cm. above at the end of the year's working.
- (iii) The, length of blazes in the first year shall not exceed 48 cm. and for the subsequent years a blaze shall not exceed 38 cm. in length at the end of a tapping season. Width and depth of channel shall not exceed 10 cm. and 2.5 cm. respectively.
- (iv) The ground will be kept clear of chips. shavings and other inflammable material up 90 cm. around the trees under tapping on level ground and in case of slopping ground upto a distance of 180 cm. downward and 150 cm. upwards respectively.
- (v) The freshening will be done after every six days and not more than 1 cm. length will be cut at each freshening.

4. The Forest Officer may cancel the permission and stop work at any time if he finds that the work is not being carried out according to his instructions or according to Punjab Forest Leaflet No. 13 and the owner shall have no claim against the Forest Officer or the State Government for loss or damages on this account,

5. The owner shall keep accounts of resin extracted to the satisfaction of the Forest Officer and furnish out-turn statistics if so desired by him. The Forest Officer or his duly authorised subordinate shall have the access to resin tapping operations and to, the permit holders resin depots. The permit holder shall have no objection and shall provide all facilities for a check of resin tapping or depots stock and accounts.

6. No resin shall be carried outside the area without first obtaining an export permit from the Forest Officer. (R H. P. dated the 1st August, 1970, Page 690 to 692)

**FORM OF BOND VIDE SUB-RULE 2 (VI) OF THE RULE 5 UNDER SECTION 7(B) OF
HIMACHAL PRADESH PRIVATE FOREST ACT, 1954.**

Know all men of these presents that we the and the and Shri sureties are held and firmly bound to the President of India in the sum of Rs. to be paid to the said President of India, for which payment we and ourselves and every two or one of us jointly and severally of these presents Signed this date.....19...

A.
B.
C.

Whereas the said 'A' has been granted sanction under the provisions of Himachal Pradesh Private Forest Act, 1954 to fell trees from a land situated in Khasra No. District Himachal Pradesh.

Now the condition of the above written bond or obligation of the above written bond or obligation is that the said 'A' shall fell the trees marked by the Divisional Forest. Officer Forest Division or any Forest subordinate officer subordinate to him with the official mark. Secondly, the said, 'A' shall pay 15% of the sale price of the timber to the Forest Department of Himachal Pradesh Government as required under section 11 of the Himachal Pradesh Private Forest Act, and further in addition to the above 15 per cent the said 'A' will deposit 5% of the balance of the price of the timber as security in the Divisional Forest Officer Forest Division..... and said 'A' will convert the area for which, felling of trees has been sanctioned into an orchard within a maximum period of 5 years or bring it under cultivation within a maximum period of 3 years. Thirdly, the said 'A' shall carry out such work as may be necessary to conserve the soil of the land on which clear felling has been allowed. If the area on which clear felling has been done is not converted in an orchard or brought under cultivation to the satisfaction of the D.F.O. then the security will be forfeited. If the said 'A' fully "and faithfully performs and discharges the duties and obligation which devolve on him by virtue of this bond, then above bond or obligation shall be void otherwise the same shall remain in full force.

Signed.

A
B
C

CONDITIONS FOR ISSUE OF THE PERMIT

1. This permit must be produced on demand by any Forest Officer or Police Officer.
2. The permit is valid only for reclaiming the Forest area mentioned overleaf for cultivation of fruit orchards.
3. The permit holder shall bring it completely under cultivation within a maximum period of three years or fruit orchard within a maximum period of 5 years of the issue of this permit to the satisfaction of the Forest Officer failing which his security deposits shall be forfeited to Government.
4. The security deposits made by the permit-holder as mentioned under item 4 of the permit shall be refunded to him on completion of the said work to the satisfaction of the Forest Officer.
5. The permit-holder shall not convert the area covered by this permit into a Ghasni nor use it for temporary cultivation only.
6. The trees marked for felling over the area covered by this permit shall be exploited as per rules issued under section II and 15(l) of the Act and subject to the conditions appearing on the back of licence No dated granted to the permit holder for the purpose.

FORM OF LICENCE UNDER PROVISIONS TO RULE 7 UNDER SECTION 11 AND 15 (1)
HIMACHAL PRADESH FOREST DEPARTMENT
.....FOREST DIVISION

Licence for felling of trees for sale from Private Forests issued under section 11 and 15(l) of the Himachal Pradesh Private Forest Act, 1954.

Licence No Fees paid Rs
 Name and address of the licence.....
 Area covered by the licence
 Khasra Nos. in
 Villages Tehsil
 District

ABSTRACT OF TREES MARKED,

Species	Number of Trees marked by D.B.H. Classes								Total
	V	IV	III	II-A	II-B	1-A	1-B	1-C	I-D
under 20 cm	20 cm to 30	30 cm to 40 cm	40 cm to 50 cm	50 cm to 60 cm	60 cm to 70 cm	70 cm to 80	80 cm to 90	90 cm and over	
Deodar .	.	.	.	.	.	.	.	.	.
Kail .	.	.	.	.	.	.	.	.	.
Chil .	.	.	.	.	.	.	.	.	.
Fir .	.	.	.	.	.	.	.	.	.
Broad-leaved .	.	.	.	.	.	.	.	.	.
Grand Total									

Fascimile of marking hammer used.

In consideration of payment of Rs..... as Government fees at 15 per cent of the sale price permission is hereby granted to Shri S/o Shri of pargana Tehsil District to sell and covert marked trees as per abstract and area given above, subject to the rules issued under section 11 and I 5(l) of the Act, and conditions appearing on the back of the licence.

2. This licence holds good from.....to and shall be surrendered to the issuing authority on its expiry or completion of the work whichever is earlier after completing the certificate given below.

**FORM OF PERMIT VIDE PROVISIO TO RULE 7 UNDER SECTION 7(13)
HIMACHAL PRADESH FOREST DEPARTMENT**

..... FOREST DIVISION

Permit for reclaiming land for cultivation/fruit orchards in Notified Private Forest issued under section 7 (b) of the Himachal Pradesh Private Forest Act, 1954

Permit No

1. Name and address of the permit holder

2. Area covered by the permit --

Area

Khasra Nos.

Village. District

3. Fees paid

4. Security deposits made

(a) For terracing the land.

(b) For bringing it under cultivation or fruit orchards.

5. In consideration of payment of Rs.....as Government fees at 15 percent of the sale price of term and security deposit of Rs and Rs respectively for terracing the land and bringing it under cultivation/ fruit orchards to the satisfaction of the undersigned, permission is hereby granted to Shri.....
S/o Shri..... of
Pargana Tehsil District to reclaim the area mentioned in this permit for cultivation/fruit orchards subject to the rules issued under sec. 7 (b) of the Act and conditions appearing on the back of this permit.

Date of issue.....

(Signature)
Divisional Forest Officer
..... Forest Division.

(R.H.P. Extra, dt. 4th December, 1969, P. 913-932).

**HIMACHAL PRADESH GOVERNMENT
FOREST DEPARTMENT**

NOTIFICATION

No. Ft. 29-241-BB/49.

Dated Simla-4, the 25th February, 1952.

In exercise of the powers conferred by section 29 of the Indian Forest Act. (XVI of 1927) as applied to Himachal Pradesh, read with the Government of India, Ministry of States Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is pleased to declare the provisions of Chapter IV of that Act *which are the property of Govt. or over which the Government had proprietary rights or to the whole or any part of the produce of which the Government is entitled as recorded in the Forest Settlements or land revenue settlements or land revenue records of the integrated states, or otherwise, except to the following areas:-

*Applicable to all forest lands or waste lands in Himachal Pradesh.

1. Rantu Saliana, Chambi Kupar, Kalala and Temru of Kotkhai ilaqa and Nagkelu of Kotgarh ilaqa declared as reserved forests in the Punjab Govt. Notification No. 175 dated 15th April, 1885;
2. Chamba State forests declared reserved forests vide Chamba Darbar's Notification No. W-76-43, dated the 10th Nov., 1945.

Sirmur State Forests declared reserved forests Sirmur Darbar's Notification:-

1. No. 1 dated the 17th Jaith, 1968 Bikrami
2. No. 2 dated the 23rd Chait, 1991 -do-
3. No. 14 dated the 17th Sawan, 1990 -do-
4. No. 38 dated the 27.12.1992 -do-
5. No. nil dated Ist Chait, 1937 -do-
6. No. nil dated Ist Chait, 1947 -do-
7. No. II dated 2nd Poh, 1949 -do-
8. No. I dated 17th Jaith, 1952 -do-
9. No. Nil dated 11th Bhadon, 1992 -do-

2. This notification applies to all lands in old Mandi State containing the growth except such lands have been excluded in the forest settlement as cultivated or as in the Malguzari of a private person.

By order

Sd/-

C.C.F. and Secretary (Forest Department)
to the Commissioner, H.P., Administration.

No. Ft. 29-241-BB/49

Dated Simla-4, the February, 1952.

Copy forwarded to:-

1. All Deputy Commissioners in Himachal Pradesh.
2. All Conservator of Forest in Himachal Pradesh.
3. All Divisional Forest Officers in Himachal Pradesh.
4. The Manager, Government of India Press, Simla for favour of publication in part III section 3 of Govt. of India Gazette.

Sd/-

C.C.F. and Secretary (Forest Department)
to the Commissioner, H.P., Administration.

**HIMACHAL PRADESH GOVERNMENT
(FOREST DEPARTMENT)**

NOTIFICATION

No. Ft. 29-241-BC/49.

Dated Shimla-4, the 25th February, 1952.

In exercise of the powers conferred by section 30 (a) of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Government of India, Ministry of States Notification No. 146-J dated the 6th December, 1950 the Chief Commissioner, Himachal Pradesh is pleased to declare all trees to be reserved in the forests declared protected by Himachal Pradesh Government Notification No. Ft. 29-241-BB/49 dated the 25th February, 1952.

By order

C.C.F. and Secretary (Forests Department)
to Chief Commissioner, H.P.

No.Ft. 43-241-BC/49

Dated Simla-4, the 25th February, 1952.

Copy forwarded to the:-

1. All Deputy Commissioners in Himachal Pradesh.
2. All Conservator of Forests in Himachal Pradesh.
3. All Divisional Forest Officers in Himachal Pradesh for information.
4. The Manager, Government of India Press, Simla for favour of publication in Part III Section 3 of Government of India Gazette.

C.C.F. and Secretary (Forest Department)
to Chief Commissioner, Himachal Pradesh.

CHAPTER III

POWERS OF FOREST OFFICERS

(a) GENERAL

Punjab Government letter No. 3475 Revenue dated the 31st January, 1928.

SUBJECT Rules and orders issued under the old Indian Forest Act, VII of 1878

In reply to your letter No. D166, dated 5th January, 1928, I am directed by the Governor in Council to say that under section 24 of the General Clauses Act, 1897, the various rules issued under the repealed Indian Forest Act, 1878, still have the force of law and may be deemed to have been issued under Act, XVI of 1927, in so far as they are not inconsistent with the provisions of the latter Act, unless and until they are specifically superseded by any rules and orders issued under the new Act.

1. GENERAL POWERS OF FOREST OFFICERS UNDER SECTION 75 OF ACT VII OF 1878.

Notification No. 22890 dated the 26th September, 1923.

Notification No. 533 (Part), dated the 8th December, 1879.

Notification No. 364, dated the 8th August, 1892.

In supersession of

Notification No. 198, dated the 13th March, 1893.

Notification No 279, dated the 28th June, 1904.

1. Chief Conservator of Forests, all Conservators Deputy Conservators, Assistant Conservators, Extra Assistant Conservators, Forest Rangers, Deputy Rangers, Foresters and Forest Guards are appointed to do all acts and exercise all powers that are prescribed by the Act, or by rules made under it, to be done by a Forest Officer or by any Forest Officer.
2. The Forest Officers mentioned in the first column of the following schedule shall exercise the powers under the sections of the Act, mentioned in the second column of the same opposite each class of officers, respectively

Class of Officers empowered		Section of the act under which powers are given	Brief description of nature of power
I	All Deputy Conservators Assistant Conservators and extra Assistant Conservators, when in Charge of Forest Division	20	To publish translations of notifications of forests.
		25	To notify season during which the kindling etc. officer is not prohibited
		45	To notify depots for drift timber etc.
		60	To direct release of property seized.
		62	To take possession of and sell forest produce for Government use
II	All Deputy Conservators, Assistant Conservators and extra Assistant Conservators	40	To issue notice to claimants of drift timber etc.
		47	To decide claims to drift timber etc.
		50	To receive payment of account of drift timber etc.
		111	

3. The Chief Conservator of Forests and Conservators of Forests are empowered to exercise all or any of the powers conferred in the following schedule.

4. The Chief Conservator of Forests and Conservators of Forests are empowered under Section 24 of the Act, with the previous sanction of the Commissioner of the Division, to stop ways and water courses in reserved forests, subject to the provision of that Section.

**HIMACHAL PRADESH GOVERNMENT
(FOREST DEPARTMENT)**

NOTIFICATION

No. Ft. 29-256/48, Dated 12th July, 1949

In exercise of the powers conferred by section 76 of the Indian Forest Act, XVI of 1927 as applied to Himachal Pradesh, the Chief Commissioner is pleased to direct

That the Chief Conservator of Forests, and all Conservators, Deputy Conservators, Assistant Conservators, Himachal Pradesh Forest Services Class 11 officers, Forest Rangers, Deputy Rangers, Foresters, 25 Forest Guards are appointed to do all acts and exercise all powers that are prescribed by the Act or by rules made under it, to be done by Forest Officer or any Forest Officer.

That the Forest Officer mentioned in the First Column the following schedule shall exercise the powers under the sections to the Act mentioned in the second column of the same opposite each Class of Officers, respectively

	Class of Officers empowered	Section of the act under which powers are given	Brief description of nature of power, conferred
I	All Deputy Conservators	21	To publish translations of notifications of forests.
	Assistant Conservators	26	To notify season during which the kindling etc. officer is not prohibited
	extra Assistant Conservators, and	45	To notify depots for drift timber etc.
	Himachal Pradesh Forest Services Class	61	To direct release of property seized.
	II Officers when in charge of Forest Division	83	To take possession of and sell forest produce for Government use
II	All Deputy Conservators	46	To issue notice to claimants of drift timber etc.
	Assistant Conservators and	47	To decide claims to drift timber etc.
	Himachal Forest Services Class I Officers	50	To receive payment of account of drift timber etc.
III	All Deputy Conservators, Assistant Conservators and Himachal Pradesh Forest Services, Class II Officers, Forest Rangers, Deputy	26	To permit acts otherwise prohibited in the reserved forests

Rangers and
Foresters when
specially authorised
in that behalf by the
Chief Conservator of
Forests or
Conservators of
Forests.

IV	All Deputy Conservators, Assistant Conservators and Himachal Pradesh Forest Services, Class II Officers, Forest Rangers, Deputy Rangers and Foresters when specially authorised in that behalf by the Chief Conservator of Forests or Conservators of Forests.	34	To permit acts otherwise prohibited in the protected forests

3. The Chief Conservator of Forests and Conservators of Forest are empowered to exercise all or any of the powers conferred in the foregoing schedule
4. The Chief Conservator of Forests and Conservators of Forests, are empowered under Section 25 of the Act with the previous sanctions of the Chief Commissioner Himachal Pradesh, to stop ways and water courses in reserved forests, subject to the provisions of that section.

Sd/-

Deputy Chief Commissioner,
Himachal Pradesh,

2. POWERS TO COMPOUND OFFENCES UNDER SECTION 67 OF ACT, VII OF 1978

Notification No. 92, dated the 26th February, 1913.

No. 532, dated the 8th December, 1878.

In supersession of

No. 488, dated the 31st October, 1882.

In supersession of Punjab Government notification No. 532F, dated 8th December, 1879, as amended by notification No. 488, dated the 31st October, 1882 and under section 67 of Act VII of 1878 (The Indian Forest Act), His honour the Lieutenant Governor is pleased to invest all officers of the Forest Department of a rank not inferior to that of Probationary Extra Assistant Conservator with the powers described in the said Section.

HIMACHAL PRADESH GOVERNMENT

(FOREST DEPARTMENT)

NOTIFICATION

29256/48, the 12th, July, 1949

In exercise of the powers conferred by section 68 of the Indian Forest Act (XVI of 1927), as applied to Himachal Pradesh Chief Commissioner is pleased to empower all Forest Officers of a rank not inferior to that of probationary Himachal Pradesh Forest Service, Class, II with the powers to compound offences and to accept compensation, or release confiscated property as described in the afore said section.

Sd /-

Deputy Chief Commissioner,
Himachal Pradesh

3. POWERS TO COMPEL THE ATTENDANCE OF WITNESSES, TO ISSUE SEARCH WARRANTS AND TO RECORD EVIDENCE UNDER SECTION 71 OF ACT VII OF 1878.

Notification No. 423, dated the 14th October, 1913, as amended by notification No. 1.983 Ft38/1603 Dated 24th August, 1939, and notification No, 2479 Ft55/1603, dated the 17th June, 1955

In exercise of the powers conferred upon him by Section 71 of the Indian Forest Act, 1878 His Honour the Lieutenant Governor of the Punjab is pleased to invest Forest Officers serving in the Punjab with powers under Section 71 (b), (c) and (d) of the said Act, as described in the following Schedule:-

	Class of Officers empowered	Section of the act under which powers are given	Brief description of powers conferred
I	Conservators of Forests & all Divisional Forest Officers, provided that such officers hold substantive rank not lower than that of Assistant Conservator of Forests or Extra Assistant Conservator of Forests, and that they have passed the prescribed tests in Forests law and in Urdu by the Higher Standard.	71 (b)	Powers of Civil Court to compel the attendance of witnesses and the production of documents.
II	Conservators of Forests	71 (c)	Power to issue a search warrant under the Code of Criminal Procedure.

III	Conservators of Forests & all Divisional Officers, of and above the rank of Assistant Conservator of Forests, or Extra Assistant Conservator of Forest provided that they passed the prescribed tests in Forests law and in Urdu by the Higher Standard.	71 (d)	Power to hold an enquiry in forest offences, and in the course of such enquiry to receive and record evidence

2. These powers shall be exercised within the circle or division as the case may be, to which an Officer is posted from time to time.

Powers under section 71(c) of the Indian Forest Act, 1878, can be given to Forest Officers not below the rank of Assistant Conservator of Forests or Extra Assistant Conservator of Forests by name with the sanction of the Punjab Government, provided that such officers are incharge of a Forest Division (vide Conservator's No. 1265, dated 2nd June, 1913, and Punjab Government No. 333 (Forests), dated 5th August, 1913).

**HIMACHAL PRADESH GOVERNMENT
(FOREST DEPARTMENT)
NOTIFICATION**

No. F1. 29-256/48, the 12th July, 1949

In exercise of the powers conferred by Section 72(b), (c) and (d) of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh, the Chief Commissioner is pleased to vest the Forest Officers mentioned in the first column of the following schedule with the powers described in the second and third columns of the schedule

	Class of Officers empowered	Section of the act under which powers are given	Brief description of powers conferred
1	Conservators of Forests & all Divisional Forest Officers, provided that such officers hold substantive rank not lower than that of Assistant Conservator of Forests or Extra Assistant Conservator of Forests, and that they have passed the prescribed tests in Forests law and in Hindi by the Higher Standard.	72 (b)	Powers of Civil Court to compel the attendance of witnesses and the production of documents.
2	Conservators of Forests	72 (c)	Power to issue a search warrant under the Code of Criminal Procedure provided that on search warrant shall

be issued by searching houses for timber, suspected of having been stolen for which the order of Magistrate is necessary.

3	Conservators of Forests & all Officers, of and above the rank of Assistant Conservator of Forests, or Himachal Pradesh Forest Service Class II provided that they passed the prescribed tests in Forests law and in Urdu by the Higher Standard.	72 (d)	Power to hold an enquiry in forest offences, and in the course of such enquiry to receive and record evidence

These powers shall be exercised within the Circle or Division as the case may be, to which an officer is posted from time to time.

Power under Section 72(c) of the Indian Forest Act, 1927 can be given to the Forest Officers not below the rank of Assistant Conservator of Forests or Himachal Pradesh Forest Service Class II by name notification on the with the sanction of the Chief Commissioner, Himachal Pradesh, provided that such officers are incharge of a Forest Division.

Sd/-
Deputy Chief Commissioner,
Himachal Pradesh

**HIMACHAL PRADESH GOVERNMENT
FOREST DEPARTMENT**

No. Ft. 4-56/70-SF

Dated Shimla 2, the 11th September 73

NOTIFICATION

In exercise of the powers conferred by Section 72 (b) (c) and (d) of the Indian Forest Act, (XVI of 1927) as applied to Himachal Pradesh the Governor of Himachal Pradesh is pleased to vest the Forest Officers mentioned in the first column of the following schedule with the powers described in the second and third columns of the class of officers.

Class of officers empowered	Scheduled Section in the Act under which powers given.	Brief Description of powers conferred.
1. Conservator of Forests & Divisional Forest Officers	i) 72 (b)	Power of a Civil Court to compel the attendance of witnesses and the production of document.
	ii) 72 (c)	Power to issue search warrant under the code of Criminal Procedure

2. Conservators of Forests and all officers of and above the rank of Assistant Conservator of Forests of H.P. Forest Service Class II	72 (d)	Power to hold and enquiry in Forest Offences, and in the course of such enquiry to receive and record evidence.

These powers shall be exercised within the circle of Division as the case may be, to which an officer is posted from time to time.

This supersedes the following notification:-

- i) Punjab Govt. Notification No. 423 dated 14.10.1913 as amended by subsequent notification No. 1093-Ft. dated 4.8.1939 and notification No. 2479 -Ft. 55/1603 dated 17.6.1955.
- ii) Himachal Pradesh Govt. Notification No. Ft. 29-256/43 dated 12.7.1949.

Sd/-
Deputy Secretary (Fts)
Government of Himachal Pradesh

4. POWERS OF FOREST OFFICER TO BE PUBLIC PROSECUTORS UNDER SECTION 492 OF THE CRIMINAL PROCEDURE CODE, ACT V OF 1898

Notification No. 183, dated the 7th April, 1914

In Supersession of all previous notification on the subject

In exercise of the powers vested in him by Section 492 of the Criminal Procedure Code, Act, V of 1898, and in supersession of all previous notifications on the subject, His Honour the Lieutenant Governor of the Punjab is pleased to appoint and hereby appoints, all Forest Officers of and above the rank of Forester to be Public Prosecutors within the limits of the Forest Division in which they are serving in respect of case in which the Forest Department is the complainant.

5. POWERS OF FOREST OFFICERS TO BE PUBLIC OFFICERS UNDER SUBSECTION (1) OF SECTION 29A OF THE COURT FEES ACT, 1870, AS AMENDED BY THE COURT FEES (PUNJAB AMENDMENT) ACT, 1939

Notification No. 8564J 3943762 dated 20th December, 1939

All Forest Officers not below the rank of range Officers shall, when preferring any complaint of an offence under Section 9 of the Punjab Wild Birds and Animals Protection Act, 1933, be deemed to be public officers for the purpose of Sub Section (1) of Section 29A of the Court Fees Act, 1870, as amended by the Court Fees (Punjab Amendment) Act, 1939.

6. POWERS GRANTED TO THE ASSISTANT CONSERVATOR OF FORESTS OR EXTRA ASSISTANT CONSERVATOR OF FORESTS ATTACHED TO THE CHAKRATA DIVISION, UNITED PROVINCES

Notification No. 18042 Forests, dated the 22nd July, 1924

In exercise of the powers conferred by Section 67 and 71(d) of the Indian Forest Act, 1878, the Governor in Council hereby authorises the Assistant Conservator of Forests, or Extra Assistant Conservator of Forests, attached to the Chakrata Division, United Provinces for the time being in charge of the timber operations on the river Jumna, the exercise the powers described in the aforementioned section within the British territory administered by the Government of the Punjab on the river Jumna and its tributaries and within five miles from the right bank of the main stream of the Jumna.

7. APPOINTMENT OF HIMACHAL FOREST OFFICERS TO BE FOREST OFFICERS IN THE PUNJAB DEVELOPMENT DEPARTMENT (FORESTS)

Notification dated the 1st March, 1955, No. 3009Fi54/438

In exercise of the powers conferred by Subsection (2) of Section 2 of the Indian Forest Act, 1927, the Governor of Punjab is pleased to appoint persons for the time being holding the posts of Divisional Forest Officers, Upper Bushahr Forest Division, Suket Forest Division and Bilaspur Forest Division of Himachal Pradesh to be forest officers, empowered to do and that is required to be done by a forest officer under the said Act or by the rules published with the notifications specified below within the territory administered by the Punjab Government on the river Sutlej (Up to the point two miles below Nangal Dam) and its tributaries, within five miles from both banks of the main stream of the Sutlej :

(1) Punjab Government notification No. 340, dated 19th August, 1879, as amended by notifications:

- (a) No. 158, dated the 7th April, 1890.
- (b) No. 184, dated 14th February, 1903.
- (c) No. 97, dated 25th February, 1904.
- (d) No. 1'694, dated 21st May, 1928.
- (e) No. 4149C, dated 10th December. 1937.

(2). Punjab Government notification No, 341 Fts, dated the 19th August, 1879, as amended by notifications:-

- (a) No. 84, dated 26th January, 1912.
- (b) No. 372, dated the 7th December, 1916.
- (c) No, 19805, dated 3rd July, 1926.
- (d) No. 1799Ft, dated 7th November, 1944.

(3) Punjab Government notification, No. 14548 dated the 9th May, 1921,

8. POWERS UNDER THE. PUNJAB LAND PRESERVATION ACT, 1900

Notification No. 1285 Ft. dated the 30th April, 1940

In exercise of the, powers conferred on him by section 68 of the Indian Forest Act, 1927, read with section 20 of the Punjab Land Preservation (Chos) Act, 1900, the Governor of the Punjab is pleased to direct that all Forest Officers of a rank not inferior to that of Extra Assistant Conservator serving in the Punjab, shall, from the date of this notification, exercise the powers mentioned in Sub Section (1) of section 68 of the Indian Forest Act, in respect of offences under the Punjab Land Preservation (Chos) Act, 1900.

Notification No. 6912D52/7100; dated the 18th December, 1953

In exercise of the powers conferred by clause (a) of Section 2 of the Punjab Land Preservation Act, 1900, the Governor of Punjab is pleased to appoint the Divisional Forest Officers, in charge of the territorial Forest Division in the Punjab to perform the functions of a Deputy Commissioner under section 13 of the said Act within the limits of their divisions.

CHAPTER IV

APPOINTMENT OF PERSONS TO BE FOREST OFFICERS UNDER IFA 1878 AND IFA 1927

1. APPOINTMENT OF RAKHAS EMPLOYED BY COOPERATIVE FOREST SOCIETIES, SOIL CONSERVATION AND CHO RE-CLAMATION SOCIETIES TO BE FOREST OFFICERS

Notification No. 2744 Ft, dated 26th September, 1941 as amended by notification No. 1934 D 52/664 dated 5th November, 1952

In exercise of the powers conferred by Sub-section 2 of Section 2 of the Indian Forest Act, 1927, and subject to the rules made under clause (1) of Section 76 of the said Act, the Governor of the Punjab pleased to appoint all Rakhas employed by Cooperative Forest Societies, Soil Conservation and Cho Reclamation Societies in the Punjab to be Forest Officers, within the meaning of and for the purposes of Sections, 64, 66 and 79 of the said Act.

2. APPOINTMENT OF RAKHAS EMPLOYED BY LANDLORDS IN SPECIFIED DISTRICTS TO BE FOREST OFFICERS

Notification No. 4092 Ft. Dated 31st December, 1941

In exercise of the powers conferred by SubSection (2) of Section 2 of the Indian Forest Act, XVI of 1927, the Governor of the Punjab is pleased to appoint the Rakhas employed by landlords for the protection of their private lands notified under Section 38 of Indian Forest Act in the revenue districts specified in the Schedule hereto annexed to do anything required by this Act or any rule made thereunder to be done by a Forest Officer:

SCHEDULE

Serial No.	Revenue Districts	Executive Forest Charges
1.	Gurdaspur	Amritsar Forest Division.
2.	Kangra	Forest Division.
3.	Hoshiarpur	Forest Division
4.	Ambala	Forest Division.
5.	Gurgaon,	Gurgaon/Rohtak Forest Division

3. APPOINTMENT OF RAKHAS AND OTHERS IN THE KANGRA DISTRICT TO BE FOREST OFFICER

(a) Notification No. 86, dated the 7th February, 1900

Under the provisions of Section 75 of the Indian Forest Act (VII of 1878), the Lieutenant Governor is pleased to make the following rule

All rakhas or village forest watchmen in the Kangra District are appointed to do all acts and exercise all powers that are prescribed by Act VII of 1878 or by the Rules made under it to be done or exercised by a Forest Officer or by any Forest Officer.

(b) Notification No. 589, dated the 4th December, 1900

Under the provisions of Section 2 of the Indian Forest (Act VII of 1878), His Honour the Lieutenant Governor is pleased to appoint all Negis, Village Headmen, Village Watchmen and all Lambardars of Phatis in the Kangra District to be Forest Officers within the meaning and for the purposes of Section 64 and Section 78 of the said Act.

(c) Notification No. 425, dated the 6th October, 1908

Under the provisions of Section 2 of the Indian Forest Act (Act VII of 1878), the Lieutenant Governor is pleased to appoint all forest Rakhas in the Kangra District to be Forest Officers within the meaning and for the purposes of section 64 and Section 78 of the said Act.

(d) Notification No. 2743 Ft. dated the 26th September, 1941

In exercise of the powers conferred by sub-section (2) of Section 2 of the Indian Forest Act, 1927, and subject to the rules made under clause (a) of Section 76 of said Act, the Governor of the Punjab is pleased to appoint all forest Officers employed by Cooperative Forest Societies in Kangra District to be Forest Officer, within the meaning and for the purposes of Section 52, 56, 57, 64, 66 and 79 of the said Act.

4. APPOINTMENT OF LAMBARDARS, RAKHAS AND OTHERS IN THE HOSHIARPUR DISTRICT TO BE FOREST OFFICERS

(a) Notification No. 165, dated the 27 March, 1901; Amended by notification No. 220 dated the 17th April, 1901

Under the provisions of Section 2 of the Indian Forest Act (Act VII of 1878), His Honour the Lieutenant Governor is pleased to appoint all Lambardars and Village watchmen of the Punjab, Lohara and Dhruvi Tappas in the Hoshiarpur District, to be Forest Officers within the meaning and for the purposes of Section 64 and Section 78 of the said Act.

(b) Notification No. 3859 Ft. dated 14th September, 1940

In exercise of the powers conferred by subsection (2) of Section 2 of the Indian Forest Act, XVI of 1927, the Governor of the Punjab is pleased to direct that Rakhas in the service of village forest or reclamation cooperative Societies registered under the Cooperative Societies Act, 11 of 1912, in the Hoshiarpur District shall be appointed to do all the acts and exercise all the powers that may be done or exercised by a Forest Officer under the said Indian Forest Act, 1927, or under any rule, made thereunder.

(c) Notification No. 2385 Ft. dated 22nd August, 1941

In exercise of the powers conferred by SubSection (2) of Section 2 of the Indian Forest Act, XVI of 1927, the Governor of the Punjab is pleased to direct, that Rakhas in the employment of Court of Wards estates in Hoshiarpur District shall be appointed to do all acts and exercise all powers that may be done or exercised by a Forest Officer under the said Indian Forest Act, 1927, or under any rule made thereunder.

5. APPOINTMENT OF SUPERVISORS AND DAROGHAS TO BE FOREST OFFICERS

Notification No. 1793 Ft. dated 15th September, 1946

In exercise of the powers conferred by Subsection (2) of Section 2 of the Indian Forest Act, 1927, the Governor of the Punjab is pleased to appoint the Supervisors and Daroghas in the Forest Department as Forest Officers and to empower them to do all acts and exercise all powers that are prescribed by the Act and the rules made thereunder to be done by a Forest Officer.

CHAPTER V

PAYMENT OF REWARDS

Notification No. 22890 (part), dated the 26th September, 1923

In supersession of notification No. 533 (part), dated the 8th December, 1879

1. All Revenue Officers below the rank of Tehsildars and all Police Officers up to and including Inspectors, all Forest Officers below the rank of Extra Assistant Conservators and Forest Office Clerks and messengers, as well as persons who are not public servants are eligible for rewards under these rules.

2. On conviction of an Offender, or on directing the confiscation of property under section 56, the Magistrate by whom the case has been decided is authorised to grant such reward and in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the property confiscated, or the conviction of the offender. Provided that the total amount of the reward shall not exceed the estimated value of the property confiscated plus the amount of any fine imposed.

3. If in any case the fine and proceeds of property confiscated cannot be immediately realised, the Magistrate deciding the case shall at once pay the reward (provided that it does not exceed Rs. 100). If in any case the Magistrate considers that more than Rs. 100 should be distributed as rewards, he shall distribute Rs. 100 at once, and shall submit his recommendation for a large reward through the Conservator of Forest concerned, for the orders of the Punjab Government, giving reasons for the same.

4. In case the Magistrate has not at his disposal a fund out of which the reward can be paid, or in the case of an order of confiscation where by law the Forest Officer takes charge of the property, the Forest Officer of the Division shall on requisition furnish the Magistrate with the necessary funds

5. In any case the rewards shall be paid within the limit and under the sanction provided in rule 6, even though the fine may not, have been realised. In case in which the Forest Officer has furnished the funds under the rule, the fine on recovery shall be paid over to him.

6. If after payment of the reward the conviction is reversed in appeal, the amount paid away in reward shall not be recovered from the persons to whom it has been paid unless it shall appear that they have acted fraudulently in the case.

7. In case where, under section 67 of the Indian Forest Act, a Forest Officer has accepted a sum of money as compensation for any damage which may have been committed, the Conservator of Forests concerned may authorise the payment of a portion of the amount realised (not exceeding three fourths) as a reward to any person or persons who may have contributed to the discovery of the offender.

**HIMACHAL PRADESH GOVERNMENT
(FOREST DEPARTMENT)**

NOTIFICATION

No. Ft. 29-256/48, The 12th July, 1949

In exercise of the powers conferred by section 76(b) of the Indian Forest Act, (XVI of 1927), as applied to Himachal Pradesh, the Chief Commissioner, is pleased to make the following rules regulating the payment of rewards to certain Revenue, Police and forest officers

1. All revenue Officers below the rank of Tehsildar and all Police Officers up to and including Inspectors, all Forest Officers below the rank of services class II and Forest Office Clerks and messengers as well as persons who are not public servants are eligible for rewards
2. On conviction of an offender, or on directing the confiscation of property under section 56, the Magistrate by whom the case has been decided is authorised to grant such reward and in such operations as he may think fit, to any person or persons who have contributed to the seizure of the property confiscated, or the conviction of the offender, provided that the total amount of the reward shall not exceed the estimated value of the property confiscated plus the amount of any fine imposed.
3. If in any case the fine adds the proceeds of the property confiscated cannot be immediately realised, the Magistrate deciding the case shall at once pay the reward (provided that it does not exceed Rs. 100). If in, any case the Magistrate considers that more than Rs. 100 should be distributed as rewards; he shall distribute Rs.100 at once, and shall submit his recommendations for a larger reward, through the Conservator of Forests concerned, for the orders of the Chief Commissioner, giving reasons for the same.
4. In case the Magistrate has not at his disposal a fund out of which the reward can be paid, or in case of an order of confiscation where by law the Forest Officer takes charge of the property, the Forest Officer of the Division shall on requisition furnish the Magistrate with the necessary funds.
5. In any case the reward shall be paid within the limit and under the sanction provided in rule 6, even though the fine may not have been realised. In case in which the Forest Officer has furnished the funds under the rule, the fine on recovery shall be paid over to him.
6. If after payment of the reward the conviction is reversed in appeal, the amount paid away in reward shall not be recovered from the persons to whom it has been paid unless it shall appear that they have acted fraudulently in the case.
7. In case where, under section 68 of the Indian Forest Act, a Forest Officer has accepted a sum of money as compensation for any damage which may have been committed, the Conservator of Forests concerned may authorise the payment of a portion of the amount realised (not exceeding three fourths) as a reward to any person or persons whom may have contributed to the discovery of the offender.

CHAPTER VI

RULES FOR PROTECTED FORESTS OF ERSTWHILE STATES IN HIMACHAL PRADESH RULES FOR THE FOREST IN THE OLD SIRMAUR STATE WHICH HAVE BEEN DECLARED AS PROTECTED FORESTS

NOTIFICATION

No. Ft. 43-241-B/493, dated Shimla 4 the 25th February, 1952

In exercise of the powers conferred by section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh, read with the Government of India, Ministry, of States. Notification No. 1-46-J dated the 6th Dec., 1950, the Chief Commissioner is pleased to make the following rules for the forest in the old Sirmour State which have been declared as protected forests in Himachal Pradesh Government Notification No. Ft. 29-241-BB/49 dated 25th February, 1952.

2. In these rules unless there is something repugnant in the subject or context.

"Divisional Forest Officer" means the Officer(s) for the time being incharge of the Rajgarh and Nahan Forest as the case may be 'Right' means the right admitted in the record of rights.

"Record of rights" means "Faisla Janglat - i.e. Forest Settlement record which received the assent of the Sirmour Darbar on 1st Maghar 1989 Bikrami.

"Estate right holder" means landowner recorded as the owner of a holding of agricultural land assessed to land revenue in the estate in Sirmour District in which he resides permanently and shall include a permanent lessee and an occupancy tenant and/or tenant at will who has been cultivating land in the Estate continuously prior to 1st Maghar 1989 Bikrami.

"Nonresident" means any person who is either recorded as a land owner, permanent lessee, occupancy tenant and/or tenant at will in respect of agricultural land, in an estate in Sirmour District nor was settled for five years or more prior to 1st Maghar 1989 Bikrami.

"Nautor" means the breaking up of waste land owned by Government outside the Reserved and Demarcated Protected forests.

"Tenant", "Landowner", "Holding" and "Estate" shall have the meanings respectively assigned to these words in the Punjab Tenancy Act XVI of 1887 and the Punjab Land Revenue Act XVII of 1887.

"Trees", "Timber" and "Cattle" shall have the meaning as section 2 of the Indian Forest Act (XVI of 1927).

2. The Estate right holder are permitted to have trees for their bonafide requirements at rates laid down in the Dastur-ul-amal provided these are available silviculturally.

3. The girdling and the lopping of trees except as provided hereinafter and removal of torchwood from standing coniferous is prohibited.

4. The removal of bark from green trees is prohibited.

5. The local Zamindars are permitted to remove patghas (fodder grass) by lopping on payment of fees laid down in the Dastur-ul-amal subject to the following limitations:-

- a. Lopping of sal, sain, shisham, tun, jaman, khair, kikar, kakran, deodar, kail silver fir, spruce and chil is prohibited.
- b. The lopping of trees less than one and a half feet in girth is prohibited.
- c. Trees are not permitted to be lopped to more than half their height from the ground level, near or round a water spring in the forest up to a distance of one chain from the spring.
- d. No trees are permitted to be lopped.)

6. The Estate rightholders are permitted to collect and remove dry fallen firewood at half the rates laid down in the Dastur-ul-amal.

7. The Estate rightholders are permitted to remove Dhawlu grass on payment of fees laid down in the Dastur-ul-amal.

8. The Estate Rightholders are permitted to graze their domestic cattle, sheep and goats up to the limit laid down in the Faisla Janglat on payment of fees laid down in Dastur-ul-amal. Buffaloes upto, the recorded in each individuals name are permitted to graze on payment of fees. No grazing fee will however be charged for cattle owned for agricultural purposes.

9. Nothing in these rules shall prevent Jammuwal or pahari gujjars from grazing their buffaloes and cattles in recognised grazing Paraos situated within the bun diaries of the protected forests on payment of contract fees and subject to the conditions of the lease.

Such lease shall entitle them to take dry fallen wood fit for fuel and lop trees within the areas covered by the lease subject to the restrictions laid down in Rule 5 above.

10. No exercise of any concession will be permitted unless an Estate rightholder claiming such concession produces evidence in support of his claim by producing passes for the fees he paid in the past.

11. The breaking of land in the protected forests either for cultivation or any other purposes is prohibited.

12. No forest produce can be removed from the forests unless it is fully paid for and is covered by a permit issued by the Divisional Forest Officer or any subordinate so authorised by him.

13. The kindling of fire without taking reasonable precautions to prevent its spreading to any of the adjacent forest and the leaving of burning fire in or in the vicinity of the forests is prohibited.

14. The exercise of the concessions is subject to the safety of the forests.

By order

Sd/
for C.C.F. & Secretary (Forest Department)
to the Chief Commissioner,
Himachal Pradesh Admn.

RULES FOR THE, ZAMINDARI FORESTS IN THE OLD SIRMAUR STATE WHICH HAVE BEEN DECLARED AS PROTECTED FORESTS

No. Ft 29-241 B/491, dated Shimla 4, the 28th February, 1952.

In exercise of the powers conferred by section, 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Government of India, Ministry of States Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is pleased to make the following rules for the "Mushtriqa Forests" in the old Sirmour State which have been' declared protected Forests in Himachal Pradesh Government Notification No. Ft.29-241-BB/49, dated the 25th February, 1952.

1. In these rules unless there is something repugnant in the subject or context.

"Mushtriqa Forests" means such forest areas as were originally assessed to land revenue which the owners paid but in return of the State control they were absolved from the payment of the assessed land revenue.

"Divisional Forest Officer" means the officer(s) for the time being in charge of the Rajgarh and Nahan Forest Divisions as the case may be.

"Right" means the right admitted in the record of rights.

"Record or right" means Faisla i.e. forest settlement record which received the assent of the Sirmour Darbar on 1st Maghar 1989 Bikrami.

"Estate right resides permanently by and shall include a permanent lessee and an occupancy tenant and/or a tenant at will who has been cultivating land in the estate continuously prior to Maghar Ist, 1989 Bikrami.

"Nonresident holder" means land owner recorded as the owner of a holding of agricultural land assessed to land revenue in the estate in Sirmour District in which he ", means any person who is neither recorded as a land owner, permanent lease, occupancy

tenant and/or tenant a will in respect of agricultural land in an estate in Sirmour district in which he resides prior to Ist Maghar, 1989 Bikrami.

"Tenant", "Landowner", "shall have the meanings respectively assigned to these words in the Punjab Tenancy Act of 1887 and the Revenue, Act XVII of 1887 as applied to Himachal Pradesh. "Forest Produce" and Trees and timber shall have the same meanings as defined in the Indian Forest Act (XVI of 1927).

2. The Estate rightholders are permitted to remove dry trees of all species except deodar, Kail, fir and Chil, and dry fuelwood as well as green trees of miscellaneous species.

3. They are permitted to cut Kokath and miscellaneous trees except deodar, kail, fir and chil for the construction and repair to their houses without permission and without the payment of any fees.

4 The Estate right holders requiring deodar, kail, fir and chil trees will apply to the Divisional Forest officer for their grant. The assessment of number of trees to be constructed and repaired conforms to the usual pattern of building which right holders generally use for their residence in the locality concerned. No trees will be granted to build houses to be given on rent. All permits granted for cutting the trees will be free of any payment of fee and shall remain in force for a period not exceeding the duration of 3 months from the date of permit. If the trees are not removed from the forest within the granted period, the permit shall lapse and the trees may not be cut or removed unless the permit is renewed by the authority which granted it.

5. The revenue from the sale of green trees and deodar, kail, fir and chil trees shall vest in the Government.

6. No timber trees acquired under those rules by the Estate right-holders in exercise of the concession shall be sold, bartered or in any way alienated nor may such timber or trees or forest produce be applied to any but the purpose for which acquired.

7. The Estate right holders are permitted to lop only the, crooked and deformed kokat and ban oak trees subject to the following rule:-

- (a) No tree less than one and a half feet in girth branches exceeding a finger in thickness are not lopped
- (b) Trees may not be lopped to more than one half of their height from the ground level.
- (c) No tree near or round a water spring in the forest up to a distance of one chain from the spring be lopped.

8. The lopping of sal, sain, shisham, tun, jaman, Harar, Amla, Khair, Kikar, Kakran, deodar, Kail, Rai, Tosh and Chil is prohibited.

9. The removal of bark from green trees and their girdling is prohibited.

10. The extraction and removal of torch wood from standing coniferous trees is prohibited

11. Kindling of fire without taking all reasonable precautions to prevent its spreading to any of the adjoining forests or to leave burning any fire in or in the vicinity of the Mushtriqa forests is prohibited.

12. The Divisional Forest Officer may close a part of the forest for purposes of improvement provided an equivalent area is provided from another nearest locality for the grazing of the cattle. Should the exercise at any time tend to endanger the safety of the forest, the Divisional Forest officer may subject to the approval of the Conservator of Forests for the time being incharge of the Sirmour Circle suspend the exercise in whole or in part.

By Order,

Sd/-

SANT RAM

for C.C.F. and Secretary (Forests
Department) to the Chief Commissioner,
Himachal Pradesh Admn.

NOTIFICATION

No. Ft 43-241-B/492, dated Shimla 4 the 25th February, 1952

In exercise of the powers conferred by section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Government of India, ministry of State Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is pleased to make the following rules for the "Zamindari" forests in the old Sirmour State which have been declared protected forests in Himachal Pradesh Government Notification No. Ft 29- 241-BB/49 dated the 25th February, 1952.

1. In these rules unless there is something repugnant to the subject or context.

"Zamindari" forests mean such areas under trees growth as have been recorded as "Naqabil" or "Ghair Mumkin" in the land revenue records but not including "Naqabil Tora" or "Naqabil Ghasni without trees" or such areas as are recorded "Naqabil charand without trees". These are of two categories viz:-

(i) Category 1 means areas which are owned individually or jointly with other co-sharers;

(ii) Category 2 means areas which are not owned individually but are owned collectively by the entire village community or by a sub Division of the village forest or pasture land not easy of cultivation

"Ghair Mumkin" means unassessable waste covered by village sites, roads, streams beds, precipices and areas owned by the State and excluded

"Naqabil Tora" means the banks of field not fit for cultivation. "Naqabil Ghasni" without trees means preserves in village forest pasture land which is without trees "Naqabil charland without trees" means grazing ground in village forest or pasture land without trees. 'Divisional Forest Officer' means the Officer(s) for the time being in charge of Rajgarh and Nahan Forest Divisions.

"Collector" means the Collector of the Sirmour District. "Conservator of Forests" means the officer for the time being incharge of the Sirmour Forest Circle.

"Right" means the right admitted in the record of rights.

"Record of rights" means "Faisla Janglat" i.e. forest settlement record which received the assent of the Sirmour Darbar on 1st Maghar 1989 Bikrami.

"Estate rightholder" means land owner recorded as the owner of a holding of agricultural land assessed to land revenue in the estate in Sirmour district in which he resides permanently and shall include a permanent lessee and an occupancy tenant and/or a tenant at will who has been cultivating land in the estate continuously prior to 1st Maghar 1989 Bikrami.

"Nonresident" means any person who is neither recorded as a land owner permanent lessee, occupancy tenant and/or tenant at will in respect of agricultural land in an estate in Sirmour district in which he resides prior to 1st Maghar, 1989 Bikrami.

"Tenant", "Landowner", "Holding" and "Estate" shall have the meaning respectively assigned to these words in the Punjab Tenancy Act XVI of 1887 and the Punjab Revenue Act XVII of 1817 as applied to Himachal Pradesh. "Forest Produce" and "Trees and Timber" shall have the same meanings as defined in the Indian Estate Act (XVI of 1927).

2. Except where the contrary is stated the rules apply to the Zamindari forests of both categories 1 and 2.

3. From the Zamindari forests of category 1, the Estate right holders are entitled to have forest produce and the timber for their bonafide requirements e.g., construction of residential.

4. The estate right holders are permitted to remove forest produce from Zamindari forests of category 2 including wood for "Hal" (plough) "path" and other agricultural implements. The grant of trees required for building construction and repairs from this category of forests will be subject to the following conditions:

- a) A right holder will apply the Range Officer of his ilaqa for the grant of trees when a new house is to be built or an old one is to be repaired. The application will be made to the Range Officer of his Ilaqa either in April or October in a year and this application will be supported by the Patwari's ward that the applicant satisfied the conditions of being a

right holder. The Range Officer will verify the requirements of the right holder, as well as the availability of trees and will send the applications to the Divisional Forest Officer by August and/or, November each year for the sanction of the Divisional Forest Officer. The Divisional Forest Officer will return the applications with his orders to the Range Officer in the same months who will mark the trees, issue pass to the right holder and the rightholder will complete the extraction of the trees during September or March as the case may be or within one month from the date the trees are so marked. He will maintain in a timber distribution register for the purpose in his range.

- b) The assessment of number of trees to be granted will be based on the sole condition that the house to be constructed and repaired conforms to the usual pattern of building which rightholder generally use for their residence or shed for the cattle in the locality concerned. No trees will be granted to build houses to be given on rent.
- c) The trees granted shall be used for the purpose for which they are granted.
- d) In the unforeseen calamities such as fire or earthquake the provision in Sub-clause (a) may be relaxed at the discretion of the Divisional Forest Officer.

5. In both the categories of Zamindari forests no sales are permissible to an Estate right holder unless he has paid for the trees at the time he purchased land provided always that the onus of proof shall be on him. Sales will only be permitted only in respect of trees which may be surplus to the requirement of the Estate right holders subject to their being available silviculturally.

The sales of trees shall be subject to the following conditions:

- (a) The Estate right holder(s) shall obtain a parcha from the Patwari, have the Zamindari forest demarcated on the ground to the satisfaction of the Range Officer concerned and send in his/their application to the Collector by 15th September. The Collector will send the application(s) to the Conservator of Forests who will cause the area to be marked silviculturally through the Divisional Forest Officer and send the marking lists to the Collector by November who in turn will allow the Conservator of Forests to advertise the sale and effect the sale by the end of March. The Conservator of Forest through the Collector of the district shall obtain the sanction of the competent authority to the sale and enter into an agreement with the purchase. The sale value will be recovered by him and sent to the Collector later on for the improvement of the area and the other half for distribution among the persons entitled to receive it. Similarly the compensation of damage done, if any, the trees in the Zamindari forests will be recovered by him and sent to the Collector for being disposed in the manner prescribed above. The removals from the Zamindari forests will be under a pass called Rawana, which will be issued free on verification of the timber it is to cover. These Passes will be issued by the Range Office or any person so authorised by the Divisional Forest Officer.

6. The Estate right holders may lop crooked and deformed Kokat and ban oak trees but shall not lop green trees with straight boles.

The lopping shall be in accordance with following rules:-

- a) No trees less than one and a half feet in girth may be lopped;
- b) branches exceeding a finger in thickness may not be lopped;
- c) No trees may be lopped to more than half their height from the ground;
- d) No trees may be lopped near or around a water spring in the forest up to a distance of one chain from the spring;
- e) No tree of the following species may, be loped; Sal, Sain, Shisham Tun, Jaman, Hara Jaman, Harar, Amla, khair, Kikar, Kakarm, Chir, Kail, Rai and tosh.

7. The debarking of trees in Rule 6(e) and their girdling and extraction of torch wood from standing chir are prohibited.

8. The Estate right holders are not permitted to allow foreign buffaloes, sheep and goat into the Zamindari forests without the permission of the Conservator of Forests. Such permission will be given only after the Conservator of Forests is satisfied that the Zamindari forests area is

surplus to the requirement of the Zamindar that these forests provided ample fodder for the Zamindari, and that the permission, if accorded, does not amount to any pressure of new grazing on any of the Government forests.

9. The kindling of fire without taking reasonable precautions to prevent its spreading to the adjoining forests and to leave any fire in or in the vicinity of Zamindari forests is prohibited.

By Order,
Sd/
for C.C.F. & Secretary (Forest Department)
to the Chief Commissioner
Himachal Pradesh Admin.

**C - RULES APPLYING TO PROTECTED FORESTS IN THE JAGIRS OF THE RAJAS OF
GOLER, DADA SIBA, NADAUN AND KUTLEHR UNDER SECTION 31 OF ACT VII OF 1878**

Notification No. 2839-A, dated the 31st August, 1915

The following rules apply to the areas declared protected Forests by Notification No. 2839A, dated 31st August. 1915, (undemarcated Protected Forests) and by Notification No 2839-B, dated 31st August, 1915 (Demarcated Protected Forest)

1. Except where the contrary is stated, these rules apply to the Protected Forests of both classes.

2. In these rules, unless there is something repugnant in the subject or context,,

``Record-of- right" means the record prepared in accordance with Section 28 of the Indian Forest Act.

"Bartander" means a person entitled, by virtue of being the owner of cultivated land or of being the agricultural tenant of such an owner or of being possessed of special rights, to right over land or forest produce which the property of another.

"Rightholder" includes every person entitled to a right over waste or forest land or forest produce in whatever capacity and for whatever reasons he exercises that right.

"Trees" "timber", "cattle", Forests Officer" and. "Forest produce" have the same meaning as in the Indian Forest Act, 1878.

"Land assessed to revenue, "Forest Officer" have the same meaning as in which though liable to assessment, was not charged with revenue at the internal distribution (bachh) of the last assessment, but has since that assessment been brought under cultivation or enclosed with the permission of competent authority wherever such permission was necessary.

3. The grazing of cattle in demarcated Protected Forests is prohibited except by right holders in the exercise of right admitted in the detailed Forest record of rights. Only such cattle may be grazed as are kept by right holders for the bonafide agricultural and domestic purposes. The right does not extend to cattle kept for trade or pastoral purposes.

4. (1) Except as provided in Rule 25 or in the detailed revenue record for each village, no person other than the proprietors of the soil of an undemarcated Protected Forests and the proprietors and agricultural tenants of cultivated land assessed to revenue in the village in which such forest is situated, may graze cattle in such forest.

(2) No such proprietors or tenants shall graze in any undemarcated Protected Forest any cattle except those kept by them for their own agricultural and domestic (not including pastoral) purposes.

5. (1) Nothing in the last two proceeding rules shall prevent Gaddi shepherds from grazing sheep and goat in the runs recorded in their names in the record of rights on payment of the dues fixed from time to time.

(2) Except under the orders of Raja in writing, Gaddi Shepherds in going to and from their runs shall not halt their flocks for longer than one night at any single halting place in any forest in which they have not a right of grazing, and halting place shall be atleast 5 miles apart, provided that such shepherds may halt two nights at one place if there has been heavy rain or if they have given salt to their flocks.

6. Nothing in Rules 3 and 4 shall prevent Gujjars from grazing in the Soranas in which under the record of rights they have a right of grazing.
7. Khewatdars and Bartenders shall not sell or lease their right of grazing in the Protected Forests nor give permission to other to graze.
8. Except as provided in Rules 21, 22 and 23 the lopping, barking, cutting and removal of timber and trees in demarcated Protected Forests is prohibited, except by persons entered in the detailed forest record-of rights, as having this right and subject to the provisions of these rules.
9. (1) Except as provided in Rules 21, 22, 23 and 24 or in the detailed revenue, record of rights for each village, no person other than the proprietors and agricultural tenants of cultivated land assessed to revenue in the village in which an undemarcated Protected Forest is situated shall lop, bark, cut or remove trees and timber in such forest.
(2) No such proprietors or tenant shall lop, bark, cut or remove timber and trees in an undemarcated forest, except for his own domestic and agriculture (not including pastaral) purposes, nor shall he do so for any such purpose unless it falls under one of the headings in "paragraph 7 of the record of rights of the Protected Forests of Nadaun, Goler, Dada Siba and Kutlehr.
10. Except as provided in Rule 20, no timber or trees shall be topped, barked, cut or removed without a permit granted in accordance with these rules.
11. Green, brushwood may be cut by bartenders, for the purposes, mentioned in the next following, rule under a permit granted by the Lambardars of village, or other person specially authorised on this behalf.
12. (1) The Raja may give permits to bartenders to cut and lop trees required by them for the following purposes to the extent of their actual requirements:
 - a) For making fences.
 - b) For fuel for marriage feasts.
 - c) For fuel for funeral ceremonies, such as, mukan, Suhog and Chaubark.
 - d) For making agricultural and domestic implements.
 - e) For making charcoal and manufacture and repair of agricultural, implements.
 - f) For the supply of fuel at encamping grounds but not otherwise for sale or barter.
 - g) For making machans.
(2) Such trees may only be taken after being marked by a Forest Officer, who will cause trees that may be cut and lopped under this rule to be marked in suitable numbers and in reasonably convenient localities, but in all cases crooked, malformed and dry trees and such trees as can be removed in thinnings must be marked first. When such trees are not suitable or available, other trees may be marked, but in every case strict regard must be paid to the interests of forest growth and regeneration.
(3) Chil and bamboo may only be marked and cut or lopped when no other suitable trees are available, and the Raja shall report to the Deputy Commissioner the grant of all permits to cut or lop these trees.
13. If the Lambardars is unfit to be entrusted with the powers described in rule 2 (ii) and 25 or if he has abused his powers, the Raja may appoint any other person whom he may consider qualified, and such other persons shall then exercise the authority conferred by these rules on Lambardars.
14. Trees required for building purposes may not be cut except under the permit of the Raja.
- 15 (1) Trees for building purposes will not ordinarily be granted oftener once in five years to any bartender but on special application to the Raja and for special cause shown (e.g. the burning of the applicant's house), the Raja may grant trees at a shorter interval than five years to meet the actual requirements of a bartender. The Raja shall report all such grants to the Deputy Commissioner.

(2) Bartenders shall not be refused trees required for the repair of one building merely because they have received trees within five years for the construction or repair of another building.

16. Trees given for building purposes must be utilised for the construction or repair of buildings within the limits of the village where the cultivated land is situated on account of which the trees are given, unless the contrary has been specially allowed.

17. No tree standing within 10 yards of any public road shall be cut without the permission of the Deputy Commissioner.

18. In case where land revenue has been assessed on the right to timber, no permit shall be granted until such revenue has been paid.

19. All permits to bartenders to cut and remove trees (including brushwood) shall remain in force only for three months from the date of the permit or of the trees being marked under rule 122, whichever is later.

If trees are not removed from the forest within that period, the permit shall lapse, and thereafter the trees shall not be cut or removed unless the permit be renewed by the authority that first granted it.

20. No permit is necessary for doing any of the does none hereinafter mentioned, but nothing in rule shall confer upon any person any right not recorded in the record of rights as enjoyed by him.

The acts referred to are as follows:-

(1) The cutting and removal of

- a) all fallen timber;
- b) stumps, provided that the mark made by the forest Official is left intact;
- c) dry standing trees of less than a hath in girth at breast height provided, that the trees themselves are not cut.
- d) branches of dry standing trees of a hath or more in girth at breast height, provided that the trees themselves are not cut.

Nothing in this clause shall be deemed to allow the without permit of any timber or cutting and removal dry standing trees from any forest that has been burnt.

(2) The removal by hand of twings of trees other than Chil or bamboo for bedding or fodder or manure provided that the trees are not less than a hath in girth at breast height that the branches taken do not exceed a finger in thickness and are only taken from the lower half of the tree.

(3) The removal of the leaves

- a) of the amil and dhao (chal) for tanning purposes;
- b) of the taur and other creepers for domestic purposes.

(4) The cutting and removal for burning the dead to an amount sufficient for that purpose of any trees except chil and bamboo; provided that where other trees are not available chil may be cut for this purpose.

Notices of all such cuttings shall be given to the rakhla or other Forest Official within ten days.

(5) Chil may only be lopped with the Raja's permit given under rule 12.

21. The proprietors of the soil of the Protected Forests may remove from the areas of which they are proprietors, dry fallen wood fit only for fuel.

22. Gujjars entitled to graze their cattle under Rule 7 may within the area over which they have a right of grazing, take dry fallen wood fit only for fuel.

23. Gaddi shepherds who are entitled to graze under Rule 6 may, within the areas over which they have a right of grazing, take dry fallen wood fit only for fuel, and may take by hand twings for fodder, subject to the restrictions imposed by Rule, 28(2).

24. Nonagricultural residents and traders and travellers passing through Nadaun Goler Dada Siba and Kutlehr may, if the right holders do not object, graze their own cattle, collect dry fallen wood fit only for fuel, and cut grass in the undemarcated forest of the village in which they reside or through which they reside or through which they are passing but these

privileges may only be exercised in the case of non-agricultural residents, for their own domestic requirements, and, in the case of travellers and traders, while bonafide travelling in Nadaun, Goler, Dada Siba and Kutlehr, and for their requirements as travellers, and in case of abuse may be withdrawn by Government.

25. The removal of bark from green trees is prohibited, but the bark of the taur and of other creepers may be removed by bartandars under the permit of the Lambardars.

26. The girdling and tapping of trees and removal of wood for torches from standing chil trees are forbidden.

27. (1) No land in the demarcated forests may be appropriated, broken up or cleared for cultivation or for any other purpose.

(2) No land in the undemarcated forests may be appropriated, broken up or cleared for cultivation for any other purpose, without the sanction of the Raja, which sanction may only be granted under the following conditions.

- a) That there are no trees standing on the land.
- b) That the land adjoins an existing main block of cultivation.
- c) That other Khewatdars and bartenders do not object.
- d) That the land has been inspected by a Forest Officer, who has satisfied himself that the above conditions have been observed.

3) No, land in the protected forests may be appropriated by the Raja for the purpose of a godam without the permission of Deputy Commissioner.

28. No timber or trees acquired under these rules or by bartandars in the exercise of their rights may be sold, bartered or in any way alienated, no way such timber or trees be applied to any but the purpose for which it or they were acquired; provided that nothing in this rule shall prevent the sale of fruit, flowers, medicinal and edible roots and leaves and the leaves of creepers not the sale of wood for fuel at encamping grounds not the sale of other alienation of timber and trees acquired under rule 29.

29. The felling and removal of trees belonging to Government for purposes of trade (including the supply of the tea industry), and the granting of licences to fell and remove such trees and timber for these purpose, shall be in the hands of the Raja subject to the conditions laid down between him and the Govt. for the management of the forests.

Such trees or timber shall not be cut or removed, nor shall licences for their removal be granted to an extent that will interfere with the due supply of the requirements of the bartandars.

30. If the exercise of the rights as admitted in any forest would endanger the existence of the forest, the Forest Officer, with the sanction of the Deputy Commissioner may define by numbers or otherwise the aggregate extent to which the rights can safely be exercised over the forest and the extent to which each rightholder is, in accordance with paragraph 18 of the record of rights, entitled to exercise his rights.

31. Nets, taps and snares may not be set in Waziri Rupi without the permission of the Raja of Rupi and in the rest of the Kullu subdivision without a permit from the Assistant Commissioner

32. If the exercise of the rights; as admitted in any forest would endanger the existence of the forest the Forest Officer, with the sanction of the Deputy Commissioner, may define by number or otherwise the aggregate extent to which the rights can safely be exercised over the forest, and the extent to which each rightholder is in accordance with paragraph 10 of the record of rights entitled to exercise his rights.

**(DECLARING CERTAIN FORESTS AND WASTE LAND TO BE PROTECTED FORESTS
UNDER SECTION 28 OF ACT OF 1878.**

FOREST RULES OF KULLU AND SERAJ DIVISIONS (KULLU SUBDIVISION)

1. NOTIFICATION DECLARING CERTAIN FORESTS AND WASTE LANDS TO BE PROTECTED FORESTS, UNDER SECTION 28 OF ACT VII OF 1878

A FOREST AND WASTE LANDS, EXCLUSIVE OF LAHAUL WAZIRI

Notification No. 282, dated the 1st June, 1896)

The provisions of Chapter IV of Act VII of 1878 are applicable to all forest and waste land in the Kullu subdivision of the Kangra District (exclusive of Wazir Rupī) which is recorded in the Revenue Settlement papers as the property of Government except such areas as have been declared Reserved Forests by notification No. 298, dated 12th May, 1894, and protected Forests by notification Nos. 280 and 281, dated 1st June, 1896, and also to all forest and waste land in the Wazir Rupī, Jagir on which the trees have been recorded in the Revenue Settlement papers to belong to Government except such areas as have been declared Reserved Forests by notification No. 298, dated 12th, May 1894, and Protected Forests by notification Nos. 280, and 281, dated the 1st June, 1896.

B. FOREST AND WASTE LANDS IN LAHAUL WAZIRI

Notification No. 155, dated the 24th Match, 1897

The provisions of Chapter IV of Act VI of 1878 are applicable to all forest and waste land in the Lahaul Waziri of the Kullu Sub Division of the Kangra District on which the trees are recorded in the Revenue settlement papers to belong to Government, except such areas as have been made Protected Forests, by notification No. 154, dated 24th, March 1897.

**RULES FOR THE AREAS OF LAHAUL WAZIRI (OF LAHAUL & SPITI DISTRICT)
NOTIFICATION**

No. Fl. 7744/66(M)

dated Shimla -4, 14th Feb, 1968

In supersession of Punjab Government Notification No. 322-Ft-57/1187 dated the 17th May, 1957 and in exercise of the powers conferred by section 30 and 32 of the Indian Forest Act, 1927 (XVI of 1927), and all other powers enabling him in this behalf, the Lieut. Governor of Himachal Pradesh is pleased to make the following rules for the areas Lahaul Waziri of Lahaul and Spiti District including areas declared as protected forests' under Chapter IV of the said Act by Notification Nos. 154 and 155 dated the 24th, March, 1897

- (1) These rules may be called the Rules for the protected forests in Lahaul Waziri of Lahaul and Spiti District.
- (2) Except where the contrary is stated, these rules apply o protected forests of all classes.
- (3) In these rules unless the context otherwise requires:

'Act' means the Indian Forest Act, 1927.

'Record of rights' means the record prepared in accordance with section 29 of the Act.

'Right holder' means the person whose right in or over the forest land or trees has been recorded in the record of rights of the protected forest and includes any person who succeeds to such right under rule 5.

'Trees and Timber' have, the same meanings, as is assigned to there in Act.

'Cattle' includes horses, mares, geldings, ponees, colts, fillies, mules, asses, rams, ewes, sheep, lambs, goats, kids, yaks and hybrid yaks, but does not include elephants, camels, buffaloes and pigs. 'Land assessed to revenue' includes land recorded in the Land Revenue Records as belonging to private persons and liable to assessment though no (Bachh) of the last assessment and also land brought under cultivation since the last assessment of Revenue with the permission of the Deputy Commissioner.

The 'Deputy Commissioner' means the Commissioner' of Lahaul and Spiti District.

'Forest Officer' means the officer incharge for the time being of Lahaul Forest Division

4 Excepts otherwise provided in these rules, the grazing of buffaloes and goats is prohibited in the protected forests except with the permission of the Forest Officer or when the right is admitted in the record of rights.

5. Where a right holder alienates a fraction of holding the alliance shall not become a right holder. Where, however, a right holder alienates his entire holding then as from the date of alienation, the rights thereof, shall be transferred to the alliance and the alien or shall automatically cease to be a right holder.

6. The grazing of cattle in the Demarcated Protected Forests is prohibited except by right holders in the exercise of rights admitted in the record of right.

Provided that nothing in this rule shall prevent a right holder from grazing their cattle if their number is not more than 30% in excess of the number they possessed at the last assessment of revenue.

i. The grazing of cattle in the Undemarcated Protected Forests by persons other than Right Holders is prohibited except as provided in Rules 8 and 19.

ii. right holder shall graze any cattle except cattle kept for their own domestic or agricultural (Not included Pastoral) purposes or except as provided under Rule 9.

8. Nothing in the last two preceding rules shall prevent Gaddi of Kullu and other shepherds from grazing sheep and goats upto the number and in the runs recorded in their names in the revenue record of rights on payment of dues fixed by Government from time to time in this behalf.

9. Right holders may be permitted by Forest Officer to graze cattle (including goats and sheep) in excess of the domestic or agricultural requirements upto a number and in a place considered safe from the point of view of forest conservancy and at rates fixed by Government from time to time in this behalf.

10. The removal of fallen leaves or other forest produce from demarcated Forests is prohibited except by right holders and to the extent the exercise of a right is admitted in the record of rights.

11. The lopping, cutting, barking, ringing and removal of timber and trees in Demarcated Protected Forest is forbidden except by right holders in the exercise of a recorded right and subject to provisions of Rules 13 and 15.

12. (i) Except as provided in Rule 19 no person other than rightholders shall lop, cut, bark, ring or remove timber and trees or any forest produce in any Undemarcated Protected Forests.

(ii) No rightholder, shall, lop, cut, bark, ring or remove any timber and forest produce of trees reserved by Notification No. 323-Ft-57/1190. dated the 17th May, 1957, in an Undemarcated Protected forest except with the permission of the Forest Officer or in the exercise of a right admitted in record of rights and for his own domestic or agricultural (not including pasture-1) purposes nor shall he do so for any such purpose unless it, falls under one of the headings in para 6 of the record of rights and general conditions for Lahaul forest.

13. (i) Kail, deodiar, birch, willows, Poplar, Chilgoza and Fir may not be cut, lopped, barked, collected, tempered with or removed without the permit of the Forest Officer or excepts provided in Rule 15.

(ii) In cases where revenue has been assessed on the right to timber under the land revenue assessment, no permit shall be granted until such revenue has been paid.

(iii) Nothing in this rule shall prevent rightholders from lopping of willow trees, of more, than one hath (12' feet in girth at three haths (4½ feet) from the ground upto one half of their height.

(iv) The provisions of this rule shall not apply to the willow and Poplar trees planted or to be planted by the rightholders in the undemarcated protected Forests.

14. The rightholders may plant willow and poplar trees in the undemarcated protected forests but no such plantation work will be done by them in the Demarcated protected Forests where this work may be done only by the Forest Department. The willow and poplar trees planted or to be planted by the right holders in the undemarcated protected forests will always be the property of the planter and these rules will not be applicable to such trees. Where a right holder plants trees prejudicial to the interests of the other right holder plants trees prejudicial to the interests of the other right holders or of the Government, the Deputy Commissioner S.D.O. (Civil) Lahaul or the Forest Officer shall restrain him from doing so and his decision shall be final and binding.

15. No permit is necessary by rightholders for doing any of the acts next hereinafter mentioned but nothing in this rule shall confer upon any person any right not recorded in the record of right, as enjoyed by him:-

The cutting and removal of:-

- a) Dry stumps of any kind more than one year old.
- b) fallen timber of any kind except Kail and Devidiar.
- c) dry standing trees except kail, devidiar and willow.
- d) any trees (including brush wood) other than reserved trees,
- e) small branches of diseased or dry devidiar suitable for the shamai of a plough or for incense.
- f) small branches of green birch suitable for brushes for house hold purposes.

Notice of all such cuttings must be given to the Forest Guard or other Forest Official within a week.

16. Trees shall be marked in a forest, in which the applicant has right to trees.

Provided that when the Forest officer has decided that in the then state of that forest the cutting of trees would tend to its destruction's the trees may in that case be marked in another forest, which shall be as conveniently situated for purpose of the applicant as the demands of conservancy and requirements of right holders will admit.

17. No forest produce acquired under these rules or by right holders in the exercise of rights maybe sold or bartered or applied to any but the purpose for which it was acquired.

Provided that nothing in this rule shall prevent the sale of torches, charcoal, plastering earth and, grass

18. (i) No land in the Demarcated Protected Forest shall be broken up or cleared for cultivation or for any other purpose.

Nothing in this rule shall, prevent the Forest Officer from taking any action deemed fit in the interest of conservancy and development of forests.

(ii) No land in the Undemarcated Protected Forest may be broken up or cleared for cultivation for any other purpose without the permission of the Deputy Commissioner, who shall consult the Forest Officer.

19. Non agricultural residents, travellers, and traders passing through, or staying in Lahaul may if rightholders own cattle, collect dry fallen wood (not being Devidiar and Kail), and cut grass in the undemarcated Protected forests of Lahaul only for their own domestic requirements and while bonafide travelling in Lahaul and in case of abuse may be apprehended or prohibited by Forest Officer.

20. If the exercise of the rights as admitted in any forest would endanger the existence of the Forest, the Forest Officer with the sanction of the Deputy Commissioner may define numbers of otherwise the extent to which each right holders is in accordance with para II of the record of rights entitled to exercise his rights.

Sd/
V. P. AGARWALA
Secretary (Forests) to the
Govt. of Himachal Pradesh

4. RULES FOR THE PRESERVATION AND DISPOSAL OF TREES BELONGING TO GOVERNMENT BUT GROWING ON LANDS BELONGING TO PRIVATE PERSONS UNDER SECTION 75 (C) OF ACT VII OF 1878.

Notification No. 61 dated the 26 January, 1897 Amended by No. 994, dated 11th January, 1919.

The following rules are prescribed for the preservation reproduction and disposal of the trees standing, on the lands shown in the Schedule annexed to these timber and trees are prohibited except in accordance rules which, though grown on lands, belonging to private persons, are declared in the land revenue records of the Kangra District to belong to Government, subject to the rights of agriculturists as recorded in these records:

- 1. In these rules unless there is something repugnant in the subject or context "tree", "timber", have the same meaning as in the Indian Forest Act.
- 2. The rules apply only to the trees and to the timber of the trees that have grown spontaneously or have been planted by Government on the lands shown in the Schedule annexed to the rules, and which have been declared in the Land Revenue Records to the property of Government.

3. The lopping, barking, cutting and removal of timber and trees are prohibited except in accordance with the provisions of these rules.
4. Except as provided in Rules 21, 22, 23, 24 no person other than the proprietors of cultivated land in the five tehsils of Kangra proper assessed to revenue and their agricultural tenants, shall lop, bark, cut or remove and trees.
5. No such proprietors or tenants shall lop, bark cut or remove any timber or trees except for their own domestic and agricultural (not including pastoral) purposes.
6. Except as provided in Rule 19, no timber or trees may be lopped, barked, cut or removed without a permit granted in accordance with these rules.
7. For the purposes of these rules, trees are divided

Ist Class

- (1) Chil.
- (2) Harar.
- (3) Dhao or Cha.
- (4) Kakaran.
- (5) Box.
- (6) Walnut.
- (7) Chestnut.
- (8) Elm
- (9) Khair.
- (10) Tali or Shisham.
- (11) Oak.
- (12) Kinu.
- (13) Tun.
- (14) Sal.
- (15) Bamboo.
- (16) Kalam.
- (17) Kendu.
- (18) Rajain.
- (19) Bahera.
- (20) Maliwa.
- (21) Keor.
- (22) Barna.
- (23) Sanan.
- (24) Kamil.
- (25) Sarin
- (26) Jaman.
- (27) Simul.
- (28) Bil.
- (29) Kembal.
- (30) Khilawa.
- (31) Arjan.
- (32) Ber.
- (33) Asan.
- (34) Amla
- (35) Iasora.
- (36) Partiar.
- (37) Dhaman.
- (38) Pariara.
- (39) Chi.
- (40) Phula.
- (41) Kao
- (42) Kikar.
- (43) Karmaru.
- (44) Kathaman.
- (45) Kachanar.
- (46) Maple.
- (47) Spruce.

- (48) Silver Fir.
- (49) Mulberry.
- (50) Roddodendron.
- (51) Khirk.
- (52) Dhuri.
- (53) Jamu.
- (54) Haleo.
- (55) Guj.
- (56) Bado
- (57) Puna.
- (58) Badrin.
- (59) Burj.
- (60) Kurumb.
- (61) Dodan.
- (62) Deodar.

2nd Class.

All other trees including brushwood.

8. Trees of the 2nd class may be cut for the purpose mentioned in the next following rule under a written permit given by the lambardar of the village or other person specially authorised in this behalf.

9. (1) The lambardar of a village, or, where there several Lambardars, then the Lambardars specially authorised in this behalf may give Permits to cut trees of the 2nd class required for the following purposes to be extent of the actual requirements of the applicants:-

- a) for making fences;
- b) for fuel for marriage feasts;
- c) for fuel for funeral ceremonies, such as mukan, Suhog, chaubarak;
- a) for making agricultural and domestic implements;
- b) for making charcoal for the manufacture and repair of agricultural Implements;
- c) for the supply of fuel at encamping grounds, but not otherwise for sale or barter.
- d) for making machans (mana, than) for watching crops.

(2) Lambardars authorised to give permits under this rule may not give permits for trees even of the 2nd class, if the trees are required for the construction or repair of dwelling houses, cattlesheds or of any other building whatsoever.

10. (1) If trees of the 2nd class are not available in any village, the lambardar may, with the special permission of the Deputy Commissioner, give permits for cutting crooked and unsound trees of the 1st class except.

Deodar,
Rai,
Tos,
Walnut,
Box,
Elm,
Tun,
Duri,
Tali,
Sal,
Kikar.
Khirk,
Cun,
Mandar,
Olive,
Kakaran,
Harar,
Mahwa,
Bahera

and also for lopping oak and chil trees to one half of their height for the purposes detailed in the last preceding rule.

(2) The officer will cause trees that may be cut and lopped under this rule to be marked in suitable numbers and in reasonably convenient localities and when there are trees so marked, the permits shall apply only to such trees.

11. If the lambardar is unfit to be entrusted with the authority described in Rules 8, 9 and 25, or if he has abused the authority conferred on him the Deputy Commissioner may appoint any other person whom he may consider qualified, and such person shall then exercise the authority conferred by these rules on Lambardars.

12. Trees of whatever class required for building purposes may not be cut except under the permit of the Forest Officer.

13. (1) Trees for building purposes will ordinarily not be granted oftener than once in five years, but on special application to the Deputy Commissioner and for special causes shown (e.g. the applicant's house or other misfortune) the Deputy Commissioner may grant trees, at a shorter interval than five years to meet the actual requirements of the applicants.

2) Trees required for the repairs of one building shall not be refused merely because trees have been given within five years to the same applicant for the construction or repair of another building.

14. When trees have been given for building purposes, the building shall be constructed within the limits of the village where the cultivated land on account of which the trees are given is situated, unless the contrary has been specially allowed.

15. No tree standing within 10 yards of any public road may be cut except with the permission of the Deputy Commissioner.

16. In cases where revenue has been assessed on the right to timber under the land revenue assessment, no permit shall be granted until such, revenue has been paid.

17. Trees granted under permits may not be cut or removed until marked by a Forest Official duly authorised in this behalf.

18. All permits granted for cutting trees (including brushwood) shall remain in force only three months from the date of the permits.

If the trees are not removed within that period, it shall lapse, and the trees may not be cut or removed unless the permit is renewed by the authority that first granted it.

19. No permit is necessary for doing any of the acts next hereinafter mentioned but nothing in this rule shall confer upon any person any right to which he is not otherwise entitled.

The acts referred to are as follows:

(1) The cutting and removal of:-

- a) all fallen timber;
- b) stumps;
- c) dry standing trees of less than a hath in girth at the ground or more, provided that the trees themselves are not cut.

(2) The lopping for fodder or for bedding and manure of all trees not mentioned in Rule 20 provided that the trees are not less than a hath in girth, at the ground and that the branches cut do not exceed a finger in thickness and that the trees are not lopped to more than one half of their height

(3) The removal of the leaves:-

- a) of the amil and the dhau (or Chal) for tanning purposes, and
- b) of the taur and other creepers for domestic purposes.

(4) The cutting and removal for burning the dead to an amount sufficient for that purpose:-

- a) of any trees of the 2nd class, and
- b) where trees of the 2nd class are not easily procurable, then any trees of the 1st class), except:-

Deodar, Elm, Kikar, Kakaran, Rai, Tun, Khark, Harar, Tos, Duri, Gun (Khaner), Maliwa, Walnut, Tali, Mandar, Bahera, Box, Sal, Olive.

Notice of all such cutting shall be given to the rakha or other Forest Official within ten days.

20. (1) The following trees may not be lopped for any purpose, what so ever:-
Deodar, Tun, Olive, Kail, Duri, Rhododendron, Tos, Tali, Kakaran, Walnut, Kikar, Box, Sal.
(2) Chil may be lopped only with the Lambardars permit given under Rule 10(1).
21. The proprietors of the soil of the land detailed in the Schedule annexed to these rules may, as such, remove, from the areas of which they are proprietors, dry fallen wood fit only for fuel.
22. Ban Gujass, Sawandadar Gujjars and other persons entitled under the Land Revenue Records to graze their cattle in the lands detailed in the said schedule may, within the areas over which they have a right of grazing, take dry fallen wood fit only for fuel and may lop trees for fodder, subject to the restriction imposed in Rule 19(2).
23. Gaddi shepherds, who are entitled under the Land Revenue Records to graze, their flocks in the lands detailed in the aid Schedule, may within the areas over which they have a right of grazing, take dry fallen wood fit only or fuel and may lope trees for fodder, but only for kinds and subject to the restrictions imposed in Rule 19(2).
24. Nonagricultural residents of the villages mentioned in the Schedule to the Schedule to these rules and travellers and traders passing through them may collect described in the said Schedule. But this licence may be exercised only for their own domestic requirements and in the case of travellers and traders, while bona fide travelling through these villages, and in case of abuse may be withdrawn by Government.
25. The removal of bark from green trees is prohibited but the bark of the taru and of other creepers may be removed under the permit of the lambardar.
26. The girdling and the, tapping of trees and the removal of wood for torches from standing chail trees are prohibited.
27. No timber or trees acquired under these rule may be sold, bartered, or in any way, alienated, nor may such timber or trees be applied to any but the purpose for which they were acquired. Provided that nothing in this rule shall prevent the sale of fruits, flowers, medicinal and edible roots and leaves; and the leaves of creepers, not the sale of wood for fuel at encamping grounds, not the sale or other alienation of timber and trees acquired under Rule 29.
28. It is prohibited to kindle a fire without taking all reasonable precautions to prevent its spreading to any of the 1st class trees, and also to leave burning any fire in the vicinity of any such trees.
29. The felling and removal of timber and trees belonging to Government for the purposes of trade, including the supply of the tea industry, and the trees for these purposes and the payments to be made in respect thereof shall be at the discretion of the Forest Officer acting under the control of the Deputy Commissioner.

The Forest Officer shall not fell or remove such trees or timber, nor grant licences for their removal to an extent that will interfere with the, due supply if the requirements of persons entitled to any right over the trees and timber.

Schedule of land in the Kangra District referred to, in the preamble to the Rules.

All areas described in the standing record of the land Revenue Settlement of 1910-19 of the Nurpur, Dehra and Palampur Tehsils of the Kangra District as un-classed forest.

5. RULES FOR ALL REGISTERED CO-OPERATIVES.

1. These rules shall be called the Kangra Forest Societies Rules. Their object is to give effect to the decision of Government to manage the State Forests in certain selected areas in Kangra District through the agency of cooperative societies.
2. All Kangra Co-operative Forest Societies shall be registered under the Cooperative Societies Act 11 of 1912.
3. Subject to such limitations as it may deem fit, Government may appoint any such societies to manage on its behalf all reserved or demarcated or delimited protected or un-classed, forest within any specified area described in the foregoing rule and such land will form one economic unit of management together with any land under private ownership which the owner may wish to entrust to the management of the Society.

4. Such forests shall be managed by Forest Societies in accordance with the provisions of the Indian Forest Act, 1927, and the rules and regulations made there under and according to working plans drawn up in consultation with societies by a Forest Officer authorised by Government for the purpose and approved by Government. The cost of preparation of such plans shall be borne by Government. The entrusting of the management of the forests to any Society will be conditional working plan by members of the Society.

5. For the purpose of giving effect to such statutory provisions of the India Forest Act, 1927' as may be applied to forests under a Forest Society the Government may confer all or any of the powers of a Forest Officer upon any Forest Officer or Rakha employed by such society.

6. It will be the duty of such Forest Officers and Rakhas to assist the Society to manage the forests in accordance with the working plan approved by Government. In dealing with any member of such society or his property or rights such Forest Officer or Rakhas of the Society shall be bound to act in according with the byelaws of the society whenever they may be applicable. In dealing with any person or the property or rights of any person who is not a member of the society, they will exercise the powers conferred upon under the, Indian Forest Act as servants of Government under the direction of the Divisional Forest Officer, Kangra Forest Division. Such Powers will be exercised in, order to facilitate' and carry out the management of the forest in accordance with the working plan which has been approved by Government.

Without Prejudice to any duties which they may be called upon to perform in the exercise of such powers, the Forest Officer so appointed shall perform the following duties :-

- i. to take cognizance of and report to the Divisional Forest Officer, Kangra Forest Division, cases of damage to the forest and infringement of rules notified under the Indian Forest Act in the case of non-member. Copy of such report will be submitted to the committees of societies for information
- ii. to supervise the work of the rakha.
- iii. to perform the duties of a lambardar for the purpose of the rules notified in notification No. 416, dated 14th August, 1897, and in notification No. 61, dated 26th January, 1897.

7. For the purpose of these rules, "the Forest Officer" Punjab Government Notification No. 416 of the 14th August, 1897, and the "Officer" mentioned in rule 10(2) the "Forest Officer" mentioned in rule 12, and the "Forest Officer" mentioned in rule 17 of Punjab Government notification No. 61, dated 21st January, 1897, shall be deemed to be the Divisional Forest Officer, Kangra Forest Division, or a forest officer Kangra forest division, or a forest officer duly authorised in this behalf.

8. Forest Societies will be responsible for all expenditure on work required for the conservation of the forests as provided in the working plan, except for preliminary demarcated which will be paid for by Govt. Where there is no considerable income, the expenditure on works including the pay of the employees may be borne by Government wholly or in part.

**RULES FOR PROTECTED FORESTS EXCLUSIVE OF THOSE IN LAHAUL WAZIRI
A. GENERAL RULES FOR AREAS DECLARED TO BE PROTECTED FOREST'S BY
NOTIFICATION NOS. 280, 281, 282 DATED 1ST JUNE, 1896 UNDER SECTION 31 OF
ACT VII OF 1,878.**

Notification No. 507, dated the 7th November, 1896 Amended by No. 21419, dated the 11th October, 1919. No. 24990, dated the 28th August, 1928.

1. The, following rules apply to the areas declare, 280, date 1st June, 1896, by notification No. 282, dated 1st June, 1896.

2. Except where the contrary is stated, the rules apply to the Protected Forests of all classes.

3. In these rules, unless there is something repugnant in the subject or context:-

"Record of rights" means the record prepared in accordance with, section 28 of the Indian Forest Act.

Rightholder" means a person to whom a right has been admitted in the record of rights of any forest prior to the date of publication of this notification and shall include any person at any

time succeeds to such right by inheritance or acquire such, right in the manner provided in Rule 4A of these rules.

"Tree" and "timber" have the same meaning as in the Indian Forest Act.

"Cattle" includes horses, mares, geldings, ponies, colts, fillies, mules, asses, rams, cows, sheep, lambs goat's and kids, but does not include elephants, camels, buffaloes and pigs.

"Land assessed to revenue" includes land recorded in the Land Revenue Records as belonging to private persons, and liable to assessment though no revenue was charged upon it in the internal distribution (bachh) of the last assessment and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant commissioner.

"Assistant Commissioner" means the officer-in-charge for the time being of the Kullu Sub Division.

4. The Punjab Government may at any time in exercise of the powers conferred, and in the manner prescribed, by Chapter 11 of The Indian Forest Act. (VII of 1878), apply to those areas or to any of them the provisions of the said Chapter, and so remove them from the operation of these rules.

4A. Where a rightholder alienates a fraction of a holding the alliance shall not become a rightholder. Where, however, a rightholder alienates his entire holding he may, at his option, either alienate his right of user along with the holding, or alienate only the holding retaining the right of user for himself in the former case he shall cease to be a rightholder and the alliance shall become a rightholder; and in the latter case the alliance shall not become a rightholder.

5. (1) The grazing of buffaloes is prohibited, except with the permission of the Forest Officer.

(2) The Forest officer may give permission to the proprietors of cultivated land in the Kullu Sub Divisional assessed to revenue and to their agricultural tenants to graze buffaloes kept for their agricultural or domestic purposes in demarcated forests where there is no risk of damage to tree growth, provided that permission shall not be given if the right holders in the forest show reasonable and sufficient cause to the contrary.

6. The grazing of cattle in 1st and 2nd class demarcated forests is prohibited, except by rightholder's in the exercise of rights admitted in the record of rights.

Provided that nothing in this rule shall prevent right-holders from razing any number of cows, bullocks and calves belonging to themselves, and number of sheep & goats belonging to themselves, not more than 30 per cent in excess of the number they possessed at the last assessment of the revenue.

7. (1) Except as provided in Rule 23, no person other than proprietors of cultivated land in the Kullu SubDivision assessed to revenue and their agricultural tenant shall graze cattle in or remove forest produce from the undemarcated forests.

(2) No such proprietor or tenant shall graze in any undemarcated forest any cattle except cattle kept by him for his own domestic or agricultural (not including pastoral) purposes:

Provided that nothing in this rule shall prevent any such proprietor or tenant from grazing any number of cows, bullocks and calves belonging to himself, and a number of sheep and goats belonging to himself, not more than 30 percent in excess, of the number he possessed at the last assessment of the revenue.

8. 1) Nothing in the last two preceding rules shall prevent Gaddi shepherds on their way through Kullu from grazing their flocks in those 2nd class demarcated and undemarcated forests through which they have a right of way from 15th Jaith to the end of Har and from 15thBhadron to 20th Assauj, or such longer period as the Assistant commissioner may fix.

2) Without the permission of the Assistant Commissioner in writing, Gaddi shepherds may not halt their flocks in protected forests for more than one night at any single halting place, and, halting place shall be at least five miles apart.

9. The removal of fallen leaves or other forest produce from 1st and 2nd class demarcated forests is prohibited except by rightholders in the exercise of a right admitted in the record of rights.

10. The lopping, cutting, barking, ringing and the removal of timber and trees in 1st and 2nd class demarcated forests are forbidden, except by right holders in the exercise of recorded right and subject to the provisions of Rules 12 and 13.

11. (1) Except as provided in Rule 23, no person either proprietors of cultivated land in the Kullu Sub-Division assessed to revenue and their agricultural tenants shall lop, cut, bark, ring or remove timber or trees in any undemarcated forest.

(2) No such proprietor or tenant shall lop, cut bark, ring or remove any timber or trees reserved by notifications No. 408, dated 26th August, 1896, and No. 505, dated 6th November, 1896, in an undemarcated forest situated in Kothi other than that in which his land is situated, except in the exercise of a right admitted to him in the detailed record for each kothi.

(3) No such proprietor or tenant shall lop, cut, walnut box and ash bark, ring or remove any timber or trees in an undemarcated forest except for his own domestic or agricultural (not including pastoral) purposes; nor shall he do so for any suih purpose unless it fall under one of the headings in paragraph II of the Record of Rights and General Conditions for the undemarcated forests of the Kullu SubDivision.

12. (1) Except as provided in Rule 13, timber and trees of the kinds reserved by notification No. 408, dated 26th, August, 1896, and by notification No. 505, dated 6th November, 1896, viz. -

Superior Reserved Trees

- (1) Deodar.
- (2) Box.
- (3) Walnut.
- (4) Ash.
- (5) Alder.
- (6) Blue pine,
- (7) Chil
- (8) Spruce.
- (9) Silver fir.
- (10) Shisham.

Inferior Reserved

- (11) Olive Trees.
- (12) Elm.
- (13) Yew.
- (14) Cypress.
- (15) Horse Chestnut.
- (16) Celts.
- (17) Mulberry,
- (18) Hill Tun.
- (19) Kakaran.
- (20) Poplar.
- (21) All Willows.

may not be cut, lopped, barked or removed without the permit of the Assistant Commissioner or the Forest officer.

(2) In cases where revenue has been assessed on the right to timber under the land revenue assessment, no permit shall be granted until such revenue has been paid.

(3) Permits shall be held to have lapsed if the trees are not cut, lopped, barked, or removed within the periods fixed in the permits.

13. No permit is necessary for doing any of the act nest hereinafter mentioned; but nothing in this rule shall confer upon any person any person any right not recorded in the record of right as enjoyed by him.

The acts referred to are as follows

- (1) The cutting and removal of stumps of any kind and of fallen timber, except deodar,
- (2) The cutting and removal of
 - a) any dry standing tree (not being deodar, walnut, box, and ash) in 2nd class demarcated and undemarcated forests;
 - b) any dry standing tree (not being deodar, walnut, box and ash) in 1st class demarcated forests which has been specially marked by the Forest Officer, provided that unless and until a sufficient number of trees are so marked, such trees may be cut and removed under the permit of the Negi of the Kothi in which the forest is situated. The Assistant Commissioner shall determine when a sufficient number of trees has been marked, and the authority of the Negi to give permits shall then cease.

Nothing in clauses (1) and (2) shall be, deemed to allow the cutting and removal, without a permit, of any timber or dry standing tree's from any forest which has been burned.

- (3) The cutting and removal of any inferior reserved tree which has been specially marked by the Forest Officer.
- (4) The lopping for fodder, manure, charcoal or other purpose of any inferior reserved tree.
- (5) The lopping for charcoal of Rai Tos or chil up to one-third of its height in Kullu Proper and Waziri Rupi, to one half in inner Seraj and two-thirds in Outer Seraj.

This clause applies only to trees of more than two haths in girth, at three haths from the ground in Kullu Proper and Waziri, Rupi, and of more than one hath in. girth at three haths from the ground in Inner and Outer Seraj.

(6) (a) The lopping for manure in 1st class demarcated forest (where the right has been recorded) of any superior reserved tree except deodar, kail, walnut, box and ash, within such period or periods, not being in the aggregate more than four months or less than two months in each year, and at such times as the Deputy Commissioner shall fix, upon the report of the Assistant Commissioner and the Forest Officer.

(b) The lopping for manure in 2nd class demarcated forest of any superior reserved tree, except deodar, kail, walnut, box and ash, and in demarcated forests of any superior reserved tree, except deodar, walnut, box and ash.

This clause is subject to the same conditions as to the girth of the tree and the height to which it may be lopped as are imposed in clause (5).

- (7) The cutting and removal of one branch of a yew suitable for the Bastar Deo (household god) on the construction of a new dwelling- house.
- (8) The cutting and removal for biers of two rai poles of not more than a hath in girth at breast height, or, when rai trees are not readily accessible, of two poles of the same dimensions of any kind of trees. except deodar, walnut, box and ash; but kail trees may be cut and removed from 1st class demarcated forests only when a right has been admitted in the record-of-rights, and elder may be cut and removed from any forest only when a right thereto has been recorded, or when alder trees have been specially marked for the purpose, by the Forest Officer.

Notice of all such cuttings must be given to the rakha or other Forest Official within ten days.

(9) The cutting and removal for cremation purpose of two Kails not exceeding two haths in girth at breast height, or where kail are not easily procurable of two trees of the same dimensions of any kind, except alder (unless specially marked for the purpose by the Forest Officer), deodar, walnut, box and ash.

Notice of all such cuttings must be given to the rakha or other Forest Official within ten days.

(10) The cutting and removal for making agricultural implements and domestic utensils of any tree of not more than one hath in girth at breast height of any kind, except deodar, walnut, box, ash and kail.

Kail trees also may be cut and removed where a right thereto has been admitted in the record, but such trees cut for the sanj of the plough may not be more than one hath; and for the shammai not more than two haths in girth at breast height.

Notice of all such cuttings must be given to the rakha or other Forest officials within ten days.

14. Trees granted by the Assistant Commissioner or Forest Officer may not be cut or removed until marked by a Forest official, provided that unless and until a sufficient number of trees have been marked in a forest by the Forest Officer, the Negi of the Kothi in which the forest named in the permit is situated may, on presentation of the permit, mark the trees of the kind and size and to the number entered in it.

The Assistant Commissioner shall determine when a sufficient number of trees have been marked, and the authority of the Negi to mark trees shall then cease.

15. Trees shall be marked in a forest in which the applicant for a permit has a right to trees :

Provided that when the Deputy Commissioner has decided on the report of the Forest Officer that in the then state of that forest the cutting of trees there would tend to its destruction, the trees granted shall in that case be marked in another forest, which shall be as conveniently situated for the purposes of the applicant as the demands of forest conservancy and the requirements of right-holders will admit.

16. No tree standing within ten yards of any public road may be cut, except with the permission of the Assistant Commissioner.

17. Deodar trees will be given only for irrigation channels, for the construction and repair of temple buildings and for the doors and windows of dwelling- houses.

18. (1) Green deodar trees shall not be cut within forty yards of any temple or of any building connected with any temple.

(2) Dry deodar trees standing within the space above defined may be cut and removed only for the repairs of the temple buildings

19. Where trees have been given for building purposes, the building shall be constructed within the limits of the kothis where the cultivated land, on account of which the trees are given, is situated.

20. The Deputy Commissioner is empowered to arrange with right-holders in any forest the quantity of timber per annum to be granted to them for building purposes, and the quantity thus fixed shall be distributed among the right-holders by the Negi, or in such other way as may have been agreed upon.

21. When the house of a right holder has been destroyed by fire or broken down by snow or other- wise, or when, for other sufficient reason, timber is urgently required, the Assistant Commissioner or Forest Officer shall at once pass orders on the application for a permit, without regard to any time that may be fixed for granting permits.

22. No forest produce acquired under these rules or by right-holders in the exercise of rights may be sold or bartered or applied to any but the purpose for which it was acquired:

Provided that nothing in the rule shall prevent the sale of bamboos, fruits, flowers, medicinal roots and leaves, honey, grass, firewood, torches charcoallime slates and plastering earth.

23. Non-agricultural residents and travelers and traders passing through Kullu may, if the right-holders do not object, graze their own cattle, collect, dry fallen wood (not being deodar, walnut, box or ash) and cut grass in the undemarcated forests of the kothi -n which they reside or through which they are passing, but these licenses may be exercised only for their own domestic requirements, and while bona fide travelling in Kullu, and in case of abuse may be withdrawn by Government.

24. No grassland may be withheld without the permission of the Assistant Commissioner or Forest Officer.

25. In the undemarcated forests no land may be broken up or cleared for cultivation or for any other purpose without the permission of the Assistant Commissioner.

26. New quarries .may not be opened without the permission of the Assistant Commissioner or Forest Officer.

27. The felling and removal of trees, timber and other forest produce for trade, and the granting of licenses to fell and remove trees, timber or other forest produce for trade, and the payments to be made in respect therefore, shall be at the discretion of the Forest Officer, acting under the control of the Deputy Commissioner.

The Forest Officer shall not fell or remove trees, timber or other forest produce, nor grant licenses for their removal to an extent that will interfere with the due supply of the right-holders.

3. PRESERVATION OF CERTAIN TREES UNDER SECTION 29-A OF ACT VII OF 1878

(a) Notification No. 59, dated the 26th January, 1897. Amended by No.-993, dated 11th January, 1919.

The following terms are declared to be reserved in the forests declared protected by notification No. 57 dated 26th January, 1897, as amended by notification No. 991, dated 11th January, 1919, and No. 992, dated 11th January, 1919

(1) Chil.	(32) Ber.
(2) Harar.	(33) Asan.
(3) Dhao or Chal.	(34) Amla.
(4) Kakaran.	(35) Lasora.
(5) Box.	(36) Patajan.
(6) Walnut.	(37) Dhaman.
(7) Chestnut.	(38) Pariara.
(8) Elm	(39) Chi.
(9) Khair.	(40) Phula.
(10) Tali or Shisham.	(41) Kao.
(11) Oak.	(42) Kikar.
(12) Kinu.	(43) Karmaru.
(13) Tun.	(44) Kathaman.
(14) Sal.	(45) Kachanar.
(15) Bamboo.	(46) Maple.
(16) Kalam	(47) Spruce.
(17) Kendu.	(48) Silver Fir.
(18) Rajain.	(49) Mulberry.
(19) Babera.	(50) Rhododendron.
(20) Mahwa.	(51) Khirk.
(21) Keor.	(52) Dhrul.
(22) Barna.	(53) Jamu.
(23) Sanan.	(54) Halco.
(24) KamiI.	(55) Guj.
(25) Sarin.	(56) Bado.
(26) Jaman.	(57) Puna.
(27) Simul.	(58) Badrin.
(28) Bil.	(59) Burj.
(29) Kembal.	(60) Kurumb.
(30) Khilawa.	(61) Dodan.
(31) Arjan.	(62) Deodar.

DEFINITION OF RIGHTHOLDERS

Punjab Govt., Notification No. 4117-D dated 26-4-48

In exercise of the powers conferred by section 32 of the Indian Forest Act 1927 and all other powers enabling him in this behalf, the Governor of East Punjab is pleased to direct that Punjab State Govt. Notification No. 1590 Ft. dated 2nd June, 1941 is hereby cancelled.

2. The original definition of right holder as given in Punjab Govt. Notification No. 507 dated 7th November, 1896 will stand viz.

“Right holder means a person to whom right has been admitted in the record of rights of any forest”.

PROTECTED FORESTS OF OLD UPPER BUSHAR FORESTS

No. Ft. 43-241-A/49-2, dated Shimla, the 25th February, 1952.

In exercise of the power conferred by section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Government of India, ministry of States Notification No. 146-J, dated the, 6th Dec., 1950, the Chief Commissioner, Himachal Pradesh, is pleased to make

the following rules to regulate the following matters in the area situated in the old Bushahr State which have been declared as protected forests in, Himachal Pradesh Government No. Ft-29-241-BB/49 dated the 25th February, 1952.

RULES

In these rules unless there is something repugnant in subject or context:-

1. "First class protected forests" mean and include those forests which are defined and stated as demarcated forests in the Forest Settlements of the Bushahr State, viz., Forest Settlement Report of Sutlej Valley and Forest Settlement Report of Rupī, Pabar and Giri Valley prepared in 1921 and 1911 Respectively

"Second class protected forests" mean the undemarcated forests or areas other than the demarcated forests and include all tracts of land bearing tree growth or from which the trees have been felled which pay no land revenue as cultivated land.

"Divisional Forest Officer" means the Officer in- charge of Upper Bushahr Forest Division or Lower Bushahr Forest Division, as the case may be.

"Record of Rights" and "Record of Privileges" mean the record of Rights prepared and entered in the Forest Settlement Report of Sutlej Valley in 1921, and the Record of privileges in Forest Settlement Report of Rupī, Pabar and Giri Valleys in 1911, respectively.

"Right-holder" mean persons entitled to exercise of rights or privileges respectively recorded in the record of rights or privileges as mentioned above.

"Trees", "Timber", "Cattle" and "Forest Produce" have the same meanings as respectively assigned them in, the Indian Forests Act XVI of 1927.

2. Except where expressly stated to the contrary, these rules shall apply to the Protected Forests of both the classes.

3. The exercise of rights or privileges is restricted to the bonafide requirements of the Right-holders or Privileges holders.

The forest produce obtained in the exercise of the rights or privileges shall not be bartered, sold or given as a gift or in any other way disposed of by Right-holders or privilege holders.

4. Grant of trees required for building construction by the Right-holders or Privilege holders will be subject to the following conditions

(1) In each pargana or group of neighbouring parganas a timber distribution will be held by or on behalf of the Divisional Forest Officer once a year, and except in urgent Cases, trees will only be granted to those Zamindars who appear personally on the dates and at the places fixed.

Forest Rangers may issue permits for the grant of trees of the following classes and for the following purposes without previous reference to the Divisional Forest Officer.

(i) For Nalis, for Gharats and for irrigating fields tree of all kinds upto 2nd class size, except deodar (in Kanwar only III and IV class deodar) may be given to any one right-holder.

In case of Rupī, Pabar and, Giri Valleys one deodar tree not over 6 in girth once in 10 years, or one blue pine tree every other year will be sufficient for each mill.

ii) For bridges - III and IV class deodar and trees of all sizes of other kinds, all free of charge.

In case of Pabar Valley, timber will be given for the repair and construction of bridges free, provided that in each case it is certified by the Divisional Forest Officer that the repair and construction of a bridge in question is necessary in the interest of the public in general.

(iii) Dry kail of all classes.

NOTE :-Dry standing trees of kinds other than deodar and kail are cut free and without a permit.

(iv) In case of Sutlej Valley upto a maximum of 10, III and IV class tree other than deodar and neoza, for any one person for urgent repairs of houses but not for new buildings.

(v) Trees of I and II class of kinds other than deodar when the applicant undertakes to convert them by the saw.

GENERAL NOTE

(a) All fallen timber other than deodar is removed free of charge and without a permit.

(b) Above Ribba and Kashang and towards the Tibetan Frontier fallen timber of all kinds is removed free of charge and without a permit.

(c) From Pangi & Ribba and towards the Tibetan border one branch of a Gnarlida branch 'deodar or Neoza tree count as III or IV class pole in order to conserve the timber supply, which is limited.

(2) Written notices of the dates and places fixed for the timber distribution will be circulated in advance by the Range Officers to the zaildars and Lambardars.

(3) In urgent cases, as for instance, if a house is burnt or falls down, the Zamindars may apply to the Divisional Forest Officer in writing either personally, or through the Range Officer, at any time. On such applications Range Officers will report at once and state actual requirements and forest from which to be met. Range Officers will issue permits immediately according to their powers under (1) above.

(4) The fees to be paid by Zamindars for trees are as follows: -

TRACTS IN SUTLEJ VALLEY

	(For each tree)		
	Rs.	As.	Ps.
For Deodar trees of less than three haths in girth, measured at three haths from the ground	0	8	0
For deodar trees over three over three hats but less than four haths in girth measured at three haths from the ground	2	0	0
For deodar trees over four haths but less than five haths in girth measured at three haths from the ground	2	8	0
For deodar trees over five haths, but less than six haths in girth, measures in three haths from the ground	4	0	0
For deodar trees of six haths or over in girth, measured at three haths from the ground	5	0	0
For walnut trees	1	8	0
For kail trees and neoza trees under two haths in girth	0	2	0
For kail trees and neoza trees from two to three haths in girth	0	4	0
For kail trees and neoza trees from three to four haths in girth	0	0	8
For kail trees and neoza trees over four haths and under five haths in girth	1	8	0
For kail trees and neoza trees over five haths in girth	2	0	0
For chil trees	0	4	0
For Raj and Tos trees	0	2	0

TRACTS IN RUPI, PABAR AND GIRI VALLEYS

Blue Pine

For a tree not exceeding 2 hath (3 feet) in girth at 4 feet 6 inches from the ground	2	2	0
For a tree exceeding 2 haths but not exceeding 3 haths (4ft 6 inches)	0	0	4
For a tree exceeding 3 haths but not exceeding 4 haths(6 feet)	0	6	0
For a tree exceeding 4 haths in girths	0	8	0

Deodar

For a tree not exceeding 2 haths (3 ft.), in girth at 4 feet 6 inches from the ground	0	8	0
For a tree exceeding 2 haths but not exceeding 4 haths (4 ft.6 inches)	0	1	0
For a tree exceeding 3 haths but not exceeding 4 haths (6 ft.)	1	8	0
For a tree exceeding 4 haths but not exceeding 5 haths (7 ft. 6 inches)	2	0	0
For a tree exceeding 5 haths	2	8	0

Chil Pine

For tree of all sizes	2	4	0
Other species			
For tree of all sizes	0	2	0

(5) The above fees must be paid at the time grants are made. As good trees as are available will be marked for the grantees as soon as possible thereafter and any trees which are not removed from the forest within one year of the date on which the permits are granted shall stand confiscated to Government.

(6) In exceptional cases, such as the burning or, falling down of a house or on account of the grant of unsound or malformed trees, it will rest with the Divisional Forest Officer to modify or remit the fees detailed in rule 4 above.

(7) In Sutlej Valley when Zamindars to whom trees are granted convert their timber with the saw instead of with the axe, the fees paid by them for all such trees will be refunded. The fact of saws having been used must be certified by the Forest guard and lambardar.

(8) In order to encourage the use of the saw and thereby prevent waste of valuable timber, a limited number of saws will be kept by the Forest Deptt. in each Range and lent by the Range Office Officers to persons who do not possess saws of their own.

5. Trees for upkeep of temples or "Thakurdwaras" will be given free for each "Deota", "Thakurdwaras" or "Mani Phani" and for each new house built, and for certain religious ceremonies a number not exceeding four small blue pine, Spruce, Silver fir or birch poles annually for "Parahi" in Baisakh "Darchak" and "Shurgam", and upto four small blue pine croak poles for Chei in Phagan,

6. The right-holders may collect "Nirgal" (j) bamboos for making kiltas and baskets required for their own domestic and agricultural requirements and for sale.

7. The right holders may fell malformed, small and inferior kail and rai previously marked for purposes of making hay ricks, and poles required for agricultural pursuits after obtaining permission of the Forest Range Officer.

8. Right-holders may collect slates from existing quarries and scattered rocks for their own domestic and agricultural requirements as well as for sale within the State. Starting of new quarries without permission is prohibited.

9. Right-holders may graze such cattle, sheep and goats as are required by them for their domestic and agricultural needs. In the forests lying in Chini Tehsil, sheep and goats used for carrying loads, yalaks, donkeys to graze during the whole year.

They may obtain free of charge, trees of kind other than deodar for making "Karling" or feeding the watering troughs provided that no kail tree of girth at breast height of more than six feet shall be granted.

10. Right-holders may cut grass without permission.

11. Lopping is prohibited except:-

(a) Trees of broad-leaved species for fodder and bedding for cattle and broad leaved trees other than ash (Angah), walnut, shisham and box for fire wood.

(b), Bluepine, spruce, silver fir and neoza for manures, litter, firewood and charcoal for the manufacture and repair of agricultural implements, provided that no trees under 2 haths in, girth at 4 feet 6 inches from the ground will be lopped and the lopping is restricted to the lower half of the trees. The privilege is liable to be withdrawn at any time.

12. The right holders may collect dry and fallen wood for fuel for personal use for sale, and remove all fallen trees, except deodar, and fell and remove dry standing trees except deodar, and blue pine and lop dead branches of all trees. They may also remove thorny shrubs and such trees as may be marked by the Forest Department for such purposes.

NOTE:- Villages lying between the Kashang nullah and Tibet and between and including the Ribba village and Tibet may remove fallen deodar trees for building timber and for firewood.

13. Burning ghats for cremation purposes admitted as such in the Settlement will be permitted to be used, as such.

14. The right-holders may collect fallen coniferous needles and leaves of broad leaved trees for bedding for cattle and manure.

15 Construction of new water mills and water channels is prohibited except with the permission of the Government. Old ones may be maintained and repaired.

Trees of species other than deodar may be obtained free for repairs of channels of water mills and irrigation channels and stumps of forked deodar trees for existing oil presses; such trees being marked by the forest guard in order to avoid delay.

16. Right-holders may collect fruits, edible seeds, neoza and other seeds, flowers, roots and leaves and small branches for honey and small and sell such products without hindrance.

17. Bark from broad-leaved species may be removed for tanning purposes but in such a way and to such an extent as not to endanger the life of the tree in Chini Tehsil, it may likewise be removed from kail and neoza trees for lids of milk churns, from yew trees for making tea, from birch trees, for roofing materials for making paper and for prayers and from deodar and other trees for making incense.

18. Right holders may cut and remove for burning the dead and construction of biers two trees, deodar except not exceeding 2 haths in girth at 4 feet 6 inches from the ground provided that notice of such cutting shall be given to the local forest guard within 15 days from the date

of cutting. They may also cut wind fallen deodar for making "Tabut" or "Manji" or coffins for the dead.

19. In Chini Tehsil, Right-holder may cut for vineyards and for marrow frames branches of the kail, neoza and trees other than deodar may obtain deodar poles for the above purpose at the same rate as for building.

20. Right-holders have the recorded right of way for men and the cattle along foot paths and roads to villages, alpine pasture water springs, cremation grounds or grounds used for annual fair and to obtain trees other than deodar, free for the repairs of bridges on application to the local Range Officer.

21. Right-holders may cut and collect for personal use and for sale to agriculturists within the old Bushahr State to and to extract resin from:-

- (i) All dry standing trees except deodar;
- (ii) all green and dry fallen trees except deodar;
- (iii) mal-formed blue pine trees especially marked for the purpose; and
- (iv) stumps of all felled trees, provided the marks, if any, applied by the forest officers are left intact.

22. Right-holders may collect earth for plastering purposes and stone for building purposes and iron ore for smelting from existing quarries.

23. Right-holders may keep cattle on the thaches included in the forests.

24. Right-holders may cut and sell to Agriculturists within the old Bushahr State oak and other broad- leaved trees for the preparation of ploughs, the ragricultural implements, and domestic utensils; and also conifers deodar excepted, for plough handles (Sainji, Sohaga and poles for Rick's Tulatu). No I trees thus used to exceed one hath in girth at 4 feet 6 inches from the ground except broad-leaved trees used for making a ploughshare or "hat" for which larger trees are used.

25. Right-holders may cultivate fields situated within the forest boundaries and admitted at the time of the Forest Settlement.

26. The rights enumerated in the above rules may be exercised by the proprietors of cultivated land assessed to land revenue and by their Agricultural) tyrants in undemarcated forests without, permission, provided the recognised customs and usages of the villages concerned are respected. In all cases of dispute the Divisional Forest Officer will be the arbitrator.

27. Non-Agricultural residents, travelers, traders and others may exercise such of the above privileges as the, Divisional Forest Officer may determine, provided such exercise in no way interferes with the right of Agricultural residents.

28. Land for new cultivation will be granted by the Deputy Commissioner in accordance with the Nautor rules sanctioned by Government,

29. The right-holders may collect and remove from the rivers and their tributaries pieces of stranded timber bearing no brands, saw marks or axe cuts and which are not larger than one man can carry away.

30. Nomadic or Gaddi shepherds and cattle owners may only graze their flocks in the recognized pastures and during the recognised months in accordance with the orders that may be issued from time to time by the Divisional Forest Officer.

By Order

Sd/-

for Chief Conservator of Forests & Secretary
(Forest Deptt.) to the Chief Commissioner
Himachal Pradesh Administration.

PROTECTED FORESTS OF OLD MANDI STATE

NOTIFICATION

No. Ft. 43-24 1 -D/49,

dated Shimla -4, the 25 February, 1952

In exercise of the power conferred by Section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Government of India, Ministry of States Notification No. 146-1 dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is pleased to make the following rules to regulate the following matters in the areas situated in the old Mandi States and declared as Protected Forests in Himachal Pradesh Government Notification No. Ft. 29-241-BB/49 dated the 25th February, 1952.

RULES

1. In these rules unless there is something repugnant in the, subject or context:-

"Demarcated Forests" mean all areas which have been permanently demarcated on the ground and as mentioned in Schedule I of this Notification.

"Undemarcated Forests" mean areas other than demarcated forests and include waste lands and such grass lands as contain trees in which malguzari rights have not been recognised and included in Schedule 11 to this Notification.

"Forest Officer" means the Officer Incharge Mandi and Nachan Forest Divisions as the case may be.

"Record of Rights" means the record prepared and entered in the Forest Settlement Report of Mandi State of 1917.

"Right Holders" means persons entitled to exercise rights recorded in the record of rights. "Trees" "Timber" "Cattle" and "Forest Produce" have the same meanings as in the Indian Forest Act, XVI of 1927.

2. Except where expressly stated to the contrary these rules shall apply to the protected forests of both the classes.

3. Breaking up of land for cultivation or for any other purpose is prohibited in demarcated forests but may be permitted by competent authority in the undemarcated forests subject to such rules that may be prescribed.

4. In the demarcated forests the following acts are prohibited except with the permission of the Forest Officer or by an officer duly authorised by him to grant such permission.

(i) Felling of green trees except for the purpose of burning the dead.

(ii) Carrying of an axe into the forest except the purpose of cutting firewood for burning the dead.

(iii) Lopping of trees with a darat fastened to its handle with more than one nail.

(b) Permission to cut for agricultural instruments in the undemarcated forests may be given by the local forests guards.

6. Lighting a fire or to carry alighted torch in any forests from 1st Chet until 1st of Sawan and from the 15th Bhadon until the 15th of Maghar is prohibited. Burning of charcoal is prohibited within a 100 paces of any forest except with the permission of the Forest Officer. Any person wishing to burn grass, wood or other cut material on land within a hundred yards of any forest, shall collect such material into heaps and burn it in such a way that the forest is in no way endangered and shall take all precautions to ensure that the fire does not spread to the forest.

7. In the demarcated forests, the malguzari of cultivated land, assessed to land revenue of which the revenue is assigned, and their agricultural tenants are allowed to exercise such rights as have been recorded in their favour, in the localities specified and to the extent specified in the record of rights, such exercise except where otherwise stated being for their own domestic and agricultural purposes and not for sale or barter and subject to the regulations and prohibition contained in this Notification.

8. Right holders may graze such cattle as are kept for their domestic and agricultural purpose subject to such restrictions as may be ordered by a competent authority from time to time.

9. Right-holders may cut brushwood and thorny shrubs without permission and may collect fallen coniferous needles for bedding and manure subject to Rule 4 above.

10. Right-holders may collect dry and fallen wood felling refuse for firewood and to remove all dry standing or fallen trees except deodar and kail provided no such trees may be removed without permission from any area which has been burnt within two years.

11. Right holders may lop trees of broad leaved species for fodder a bedding for cattle for domestic and agricultural requirements but not for pastoral pursuits provided that:-

"No tree under 2 feet in girth will be lopped to a height exceeding 2/3 of the height from ground level".

12. Rightholders may cut grass without permission.

13. Right holders may collect fruits, edible seeds, flowers, medicinal roots and leaves, roots for the preparation of dyes and honey for their own use and for sale, unless otherwise provided in the Mandi Minor Forest Products Exploitation Export Act.

14. Right holders may collect Nirgal bamboos without permission.

15. Right holders may cut and collect torchwood and extract resin without permission from:-

- (i) All dry standing trees except deodar.
- (ii) All green and dry fallen trees except deodar.
- (iii) Malformed pine trees especially marked for the purpose.
- (iv) Stumps of felled trees, provided the marks, applied by the Forest Officer are left intact.

16. Right holders may extract and collect slates from quarries existing in 1917 and to sell the same as provided in the record of rights subject to the condition that no damage is done to trees reserved under notification No, Ft. 29-241-BB/49 dated the 25th Feb. 52.

17. Right holders may without permission cut and remove for burning the dead 2 trees not more than one hath in girth at 4'-6" from the ground for the construction of biers and for cremation respectively, provided that deodar may be used only in places where other species of trees are not available and oak and other inferior trees are used wherever possible, though a few small branches of deodar may be mixed with the fuel where deodar is available. Notice of all felling made will be given to the Forest Guard or Rakha within 15 days.

18. Right holders may without permission collect earth for plastering purposes and stone for building Purposes Placid sell the same within the limits of old Mandi State.

19. Right holders may without permission cut oak and other Broad-leaved trees for preparation of Ploughs and other agricultural implements and conifers not exceeding 1 hath in girth at 4' from the ground for plough handles and Rick poles.

20. Right, holders may without permission lop spruce and silver fir for manure litter and firewood and spruce silver fir and chil pine for the manufacture and repair of agricultural implements provided that no tree under 2 haths in girth at 4'-6" from the round is lopped and the lopping is restricted to the lower half of the tree.

21. Right holders may remove the bark of broad leaved trees for tanning provided that debarking is done in such a way that the life of the tree is not endangered and to remove the bark of such coniferous trees as are, marked by the Forest Officer for felling.

22. The rights as admitted for demarcated forests above may be exercised in the undemarcated forests by the malguzars of cultivated land assessed to land revenue or of which the revenue is assigned and their agricultural tenants without permission provided recognised customs and usages (given in the Forest Settlement report 1917) of the right-holders are not interfered with.

23. The rights enumerated as 13 and 16 above shall not be transferable to any individual or company.

24. The rights of user are limited to the reasonable agricultural and domestic requirements. The sale of forest produce by right-holders except wild fruits, flowers, medicinal roots, honey, state, fuel grass, torches, bamboos at Paraos, stone, earth and agricultural implements is prohibited. Rights of user will be exercised in, regard to the village for which it is recorded and timber granted to a right-holder shall be used only in that village.

25. Trees granted under Permit shall not be cut until marked by the Forest Officer and the removal of timber shall take place within the time specified in the permit failing which the timber shall be confiscated unless the period of permit is extended by the Forest. Officer.

26. The Gaddies and Gujjars going to and from their runs shall pass through either of the following forest chowkies

1. Mandi.
2. Chauntra.
3. Aut.
4. Darbahni.
5. Bhadwani
6. Jhungi.

and shall halt with their flocks for longer than one night at any single halting place in any forest in which they have no right of grazing subject to the conditions that the distance between the two halting places shall not be less than 5 miles. The limit of the stay at a place for a night may, however, be relaxed to two nights if the flock is prevented from moving owing to inclement weather or when it has to be given salt.

27. Burning grass lands containing deodar, kail, chil spruce or fir without permission of the forest officer is prohibited. Other grass lands may be burnt with permission during the month of Magh and Phagan provided that:-

- (1) When such areas are in the vicinity of any forest, the burning will only be done in the presence of the Forest Gurad or the Rakha.
- (2) Sufficient means are employed to keep the fire under control and to prevent it from spreading to the forests.
- (3) Occupier of the land will be responsible if the fire spreads to a forest area.

28. Non-agricultural residents and travelers and the traders passing through the forests, may, if the right holders do not object graze their cattle, collect Gary firewood and cut grass in the demarcated forest of the village in which they reside or through which they are passing for their bonafide requirements but not for sale or pastoral purposes.

29. Nomadic shepherds cattle owners will graze their flocks and herds only.

- a. in pastures recognised and allowed to them.
- b. for recognised periods.
- c. in accordance with such rules and regulations which may be issued by competent authority from time to time and on payment of such fees as may be levied by competent authority from time to time.

30. The following rules shall be observed for granting trees for building timber to right holders:-

- a. In each garh or group of neighbouring garhs a timber distribution will be held by or on behalf of the forest Officer once a year and, except in urgent cases, trees will be granted only to those bartandars who appear personally on the dates at the places fixed.
- b. Written notices of the dates and places fixed for the timber distribution will be circulated in advance by the Ran- Officers to the Kardars and Lambardars.
- c. In urgent cases, as, for instance, if a house is burnt 'or falls down, bartandars may apply to the, Forest Officer, at any time. Range Officer will report at once on such applications and shall state actual requirements and the forest from which the trees may be given.
- d. The fees to be paid by the bartandars are as follows

Species	Girth at breast height	Amount (Rs.)
Deodar, Walnut shisham, tune and Mango	Under 2 hath	-/4/-
	2 haths & over hut less than 3 haths	-/8/-
	3 haths over hut less than 4 haths	1/-/-
	4 haths and over hut less tire 5 lath	2/-/-
	5 haths and over	4/-/-
Kail	Under 2 haths	-4/-
	2 haths and over hut less than 3 haths	-/8/-
	3 haths and over hut less than 4 haths	-/12/-
	4 haths and over	1/-/-
Chil	Under 2 haths	-/2/-
	2 haths and over hut less than 3 haths	-/4/-
	3 haths and over hut less than 4 haths	-/6/-
	4 haths and over	-/8/-
Rai and Tos	under 4 haths	-/2/-
	4 haths and over	-/4/-
Jaman, Kakre, alsun, simbal, slamranandak, thiratisandloakain Banghal ilaqa.	Under 4 haths	-/8/-
	4 haths and over	1/-/-
	Under 4 haths	-2/-
Other species	4 haths and over	-/4/-

(e) The above fees must be paid at the time the trees are granted. Such trees as are available will be marked for the grantees as soon after the distribution as possible, and any trees which are not removed from the forest within nine months of the date on which the trees are marked will be confiscated.

(f) Trees standing on grass land not entered in the malguzari of any private persons will be granted under the same conditions and on payment of the same fees as from other forest areas provided that no fees shall be charged. Where the occupier or his ancestor has planted the trees. The occupier of the grass land will have no exclusive right to trees, not planted by himself or his ancestors.

(g) In exceptional cases, such as the burning or falling down of a house, or on account of the grant of unsound or malformed trees, the Forest Officer shall have power to modify or to remit the fees detailed in rule 4 above.

(h) Except from forests which have been burnt within the previous two years no permit will be required and no fees will be levied for the removal of standing dry trees or wind-fall except for deodar and kail for which permits will be necessary and fees will be levied.

(i) No fees will be levied, and except in the case of deodar and chill, no permits will be necessary for trees standing on cultivated land. .

(j) Permits for deodar and chil from cultivated land and for windfalls of deodar, kail will be given by the Range Officers when on tour in their ilaques.

(k) No fees will be levied for trees granted neither for the repairs to temples or irrigation channel nor for trees given for water mills.

(l) Tenants shall obtain trees for building purposes through their malguzars.

31. Grazing of all animals and grass cutting are prohibited in the undemarcated forests mentioned in Schedule III to this notification for the period, specified therein.

By Order

for Chief Conservator of Forest
& Secretary to the (Forest Deptt.)
to the Chief Commissioner,
Himachal Pradesh Admn.

PROTECTED FOREST OF OLD JUBBAL STATE

NOTIFICATION

No. Ft, 43-241-A/49-1, dated Shimla -4 the 25th February, 1952

In exercise of the powers conferred by section 32 of the Indian, Forest Act (XVI of 1927) as applied to Himachal Pradesh, read with the Government of India, Ministry of States Notification No. 146-J dated the 6th December, 1950 the Chief Commissioner, Himachal Pradesh is pleased to make the following rules for such area in the, old Jubbal State which have been declared as protected forests in Himachal Pradesh Government Notification No. Ft. 29-241-BB/49 dated the 25th February, 1952:

1. In these rules, unless there is something repugnant in the subject or context:-

"First Class Protected Forests" mean the demarcated Forests detailed in Schedule I of this Notification "Second Class Protected Forests" mean the (a) undemarcated forests (b) uncultivable waste lands with or without trees (c) all ghasnies in the possession of Zamindars and all lands near habitation and which bear Ban and mohru trees (which are the property of Govt.) and not assessed to land revenue, detailed in Schedule 11 of this Notification.

"Divisional Forest Officer" means the Officer for the time being in charge of Jubbal Forest Division "Record or Rights" means the record approved by the Superintendent Hill' States, Shimla, in his letter No. 2947 date the 7th December, 1915, to the Chief of Jubbal, Jubbal "Right Holder" means a land holder, whether as owner cultivator or mortgager, who settled or may settle in future in the territories of the old Jubbal State.

"Permanent resident" means a person who become a permanent resident of the old Jubbal State e.g. shopkeepers, carpenters, etc., and had been paying the customary dues of marriage etc., to the said State before its integration into Himachal Pradesh.

3. The exercise of rights is restricted to the bonafide.

4. Grant of trees require for building construction produce obtained in the exercise of right shall by the right holder will be subject to the following not be bartered, sold or given as a gift or in any :-

other way disposed of by right holders.

(a) A right holder will apply to the Divisional Forest Officer for the grant of trees when a new house to be built or an old one is to be repaired.

(b) Trees shall be marked by the Forest Department for felling only on payment of fees to be fixed from time to time.

(c) The assessment of number of trees to be granted will be based on the sole condition that house to be constructed and repaired conforms to the usual pattern of building which right holders generally use for their residence in the locality concerned. No tree will be granted for building to be given on rent or to be used as shop.

(d) The trees granted shall be used only for the purpose for which they are granted and no timber or trees acquired by rights holders in the exercise of their rights may be sold bartered or in any way alienated.

(e) Saw and not axe would be used by the right holders for splitting the trees into flanks and scantlings.

(f) The period of felling of trees and removal of timber shall be three months. It may be extended to six months on payment of one fourth of the original fee.

(g) Trees will not ordinarily be granted more often than once in five years to any right holder but in cases of accidental burning of the applicants house or Other misfortune trees may be granted at a shorter interval than 5 years to meet the actual requirements of a right holder.

(h) The building shall be constructed within the limits or the village where the cultivated land on account of which the trees are given is situated unless the contrary has been specially allowed.

(i) If trees are available in the 2nd class protected forests these must be given first from there otherwise from the first class protected forests.

- (j) Unmarked trees of all species except Deodar, Kail, Chil, Rai, Oak and Walnut may be cut free by right holder's under a written permit for the following purpose, (a) Fuel for marriage feast (b) fuel for funeral ceremonies and (e) for making agricultural and domestic implements.
- (k) Right holders may cut crooked and unsound trees of inferior class where are not available, for burning the dead without permission provided intimation is given to the local forest guard within one week of such felling. Felling of deodar trees for burning the dead is prohibited.
5. Trees required by the custodians of Village temples shall be marked by the Forest Department in forests owned by the temple and if no trees are available therefrom, from the second class protected forests and if no trees are available there, then from the 1st class protected forests according to the right specified in the Record of rights.
6. The right holders may fell Nirgal and Bhashal trees for making Kiltas and baskets required for their own domestic and agricultural requirements provided information is given to the local forest guard before as well as after felling.
7. Right holders requiring trees for water mills, water courses, forked wood for oil mills will apply for the grant and on the application being sanctioned kail or chil shall be granted free of charge, if available.
8. Right holders may lop oak and other broad leaved trees for making Hal, Halish, Sohaga and Shains etc.
- In case they cut trees for this purpose, an intimation must be given to the local forest guard within seven days of their having done so.
9. Right holders may be granted oak, kail or Chil trees on payment of prescribed fees for conversion into charcoal required for the preparation and repairing of agricultural implements. In first class protected forests, Divisional Forest Officer, may allow lopping of big kail trees free of charge for burning into charcoal.
10. Burning charcoal in the first class protected forests is prohibited except in the nalas, khads and under such conditions as the Divisional Forest Officer may impose.
11. The right holders may graze such cows and bullocks as are required by them for domestic and agricultural needs in the 1st and 2nd class protected forests, except Moharanal Forest of Bhajji Range.
- 12 (a) Grazing of sheep and goats in "shal" (flocks) is prohibited in first class protected forests.
- (b) Grazing of sheep and goats in "Toli" is prohibited except in the fir forests.
13. Grazing by buffaloes is prohibited in deodar and kail forests except for the limited number (to be specified by Govt. from time to time).
14. Non agricultural residents may also graze cattle in the second class protected forests on payment of prescribed fees provided that no right is thereby conferred and that the concession may be revoked any time.
15. Right holders shall not sell or lease their rights of grazing in the forest nor give permission to others to graze.
16. (i) No land shall be broken up or cleared for cultivation or any purpose in 2nd class protected forests with the permission in writing of the Deputy Commissioner of the District.
18. Girdling and tapping of trees and cutting of torchwood from deodar and other trees is prohibited.
19. (a) Oak and broad leaved species above 1 feet in girth may be lopped provided the upper one third of the crown is not touched.
- (b) Rai trees (Spruce and Fir) over one and half foot in girth may be lopped provided upper half of the crown is left untouched.
20. The right holders may cut, collect and remove the following for purposes of domestic and agricultural requirements without obtaining any permit:-
- All dry fallen trees, except deodar, Walnut, shisham and Kail, over 2 feet in girth.
 - Branches of all dry and fallen trees.

- c. Stumps of felled trees provided the hammer marks on the stumps is left intact.
- d. Refuse from fellings.
- e. Brushwood.
- f. such trees as may be marked for the purpose by the Forest Department.
- g. Stones and slates from second class protected forests for their own domestic and agricultural requirements. Starting of new quarries without permission is prohibited.
- h. Earth for plastering, and making pots.
- i. Grass for domestic cattle as specified in the records or rights.

21. Construction of water courses in the first and second class protected forests is prohibited except with the permission of the Government.

Subject to restriction as may be imposed by Forest Officer the Kolies of Matal may extract slates from quarries in the forest as of old without payment of royalty both for their own use or for sale. If Kolies of Pandar ilaqa i.e. residents of other village extract slates for their own use the Kolies of Matal will have no right over the slates sold extracted and will not charge anything.

22. Burning ghats admitted in the settlement will be permitted to be used as such.

23. Subject to such restrictions (including complete stoppage) as the Government may impose the right holders and others may exercise the following privileges:-

- (a) Collection of small quantities of violet flowers in the hot and rainy season, collection of mushroom and edible medicinal roots in summer, and collection of walnuts and sharoli in autumn and sale of any of these provided the sales do not take the nature of trade.
- (b) Removal by the shoe-makers of bark from fallen trees and of wood from the deodar stumps (of felled trees) leaving the hammer marks intact,
- (c) Removal of yew leaves.
- (d) Extraction of deodar oil from deodar chips or wood from its stumps and roots or making of Kiln for the purpose in 1st Class protected forests is prohibited, but Divisional Forest officer may permit its construction in 2nd class protected forests on payment of fees prescribed by Government.

24. Grazing by nomadic gujjars is prohibited to the extent allowed by government on specified conditions and regulations and on payment of such fees as may be prescribed.

25. The following rules are only applicable to the II class Protected Forests

- (a) The trees are divided into two categories as under:-

Trees of the First Category

Deodar, Kail, Chil, Rai pindrai, ban, mohru, Kharshu, Akhrot, Shisham, Tun, Kakar, Siris, Shamshad, Kau and Khair.

Trees of the second category

Kharak, Bewal, Drek, Karal Chulti, Challan Kanish, Khainth, Figs, Baras, Beons, Tayamal, Umar, Nirgal.

- (b) The Zamindars may lop all trees of the first and second category except deodar, shisham and tun, provided that the lopping is confined to the, lower middle part of the crown. In the case of ban, mohru and Kharshu the lopping may extend to the top of the tree.

- (c) When there are no kail trees available near the cremation grounds, the Zamindars may cut deodar trees upto 3 feet in girth for burning the dead.

- (d) Cutting of grass front the ghasnis is prohibited except by those who are in recorded possession of them. Likewise lopping of mohru and ban in lands near habitation is prohibited except by those who are in Possession of them.

By Order

Sd/-

Chief Conservator of Forests &
Secretary (Forest Deptt.) to the
Chief Commissioner, H.P. Admn.

**PROTECTED FORESTS OF DHAMI, MANGAL, KUNIHAR, BAGHAL, BAGHAT, KUTHAR.
MEHLOG AND BEJA STATES**

NOTIFICATION

NO. Ft. 43-241-A/49-4, dated Shimla-4, the 25th February, 1952.

In exercise of the powers conferred by section 32 of the Indian Forest, Act (XVI of 1927) as applied to Himachal Pradesh read with the Govt. of India, Ministry of States, Notification No. 146-J, dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh, is pleased to make the following rules, to regulate the following matters in the areas situated in the old Dhami, Mangal, Kunihar, Baghal, Baghat, Kuthar, Mahalog in Beja States, now comprising Solan Forest Division, which have been declared as protected forests in Himachal Pradesh Government Notification No. Ft. 29-241-BB/49 dated 25th February, 1952.

RULES

1. In these rules unless there is something repugnant in the subject or context:-

"First class protected. Forests mean the demarcated forests detailed in Schedule I to this Notification and called as "Mahfuza Forests" or Mahduda Forests" in the Forests Settlement or Revenue records of the above States.

"Second Class Protected Forests" means the (a) undemarcated forests (b) uncultivable waste lands with or without trees (c) all ghasnis in the possession of Zamindars and all lands near habitation which have not been assessed to land revenue, detailed in schedule II to this notification.

"Divisional Forest Officer" means the officer for the time being incharge of Solan Forest Division.

"Record-of-right" means the "Khawats" and other documents prepared by the Settlement Officers during the course of Forest Settlements or Revenue Settlement of the above States and approved by the Superintendent of Shimla Hills States.

"Right -Holder" means a person entitled to the right over trees or other forest produce belonging to Government

"Trees", "Timber", "Cattle" Forest Produce" have the same meaning as assigned to them in the Indian Forest Act, XVI of 1927.

"Right" means the rights admitted in the record of rights

2. Except where the contrary is stated, the rules apply to the protected forests of all classes.

3. The exercise of rights is restricted to the bonafide requirements of the right holders. The Forest Produce obtained in the right shall not be bartered, sold or given as gift, or in any other way disposed of by the right holders.

4. Grant of trees required by right holders for building or any other purpose, such as preparation of agricultural implements and firewoods etc. will be subject to the following conditions :-

(a) A right holder will apply to the Divisional Forest Officer for the grant of trees when a new house is to be built or an old one to be repaired.

(b) Trees will be marked by the Forest Department for felling only on payment of fees to be fixed from time to time and only for the bonafide domestic use of the right holder.

(c) The trees granted shall be used only for the purpose for which they are granted.

(d) The period of felling trees and removal of timber shall be three months from the date on which trees are marked or the permit is issued, whichever is later. If the trees are not removed within the period the permit shall lapse and the trees shall not be cut till the permit is renewed by the Divisional Forest Officer. The period for extension of a permit will not be more than three months and fee for such an extension be one fourth of the original fee.

5. Trees for building purposes and for agricultural implement will not be ordinarily granted more often than once in five years to any right holder but in case of burning of the applicant's house or other misfortune trees may be granted for shorter interval than 5 years to meet the actual requirements of the right holder.

6. The building for the construction of which trees have been granted shall be built within the limits of the village in which the cultivated land of the applicant is situated unless the contrary has been specially allowed.

7. No trees shall be granted unless the right holder has paid the land revenue due from him.

8. Trees granted under permits shall not be cut or removed until the trees are marked and the timber has been inspected by the Divisional Forest Officer or his representative. Trees shall only be given from that forest in which the applicant has a right. If trees are available in the second class protected forests these may be given first from there, otherwise from first class protected forest.

9. Lopping, barking, cutting and removal of timber and trees and other forest produce is prohibited in the following first class protected forests or any other forests which may have been specified is closed for the purpose in the Forest Settlement Report, Wajab-ul-arz or working plan of the erstwhile State concerned.

LIST OF FORESTS WHICH ARE FREE FROM RIGHTS

Range (1)	Name of Forest (2)	Area (3)	Name of erstwhile State (4)
Dhami	Solan	357	Dhami
	Bado	163	
	Bareli	222	
		742	
Arki	Kangu	485	Baghal
	Lade-ki-bain	320	
	Sharaon	604	
	Banni Dhar	160	
	Deo Dhar	106	
	Hatta	16	
	Jabal	4	
	Khalpol		
	Godams		
		1695	
Kuthar	Bagh-ki-dhar	112	Kuthar
	Bire-ki-dhar	57	
	Jharabala(a)	78	Mailog
	Jharabala (b)	42	
	Chandi	22	
	Dhanion(a)	150	
	Dhanion (b)	75	
	War	143	
	Johar-ka-Wara	102	
	Baraghu	164	
	Bowan	283	
	Gujran Shari	126	
	Nalki	257	
	Bijliawala	218	
	Shili	76	
	Mathia	16	
	Karol	56	
	Kalikutphar	35	
	Charar	124	
	Chiyaela	71	Baghat
	Datyar	550	
	Total	2757	Acres

10. For purposes of the-SC rules trees are divided into three classes:-

Class I

1. Chir (*Pinus Longifolia*)
2. Kail (*Pinus excelsa*).
3. Rai (*Picea morinda*).
4. Tosh (*Abies pindrow*).
5. Deodar (*Cedrus Deodara*).
6. Tun (*Cedrella toona*).
7. Mango (*Magnifera Indica*).
8. Walnut (*juglans regia*).
9. Shisham (*Dilbergia sissoo*).
10. Siris (*Albizzia lebbek*).
11. Jhari-nu (*Olea glandulifera*).
12. Ban (*Quercus inearna*).
13. Khair (*Acacia Catechu*)
14. Bhau or chhal (*Anogeissus lataifolia*).
15. Kakkar (*Pistacia integerrima*).
16. Parang (*Acer oblongum*).
17. Pajola (*Machiluas spp.*).
18. Chui (*Albizzia julibressin* and *Albizzia stipulata*).
19. Bamboo's (*Dendro calamus strictus*).
20. Karyaloo (*Bauhinia variegata*).
21. Khairk (*Celtis spp.*).
22. Sain (*Terminalia tomentosa*).
23. Kalani (*Stephegyne parvifolia*).
24. Semal (*Bambax malabaricum*).
25. Kikkar (*Acacia acrabica*).
26. Tut (*Morus spp.*).
27. Paja (*Prunus puddum*).
28. Pula (*Kydia calycina*).
29. Centhi (*Boehmeria rugolosa*).
30. Kura (*Holarrhena antidysenterica*).
31. Kundu (*Diospyrus tomentosa*).
32. Behera (*Temiinalia balerica*).
33. Jaman (*Eugenia jambolina*).
34. Sannan (*Ougaeninia dalbergiodes*).
35. Daru (*Punica grantatum*).
36. Suanjna (*Moringa pterygosperms*).
37. Kembal (*Lannea grandis*).
38. Bel (*Aegle marmelos*).
39. Bakar (*Premsa latifaolia*).
40. Amla (*Emblica officinalis*).
41. Thumi (*Cornus capitata*).
42. Chamror (*Ethertia laevis*).
43. Reetha (*Sapindus mukorossi*).
44. Amaltas (*Cassia fistula*).
45. Charaindi (*Xylosma longifolium*).
46. Ambara (*Spondias mangifera*).
47. Padas (*Steroespermum suaveolens*).

Class II

1. Karmaru (*Alzizzia odoratissima*)
2. Bihul (*Grewa* spp.).
3. Kuri (*Nyctanthes arbortristis*).
4. Kamal (*Mallotus philippinensis*).
5. Barnasoo (*Limonia acidissima*).
6. Ber (*Zizyphus jujuba*).
7. Shama (*Millettia auriculata*).
8. Kainth (*Pyrus pashia*).
9. Sangli (*Caculus laurifolius*).
10. Padyara (*Erythrina suberosa*).
11. Sabarua (*Debregeasia hypoleuca*).
12. Kangu (*Flacourtia ramontehi*).
13. Bewans (*Salix* spp.).
14. Tayamal (*Ficus roxburghii*).
15. Karonda (*Carissa opaca*).
16. Kasmal (*Berberis* spp.).
17. Glaju (*Rhamnus* spp.).

Class III

All other trees including brush wood.

11. Right holders may lop trees of class II and III. :-

- (a) with permission only in First Class protected forest other than those mentioned in rule 9 above; and
- (b) Without permission in second class protected forest but within the mauza in which they reside, to meet their domestic agricultural requirements and not for pastoral pursuits. No trees under 1 ½ ft. in girth at breast height, may be lopped and no trees shall be lopped to a height exceeding 1/3rd of their height from ground level.

12. Trees of class III may be lopped, barked or cut by right holder in second class protected forests without permission provided the area lies within the mauza in which the person resides subject however to any prohibitions contained in the Forest Settlement Report, Wajab-ul-arz or Working Plan of the erstwhile state concerned.

13. The right holders may cut and collect and remove without permit the following forest produce from the forests other than those mentioned in Rule 9 above :-

- (i) Dry fallen wood for daily consumption, removed with hands only, provided that nothing in this clause shall be deemed to allow the cutting or removal without a permit of any timber or dry standing trees from any forest that has been burnt.
- (ii) Dead and dry trees of class II not more than 2 ft. in girth in second class protected forests subject to the restrictions in sub rule (i) above.
- (iii) Wood for cremating the dead.
- (iv) Dry fallen leaves and chir needles for purpose of manure and green Basuti (*Adadha Vasica*).
- (v) "Tor" leaves for making platters umbrellas etc.
- (vi) Earth for making pots and plastering houses.
- (vii) Stone for building houses for their own agricultural use.
- (viii) Wild honey.
- (ix) Grazing cattle, grass cutting, and lopping for fodder, in accordance with the record of rights and subject to these rules.

14. Grazing by cattle, goat or sheep, or removal of any forest produce in Ist class protected forest mentioned in rule 9 above is prohibited except that nothing shall prevent cattle being driven to watering place along recognized paths as admitted in the record of rights.

15. The right holder may graze their cattle in first and second class protected forests (other than those mentioned in Rule 9) in: accordance with the rights recorded in the record of rights subject to the following conditions :-

- (i) That the number of cattle grazed shall not exceed the number which they possessed at the time of Forest Settlement by more than 30%.
- (ii) No goats and sheep shall graze in these forests

- (iii) The grazing shall be suspended each year from the 15th June to 31st December or such other date by which the grass sold out by Government and removed by the purchasers.
- (iv) During period of seasonal closure the grass in these areas will be sold by Govt. except on the unassessed ghasnies, detailed in Annexure II, over which the grass will be given to the villagers, mentioned therein on the payment of such dues as are fixed by Government.

16. No right holders shall graze in any 2nd class protected forests any cattle, goats and sheep except those kept for their own domestic purposes as distinct from animals kept for pastoral pursuits provided that the number does not exceed the cattle they had at the time of Forest Settlements.

17 (1) Gaddi and Kanawara shepherds may graze their sheep and goats as recorded in the Forest Settlement Report or Wajab-ul-ars-arz or Working Plan of the erstwhile State concerned and to the extent permitted therein, on payment of fees that may be fixed by the Government from time to time. Kids under six months in age will, however, be exempted from payment of grazing dues. Provided further that the exercise of these rights may be suspended or completely abolished if the Divisional Forest Officer considers that grazing, and browsing is liable to endanger the safety of the forests.

(ii) The Gaddies and Kanawaras in going to and from their runs shall not halt their flocks for longer than one night at any single halting place in any forest in which they have not a right of grazing and halting places shall be atleast 5 miles apart provided that the shepherds may halt at one place for two nights if they have given salt to their flocks, or are prevented from moving by inclement weather.

18. Gaddies and other shepherds who are entitled to graze their flocks under rule 17 may within the areas over which they have a right of grazing take dry fallen wood fit only for fuel but may not lop trees for fodder.

19. Subject to such restrictions as Government may impose the right holders may exercise the following privileges.-

- (a) Dry or green wood for marriage or funeral feasts.
- (b) Wood for making charcoal.
- (c) Green leaves for fodder.
- (d) Grass of every species.
- (e) Bark of Tor.
- (f) Brush Wood for fencing agricultural lands.
- (g) Leaves for tanning purposes.
- (h) Removal of bark of trees.

20. Non-agricultural residents and travelers and the traders passing through the area may if the right holders do not object, graze their own cattle, collect dry fallen wood only for fuel and cut grass in, 2nd class protected forest of the village in which they reside or through which they are passing for their own bonafide requirements but not for sale or pastoral purpose.

21. The girdling and tapping of trees and cutting torchwood from standing Chir or other trees is prohibited.

22. (i) No land may be broken up or cleared for cultivation or any other purpose in any 1st Class Protected forest and the following 2nd class protected forests :-

S1 No.	Name of Range	Name of Village	Name of Forests
1	Arki	Garni Kiyarchanipawal Sai Naryah Ankwanan Dwarin Nadhorna Sharli Bani Challama Dadal Kiyari Sakni Surejpur	Beni Devi Kiyar Nal Sair Nal Karyah Dhakkru Khaiyal Shilli Banjar Nal Bani Rakhadadal Bani Kiyari Sa Nalsurahla Nal Karoh

3 (iii) No land in the remaining class II Protected forests may be broken up or cleared for cultivation or any other purpose except with the permission of the Collector of the Distt.

23 The right holders may collect fruits, flowers and edible roots and leaves of creeper for their own bonafide use and also for sale.

24. The right holder may sell wood and grass in camping grounds through the stage contractor appointed for the purpose by the Divisional Forest Officer or direct to travelers or touring officials.

25. If the exercise of the rights admitted in any forest would endanger the existence of the forest, the Divisional Forest Officer may define by number or otherwise the aggregated extent to which the rights can safely be exercised over the forests and the extent to which each right holder is entitled to exercise his rights, and, if a necessary, suspend the exercise of rights for such period as he may deem necessary.

By Order
Sd-

**for Chief Conservator of Forests, &
Secretary (Forest Deptt.)
to the Chief Commissioner,
Himachal Pradesh Administration.**

**(PROTECTED FORESTS OF OLD KUMARSAIN, KHENETI, SANGRI, DARKOTI, THEOG,
GHUND. BALSON, MADHAN, KEONTHAL KOTI, RATESH AND BRAJJI STATES
INCLUDING, THE PEPSU ENCLAVES.**

NOTIFICATION

No. Ft. 43-241-A/49-3, dated Shimla-4, the 25th Feb., 1952.

In exercise of the powers conferred by section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Govt. of India, Ministry of States, Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner Himachal Pradesh is pleased to make the following rules for such areas in the old Kumarsain, Khaneti, Sangri, Darkoti, Theog, Ghund, Balson, Madhan, Keonthal, Koti Ratesh and Bhajji States including the Pepsu enclaves which have been declared as protected forests in Himachal Pradesh Govt. Notification No. Ft. 29-241-BB/49 dated be 25th February, 1952.

RULES

1. In these rules, unless there is something repugnant in the subject or context. :-
"First class protected Forests" means the demarcated Forests detailed in Schedule, I of this Notification.
"Second class protected Forests" means (a) undemarcated forests, (b) uncultivable waste lands with or without trees (c) all ghasnies and Banis in the possession of Zamindars and all lands near habitation, which are the property of Government and not assessed to land revenue.
"Divisional Forest Officer" means the Officer for the time being in charge of the Lower Bushahr or Shimla Forest Division, as the case may be.
"Record of rights" means the record approved by the Superintendent, Hill States, Shimla in respect of the various States named above.
"Right Holder" means a land holder, whether as owner, cultivator or mortgagager who settled or may settle in future in the territories of 'the above States.
"Trees and Timber" shall have the same meaning as defined in the Indian Forest Act (XVI of 1927).
"Cattle" means cows, bullocks, sheep and goats, ponies and mules, but not buffaloes, elephants, camels and pigs.

"Right" means rights admitted in the Record of rights.

2. Except where the contrary is stated, the Rules apply to the protected forests of all classes.
3. The exercise of rights is restricted to the bonafide produce obtained in the exercise of rights shall not be bartered, sold or given as a gift or in any other way disposed of by right holders.
4. Grant of trees required for building construction by the right holders will be subject to condition:-
 - a. A right holder will apply to the Divisional Forest Officer for the grant of trees when a new house is to be built or an old one is to be repaired.
 - b. Trees shall be marked by the Forest Department for felling only on payment of fees to be fixed from time to time.
 - c. The assessment of number of trees to be granted will be based on the sole condition that house to be constructed and repaired conforms to the usual pattern of building which right holders generally use for their residence in the locality concerned. No tree will be granted for building to be given on rent or to be used as a shop.
 - d. The trees granted shall be used only for the Purpose for which they are granted and no timber or trees acquired by right holders in the exercise of their rights may be sold bartered or in any way alienated.
 - e. Saw and not axe would be used by the right holders for splitting the trees into planks and scantlings.
 - f. The period of felling of trees and removal of timber shall be three months. It may be extended to six months on payment of one fourth of the original fee.
 - g. Trees will not ordinarily be granted more often than once in five years to any right- holder but in case of accidental burning of the applicant's house or other misfortune trees may be granted at a shorter interval than 5 years to meet the actual requirements of a right holder.
 - h. The building shall be constructed within the limits of the village where the cultivated land on account of which the trees are given is situated unless the contrary has been specially allowed.
 - i. If trees are available in the II Class protected forests these must be given first from there otherwise from the first class protected forests.
 - j. Unmarked trees of all species except Deodar, Kail, Chil Rai, Oak and Walnut may be cut free by right holders under a written Permit for the following purposes (a) fuel for marriage feasts (b) fuel for funeral ceremonies and (e) for making agricultural and domestic implements.
 - k. Right holders may cut crooked and unsound trees of inferior class where are not available for burning the dead without permission provided intimation is given to then local forest guard within one week of such felling. Felling of deodar trees for burning dead is prohibited.
5. Trees required by the custodians of village temples shall be marked by the Forest Department in forests owned by the temple and if no trees are available there from the second class protected forests and if no trees are available there, then from the 1st Class Protected forests according to the right specified in the Record of rights.
6. The Right holders may fell Nirgal and bhashal trees for making kiltas and baskets required for their own domestic and agricultural requirements, provided information is given to the local forest guard before as well as after felling.
7. Right-holders requiring trees for water mills, water courses, forked wood for oil mills will apply for the grant and on the application being sanctioned kail or chil shall be granted free of charge, if available
8. Right-holders may lop oak and other broad-leaved trees for making Hal, Halish, Sohaga and Shamains etc.
In case they cut trees for this purpose, an intimation must be given to the local forest guard within seven days of their having done so.
9. Right holders may be granted oak, kail or chil trees on payment of prescribed fees 'for conversion into charcoal required for the preparation and repairing of agricultural implements. In first class protected forests Divisional Forest Officer may allow lopping of big kail trees free of charge for burning into charcoal.

10. Burning charcoal in the first class protected forests is prohibited except in the nalas, khads and under such conditions as the Divisional Forest Officer may impose.
11. The right holders may graze such cows and bullocks as are required by them to domestic and agricultural needs in the 1st and II class protected forests, except Moharanal Forest of Bhajji Range.
12. (a) Grazing of sheep and goats in 'shal' flocks is prohibited in first class protected forests.
(b) Grazing of sheep and goats in 'toli' is prohibited except in the fir forests.
13. Grazing by buffaloes is prohibited in deodar and kail forests except for the limited number (to be specified by Govt. from time to time).
14. Non-agricultural residents may also graze cattle in the second class protected forests on payment of prescribed fees provided that no right is thereby conferred and that the concession may be revoked any time.
15. Right-holders shall not sell or lease their rights of grazing in the forest nor give permission to other to graze.
16. (i) No land shall be broken up or cleared for cultivation or any other purposes in the Ist class protected forests.
(ii) No land shall be broken up or cleared for cultivation or any purpose in 2nd class protected forests except with the permission in writing of the Deputy Commissioner of the District.
17. Removal of bark from green trees is prohibited.
18. Girdling and tapping of trees and cutting of torchwood from deodar and other trees is prohibited.
19. (a) Oak and broad leaved species above I feet in girth may be lopped provided the Upper one- third of the crown is not touched.
(b) Rai trees (Spruce and Fir) over one and a half feet in girth may be lopped provided tipper half of the crown is left untouched.
20. The right holders may cut, collect and remove the following for purposes of domestic and agricultural requirements without obtaining any permit:-
 - a) All dry fallen trees, except deodar, walnut, Shisham and Kail, over 2 feet in girth.
 - b) Branches of all dry and fallen trees.
 - c) Stumps of felled trees provided the hammer marks on the stumps is left intact.
 - d) Refuse from fellings.
 - e) Brushwood.
 - f) Such trees as may be marked for the purpose by the Forest Department.
 - g) Stones and slates from second class protected forests for their own domestic and agricultural requirements. Starting of new quarries without permission is prohibited.
 - h) Earth for plastering and making pots.
 - a) Grass for domestic cattle as specified in the records of rights.
21. Construction of water courses in the first and second class protected forests is prohibited except with the permission of the Government.
22. Burning ghats admitted in the Settlement will be permitted to be used as such.
23. Subject to such restrictions (including complete stoppage) as the Government may impose the rightholders and others may exercise the following privileges :-
 - (a) Collection of small quantities of violet flowers in the hot and rainy season, collection of mushroom and edible medicinal roots in summer, and collection of walnuts and sharoli in autumn and sale of any of these provided the sales do not take the nature of trade.
 - (b) Removal by the shoemakers of bark from fallen trees and of wood from the deodar stumps (of felled trees) leaving the hammer marks intact.
 - (c) Removal of yew leaves.
 - (d) Extraction of deodar oil from deodar chips or, wood from its stumps and roots or making of kiln for the purpose in 1st class protected forests is prohibited, but Divisional

Forest Officer may permit construction in II class protected forests on payment of fees prescribed by Government.

24. Grazing by nomadic gujjars is prohibited except to extent allowed by Government on specified conditions and regulations and on payment of such fees as may be prescribed.

25. The following rules are only applicable to the II class protected forests:-

(a) The trees are divided into two categories as under:

Trees of the First Category.

Deodar, Kail, Chil, Rai pindrai, Ban, Mohru, Kharshu, Akhrot, Shisham, Tun, Kakar, Siris, Shamshad, Kau and Khair.

Trees of the Second Category

Kharak, Bewal, Drek, Karal, Challan, Kanish Kainth, figs, Baras, Beons, Tayamal, Umar, Nirgal.

(b) The Zamindars may lop all trees of the first and second categories except deodar, shisham and tun, provided that the looping is confined to the lower middle part of the crown. In the case of ban, mohru and Kharshu the lopping may extend to the top of the tree.

(c) When there are no kail trees available near the cremation grounds, the Zamindars may cut deodar trees upto 3 feet in girth for burning the dead.

(d) Cutting of grass from the ghasnis is prohibited except by those who are in recorded possession of them. Likewise lopping of mohru and ban in lands near habitation is prohibited except those who are in possession of them.

By, Order,
Sd/- for
Chief Conservator of Forests &
Secretary, (Forest Deptt.)
to the Chief Commissioner or
H.P. Administrator.

PROTECTED FORESTS OF OLD SUKET STATE

NOTIFICATION,

No. Ft 43-241-E/49-2, Dated Shimla,-4 the 25th February, 1952

In exercise of the powers conferred by section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Government of India, Ministry of States Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is pleased to make the following rules to regulate the following matters in the areas of the Old Suket State declared as protected forest in Himachal Pradesh Government notification No. Ft. 29-241-BB/49 dated 1st February, 1952.

1. In these rules unless there is something repugnant in the subject or context:-

"Demarcated protected Forests" include all areas mentioned in schedule 1 to this Notification.

"Undemarcated Protected Forests" include all lands containing tree growth except (a) such lands as have been recorded in the records of the Land Revenue Settlement as cultivated or as in the Malguzari of a private person, (b) Demarcated Protected Forests.

"Records of Rights" means the Forest Settlement Report of Suket State as finally approved by H. P. the Raja Sahib Bahadur of Suket, 1926.

"Right holder" means a person entitled to rights, over land or trees or other forest produce in a protected forest as mentioned in the Record of rights.

"Tree, timber cattle and forest produce" have the same meaning, as in the Indian Forest Act (XVI of, 1927).

2. Except where the contrary is stated the rules apply the protected forests of both the classes.

3. No closure can be made under section 30(b) in the Undemarcated Protected Forests without the consent of the right holders, but the Chief Commissioner, Himachal Pradesh reserves the

right to close such forests, to grazing and grass cutting during the three months of the rainy season in summer.

4. (a) The exercise of rights by right holders is permitted subject to the following :-
- (i) They do not permit outsiders to graze,
 - (ii) They do not fell, girdle lop or burn any tree or strip off the bark, or leaves from any tree or otherwise, damage any such tree except in accordance with these rules.
 - (iii) They protect the forests from fire.
- (b) In the event of the failure of any right holder or right holders to observe any of the conditions under 4(a), the Chief Commissioner may, notwithstanding that any penalty has been inflicted under section 33 of the Indian Forest Act direct that in such forest or any portion thereof the exercise of any right of pasture or to forest produce shall be suspended for such period as he thinks fit or and he may at his sole discretion take action under section 30(b) and (c) of the Indian Forest Act.

5. The exercise of rights is restricted to the satisfaction of the reasonable agricultural and domestic requirements of the right holders and is restricted to the areas for which they are recorded.

NOTE:-The decision of the Divisional Forest Officer for the time being incharge of Suket Forest Division as to what is reasonable or not will be final.

6. The right holders are forbidden from selling, transferring or bartering the forest produce, obtained in the exercise of rights, but fruits, flowers, medicinal roots and fruits, earth, honey and stones for building purposes may be collected and sold by them without any restriction provided quantities involved are small.

7. The right holders may graze their cattle kept for domestic and agricultural requirement (as opposed, to pastoral, migratory and commercial) in the areas in which such right is admitted. Govt. may, however, levy fees on sheep, goats and buffaloes and may change them at its sole discretion,

8. Government may permit grazing of sheep, goats, buffaloes, mules, ponies, asses or any other animals owned by non-Right-holders or outsiders or right holders (if such animals are kept for pastoral, migratory and commercial purposes) under such rules and conditions as it may prescribe and on payment of such fees as it may decide from time to time.

9. The right holders may cut brushwood, thorny shrubs and remove such cut brushwood including thorny shrubs, dead fallen removed and falling refuse.

10. The right holders may cut and remove grass without any restriction.

11. The right holders may fell trees of Ban, Mohru, Kharshu, Bamboo and other broad leaved trees and deodar and rai poles for making agricultural implements, but only with the previous permission, in writing of the Forest Officer,

12. The grant of trees required by right holders for building purposes will be regulated as under:-

- a. The right holders will apply in writing by specified date only once in a year to the nearest forest officer. This application will be supported with a fard from the Patwari showing that the applicant is a right holder and will indicate the area in which the applicant has recorded right. On receipt of the application the Forest Officer will proceed to areas the reasonable requirements of the applicant according to the standard of the buildings generally constructed by right holders in the locality.
- b. On a specified date the forest Officer will hold the Annual Timber Distribution at which the applicant or his authorised representative shall be present.
- c. Trees will not be given when the applicant has already got a suitable building in a reasonably convenient locality and of size sufficient for his bonafide requirements.
- d. Trees will be given on payment of such fees as Government may fix from time to time. Such fees will be paid at the time of timber Distribution.
- e. Not more than one tree will be granted against each rupee of land revenue paid. The maximum number of trees to be granted will not exceed ten. Not more than two deodar trees (if available) over 3 feet in girth will be granted to any one applicant.
- f. If trees applied for are to be used outside the Village to which the right pertains, double the fees mentioned in sub clause will be charged.

- g. On special and unforeseen occasions such as occurrences, of fire, earthquake, floods, etc., the grant of trees may be made by the Forest Officer at any time during the year, but only as many trees may be given to the right holders as may be assessed to be necessary to build a house of the standard is that which was destroyed by any of the calamities referred to above.
 - h. Trees marked and given over to the right holders under this rule will be felled and removed within four months of the date of such handing over of trees. Trees not so removed will revert to Government and the right holder will have no claim to any compensation on such reversion.
13. Trees required for the upkeep of temples by custodians of temples will be granted according to rule 1 2.
14. Trees required for the construction and maintenance of irrigation channels by a village community will be marked by the Forest Officer and will be given free or on payment of such fees as Government may prescribe. Trees required for water mills will be paid for at current market rates.
15. Trees required for the construction and maintenance of such bridges as have been or may be constructed and maintained by free labour provided by villagers will be given free.
16. Fallen chil pine needles and fallen leaves may be collected by hand and removed but in no case should a rake or any other implement be used.
17. Lopping of blue pine, deodar and chil pine is prohibited, but the lopping of oak, broad leaved species, rai (fir), tos (spruce) is permitted provided to tree will be lopped which is under 3 feet in girth (at breast height) and the lopping is confined to the lower half of the tree and the lopped branches do not exceed one thumb in thickness.
18. Nirgals may be cut and collected by right holders, but for making kiltas or baskets for agricultural and domestic use only.
19. Torchwood may be removed by right holders from stumps of (a) fallen trees provided the marks, if any, placed by the Forest Officers are left intact (b) from trees specially marked for the purposes by the Forest Officer.
20. Right holders may extract resin from only such chil trees and deodar oil from only such deodar trees which have been specially marked for the purpose when resin and oil are required for purely domestic and agricultural purpose.
21. Any tree (except deodar) below 1-1/2 feet in girth at breast height may be felled by Right holders for burning the dead. Deodar is only permitted to be felled when other trees are not available in all cases. Intimation of felling of such trees will be given to the Forest Guard within 15 days of felling.
22. Debarking and plucking of leaves of Ambala, Amaltash and Ban Oak for porpoises of running is permitted provided the removal does not endanger the life of the tree. Bark of only such coniferous trees will be removed which have been marked by the Forest Officer for felling.
23. Dry and fallen trees of chil, kail and ban, when required by right holders for making charcoal for agricultural implements may be felled by them without permission, but grant of trees of these species when required shall be marked before felling before the right holders are permitted to fell them.
24. One pole of blue pine once a year may be felled for the Holi festival and trees of any species required for various other religious ceremonies may be felled by the right holders, provided an intimation is given to the Forest Guard before the felling is done. Likewise ban and miscellaneous broad leaved trees may be felled by the priests for the purpose of Hawan in a temple.
25. Ban poles required by the right holders for erecting Machan or tans in the fields near the forest may be felled without permission.
26. The right holders are permitted to cut the branches of barberry species for making baskets, where Nirgals and hill poles do not exist.
27. Extension of cultivation may be permitted by the competent authority in the Undemarcated Protected Forests. Breaking of land for any purpose whatever in the Demarcated Protected Forests is prohibited.

By Order
Sd/-
For
CCF & Secretary (Forests) Deptt. to the
Chief Commissioner, H.P. Admn.

**RULES APPLYING TO PROTECTED FORESTS EXCEPT THOSE IN KOTHIS KOHR AND
SWAR, PALAMPUR TEHSIL UNDER SECTION 31 OF ACT VII OF 1878.**

Notification No. 416, dated the 14th August, 1.897.

Amendment by No 55, dated the 6th February, 1904,

No. 995, dated this 11th February, 1919.

1. The following rules apply to the areas declared Protected Forest under Chapter IV of Act VII of 1878, the Indian Forest Act, by notification No. 57, dated the 26th January, 1897, as amended by notification No. 991, dated 11th January, 1919 (Demarcated Protected Forests), and by No. 992, dated 11th January, 1919 (Un-demarcated Protected Forests) and are issued under section 31 of that Act.

2. Except where the contrary is stated the rules apply to the Protected Forests of both classes.

3. In these rules unless there is something repugnant in the subject or context-

"Record-of-rights" means the record prepared in accordance with section 28 of the Indian Forest Act.

"Bartender" means a person entitled to a right over land or trees in a Protected Forest, which is or are the property of another.

"Khewatdars" means a person entitled to a right by virtue of his sole or joint property in the subject of the right.

"Right-holder" (hakdar) includes both bartender and Khewatdars.

"Trees", "timber", "cattle" have the same meaning as in the Indian Forest Act, 1878.

"Land assessed to revenue includes land which, though liable to assessment, was not charged with revenue in the internal distribution of the last assessment, but which has since that assessment been brought under cultivation or enclosed with the permission of competent authority, however permission was necessary.

4 The grazing of cattle in demarcated Protected Forests is prohibited, except by right-holders in the exercise of a right admitted in the record-of-rights, provided that nothing in this rule shall prevent right holders from grazing any number of cattle (not being sheep and goats) belonging to themselves and any number of sheep and goats belonging to themselves, not more than 30% in excess of the number they possessed at the last assessment of the revenue.

(1) Except as provided in Rule 29, no person other than the proprietors of the soil of the Undemarcated Protected forests and the proprietors of cultivated land in the five Tehsil of Kangra proper, assessed revenue, and their agricultural tenants, shall graze cattle in the undemarcated Protected Forests.

(2) No such proprietors of tenants shall graze in any undemarcated forests any cattle except cattle kept by them for their on domestic or agricultural (not including pastoral) purposes, provided that nothing in this rule shall prevent such proprietors and tenants from grazing any number of cattle (not being sheep and goats) belonging to themselves, and any number of sheep and goats) belonging to themselves, not more than 30% in excess of the number they possessed at the last assessment of the revenue.

6. (1) Nothing in the last two preceeding rules shall prevent Gaddi shepherds from grazing sheep and goats in the runs recorded in their names in the record of rights on payment of the dues fixed from tune to time by the Government.

(2) Except under the orders of the Deputy Commissioner, in writing, Gaddi shepherds in going to and from their runs shall not halt their flocks for longer than one night at any single halting place in any Forest in which they have not a right of grazing and halting places shall be at least five miles apart, provided that such shepherds may halt two nights at one place if there has been heavy rain or if they have given salt to their flocks.

7. Nothing in rules 4 and 5 shall prevent Gujjars from grazing in the sawanas in which under the record of rights they have a right of grazing.

8. Khewatdars and bartandars shall not sell nor lease their right of grazing in the Protected Forests nor give permission to others to graze, provided that the owners of the soil of the Protected Forests in the Nurpur Tehsil and in Mauza Boh of the Kangra Tehsil may allow the cattle of Ban Gujjars and of others who are not right-holders to graze within the areas of which they are owners and may

take grazing dues from them, and notwithstanding anything in Rules 4 and 5 such Ban Gujjars and others may graze in such areas.

9. Except as provided in Rules 26, 27, 28, the lopping barking cutting and removal of timber and trees in Demarcated Protected Forests are prohibited, except by bartandars in the exercise of a recorded right and subject to the provisions of these rules.

Forest Rules of Kangra Division

10. (1) Except as provided in Rules 26, 27, 28, 29, no person other than the proprietors of cultivated land in the five tehsils of Kangra proper, assessed to revenue, and their agricultural tenants, shall lop, bark, cut or remove timber and trees in any undemarcated forest.

(2) No such proprietor or tenant shall lop, bark cut or remove any timber and trees in an undemarcated forest situated in a village other than that in which his land is situated, except in the exercise of a right admitted to him in the detailed record for each village,

(3) No such proprietor or tenant shall lop, bark cut or remove any timber or trees in an undemarcated forest except for his own domestic or agricultural (not including pastoral purposes), nor shall he do so for any such purpose unless it falls under one of the headings in paragraph 6 of the record-of-rights and general conditions for the Protected Forests of Kangra Proper.

11. Except as provided in Rule 24, no timber or trees may be lopped, barked, cut or removed without a permit granted in accordance with these rules.

12. For the purpose of these rules, trees are divided into two classes:

1st Class

1. Chil.
2. Harar.
3. Dhao or Chal.
4. Kakoran.
5. Box.
6. Walnut.
7. Chestnut.
8. Elm.
9. Khair.
10. Tali or Shisham.
11. Oak.
12. Kinu.
13. Tun.
14. Sal.
15. Bamboo.
16. Kalam.
17. Kendu.
18. Rajain.
19. Bahera,
20. Mahwa.
21. Koer.
22. Barna.
23. Sanan.
24. Kamil.
25. Sarin.
26. Jaman.
27. Simul.
28. Bil.
29. Kembal.
30. Kilwa.
31. Arjan.
32. Ber.
33. Asan.
34. Amla.
35. Lasora.
36. Patajan.
37. Dhaman
38. Pariara.

39. Ohi.
40. Phula.
41. Kao.
42. Kikar.
43. Karmaru.
44. Kathaman.
45. Kachnar.
46. Maple.
47. Spruce.
48. Silver Fir.
49. Mulberry.
50. Rhododendron.
51. Kirk.
52. Duri.
53. Jamu.
54. Nalco.
55. Guj.
56. Bado.
57. Puna.
58. Badrin.
59. Burj.
60. Kurumb.
61. Doden.
62. Deodar.

2nd Class

All other trees including brushwood.

13. Trees of the 2nd class may be cut by bartandars for the purposes mentioned in the next following rule under a written permit given by the lambardar of the village or other person specially authorized in this behalf.

14. (1) The lambardar of a village, or where there are several Lambardars, then the lambardar specially authorized in this behalf, may give bartandars permits to cut in the Protected Forests of his village trees of the 2nd Class required by them for the following purposes to the extent of their actual requirements:-

- a. for making fences;
- b. for fuel for marriage feasts;
- c. for fuel for funeral ceremonies such as makan, suhog, chaubarak;
- d. form along agricultural and domestic implements;
- e. for making charcoal for the manufacture and repair of agricultural implements;
- f. for the supply of fuel at encamping-grounds, but not otherwise for sale or barter.
- g. for making machans (manamthan) for watching crops.

(2) Lambardars authorised to give permits under this rule may not give permits for trees even of the 2nd class if the trees are required for the construction or repair of dwelling houses, cattle-sheds or of any other building whatsoever.

15. (1) If trees of the 2nd class are not available in any village, the lambardar may, with the special permission of the, Deputy Commissioner, give permits for cutting crooked and unsound trees of the 1st class, except. :-

- Deodar.
- Rai
- Tos.
- Walnut.
- Box.
- Elin.
- Tun.
- Duri.
- Tali.
- Sal.
- Kikar.
- Kark.

Gun.
Mandar.
Olive.
Kakaran.
Harar.
Mahwa.
Behera.

and also for lopping oak and chil trees to one-half of their height for the purposes detailed in the last preceding rule.

(2) The Forest Officer will cause trees that may be cut and lopped under this rule to be marked in suitable numbers and in reasonably convenient localities, and when there are trees so marked, the permits shall apply only to such trees.

16. If the lambardar is unfit to be entrusted with the authority described in Rule 14.15 and 30, or if he has abused the authority conferred on him, the Deputy Commissioner may appoint any other person whom he may consider qualified and such other person shall then exercise the authority conferred by these rules on Lambardars.

17. Trees of whatever class required by bartandars for building purposes may not be cut except under the permit of the Forest Officer.

18. (1) Trees for building purposes will not ordinarily be granted often or then once in five years to any bartender, but on special application to the Deputy Commissioner and for special cause shown (e.g., the burning of the applicant's house or other misfortune) the Deputy Commissioner may grant trees at a shorter interval than five years to meet the actual requirements of a bartender.

(2) Bartandars shall not be refused trees required for the repairs of one building merely because they have received trees within five years for the construction or repair another building.

19. When trees have been given for building purposes the building shall be constructed within the limits of the village where the cultivated land on account of which the trees are given is situated, unless the contrary has been specially allowed.

20. No trees standing within ten yards of any public road may be cut except with the permission of the Deputy Commissioner.

21. In cases where revenue has been assessed on the right to timber under the land revenue assessment no permit shall be granted until such revenue has been paid.

22. Trees granted under permits may not be cut or removed until marked by a forest official duly authorized in this behalf.

23. All permits granted to bartandars to cut trees (including brush wood) shall remain in force only for three months from the date of the permit or of the trees being marked under Rule 22, whichever is later.

If the trees are not removed from the forest within that period the permit shall lapse and the trees may not be cut or removed unless the permit is renewed by the authority that first granted it.

24. No permit is necessary for doing any of the acts next hereinafter mentioned, but nothing in this rule shall confer upon any person any right not recorded in the record-of-rights as enjoyed by him.

The acts referred to are as follows:

(1) The cutting and removal of-

(a) All fallen timber;

(b) stumps;

(c) dry standing trees of less than a hath in girth at breast height;

(d) branches of dry standing trees of a hath in girth at breast height or more, provided that the trees themselves are not cut;

Nothing in this clause shall be deemed to allow the cutting and removal without permit of any timber or dry standing trees from any forest that has been burnt.

(2) The lopping for fodder or for bedding and manure of all trees not mentioned in Rule 25, provided that the trees are not less than a hath in girth at breast height and that the branches cut do not exceed a finger in thickness and that the trees are not lopped to more than one-half of their height.

(3) The removal of the leaves-

(a) of the amil and the dhao (or chal) for tanning purposes, and

(b) of the taur and other creepers of domestic purposes.

(4) The cutting and removal for burning the dead to an amount sufficient for that purpose-

(a) of any trees of the 2nd class;

(b) where trees of the 2nd class are not easily procurable then any trees of the 1st class, except-

Deodar.

Rai.

Tos.

Walnut.

Box.

Elm.

Tun.

Duri.

Tali.

Sal.

Kikar.

Kark.

Gun. (Khanor).

Mandar.

Olive.

Kakaran.

Harar.

Mahwa.

Bahera.

Notice of all such cuttings shall be given to the rakha or other forest official within ten days.

25. (1) The following trees may not be lopped for any purpose whatsoever:-

Deodar.

Rai.

Tos.

Walnut.

Box.

Tun.

Duri.

Tali.

Sal.

Kikar.

Olive.

Rhododendron.

Kakaran.

(2) Chil may be lopped only with the Lambardar's permit given under Rule 15.

26. The proprietors of the soil of the Protected Forest may, as such, remove from the area as of which they are proprietors dry fallen wood, fit only for fuel.

27. Ban Gujjars and others allowed to graze their cattle under Rule 8 and Gujjars entitled to graze their cattle under Rule 7 may, within the areas over which they have a right of grazing, take dry fallen wood only for fuel and may lop trees for fodder, subject to the restrictions imposed in Rule 24(2).

28. Gaddi shepherds, who are entitled to graze their flocks under Rule 6, may within the areas over which they have a right of grazing, take dry fallen wood fit only for fuel, and may lop trees for fodder, but only for kids and subject to the restrictions imposed by Rule 24(2).

29. Non-agricultural residents, and travelers and traders passing through the Kangra Valley, may, if the right-holders do not object, graze their own cattle, collect dry fallen wood fit only for fuel, and cut grass in the undemarcated forests of the village in which they reside or through which they reside or through which they are passing, but these licenses may be exercised only for their own domestic requirements and in the case of travelers and traders while bonafide travelling in the Kangra Valley, and in case of abuse may be withdrawn by Government.

30. The removal of bark from green trees is prohibited, but the bark of the taur and of other creepers may be removed by bartandars under the permits of the lambardar.

31. The girdling and the tapping of trees and the removal of wood for torches from standing chil trees are forbidden.

32. (1) No land in the demarcated forests may be broken up or cleared for cultivation or for any other purpose.

(2) No land in the undemarcated forests may be broken up or cleared for cultivation or for any other purpose without the permit of the Deputy Commissioner.

33. No timber or trees acquired under these rules or by bartandars in the exercise of their rights may be sold, bartered, or in any way alienated, nor may such timber or trees be applied to any but the purpose for which it or they were acquired, provided that nothing in this rule shall prevent the sale of fruits, flowers, medicinal and edible roots and leaves, and the leaves of creepers, nor the sale of wood for fuel at encamping-grounds, nor the sale of other alienation of timber and trees acquired under Rule 34.

34. The felling and removal of timber and trees belonging to Govt. for purpose of trade (including the supply of the Tea industry) and the granting of licences to fell and remove such trees and timber for these purposes, and the payments to be made in respect thereof, shall be at the discretion of the Forest Officer acting under the control of the Deputy Commissioner.

The Forest Officer shall not fell or remove such trees or timber, nor grant licences for their removal to an extent that will interfere with the due supply of the requirements of the bartandars.

35. Trees shall be marked in a forest in which the applicant for a permit has a right to uses, provided that when the Deputy Commissioner has decided on the report of the Forest Officer that in the then state of forest the cutting of trees there would tend to its destruction, the trees granted shall in that case be marked in another forest which shall be as conveniently situated for the purposes of the applicant as the demands of forest conservancy and the requirements of right-holders will admit.

36. If the exercise of the right as admitted in any forest would endanger the existence of the forest, the Forest Officer, with the sanction of the Deputy Commissioner may define by numbers or otherwise the aggregate extent to which the rights can safely be exercised over the forest and the extent to which each right-holder is in accordance with paragraph 15 of the record-of-rights entitled to exercise his rights.

CHAPTER VII

RIVER RULES

HIMACHAL PRADESH RIVER RULES, 1971 NOTIFICATION

No. 14-1169-SF, Shimla-171002, dated the 21-10-74

In exercise of powers conferred by sections 41, 42, 45 and 51 of the Indian Forest Act, XVI of 1927, the Government of Himachal Pradesh is pleased to make the following rules, in supersession of all the previous rules under these sections issued from time to time by the erstwhile State of Punjab and the Himachal Pradesh State, to regulate the transit of timber in all rivers in Himachal Pradesh.

SECTION 1

Introductory

Name, title & extent

1. (i) These rules shall be called the Himachal Pradesh River Rules 1971.
- (ii) The rules shall apply to all the rivers flowing in Himachal Pradesh.

Unless there is anything repugnant, in the subject to context

Definition

2. (i) "Divisional Forest Officer" means the Divisional Forest Officer for the time being incharge of the territorial Forest Division in which any part of river is situated and a Divisional Forest Officer specified to exercise any particular function under these rules.
- (ii) "Forest Officer" includes any Forest Officer of U.P., Punjab & J&K Govts. in case of Yamuna and Ravi Rivers, as may be authorised by the Chief Conservator of Forests to perform all or any of the functions under these rules.
- (iii) "River" includes tributary, streams, canal, creeks and other channels, lakes and artificial lakes.
- (iv) "Timber" includes all wood whether cut up or fashioned or hollowed out for any purpose or not.
- (v) Other words and expressions shall have the meanings severally assigned to them in Section 2 of the Indian Forest Act XVI of 1927 as applied to Himachal Pradesh.

SECTION II

Rules Regulating Launching Collection and Rafting of Timber and the Registration of Timber Property Marks under Sections 41 (b) (e) (d) (e) (b) & 42

3. No person shall launch, float and/or raft timber in any river without a written permission of the Divisional Forest Officer concerned in accordance with these rules,
4. Any person wishing to float or otherwise convey timber by any river shall register at the Forest Officer of the Division to which the control of the river pertains, as specified in Schedule I to these rules, the marking or marks to indicate the proprietary right in such timber. A registration fee of twenty five rupees shall be payable for every separate mark so registered and if the number of marks exceeds three in case of one person/firm, the said fee shall be fifty rupees for each mark.
5. No person shall be allowed to register a mark already registered in favour of another person nor any mark used by Government, and the Forest Officer may refuse registration of any mark in his judgement so closely resembles a mark used by Government or registered in favour of any person as to be easily producible by altering such marks.

6. Every registration under these Rules shall hold good for three years following the first of January next after the date of registration.

A certificate showing the marks registered, the date of registration, the period for which it holds good and acknowledging the payment of the fees, shall be given to every person registering his mark or marks.

7. Notwithstanding anything contained in the fore going rules:-

(i) Temporary property marks, for special consignment of timber to be transported by water, may be registered by the Forest Officer incharge of the Division to which the control of the river pertains or, with written permission of such Forest Officer by the River Range Officer.

(ii) Such registration shall be made under such conditions as the Conservator of Forests may from time to time direct;

(iii) A fee of rupee five shall be payable for every separate mark so registered;

(iv) Every such registration shall hold good for three months only from the date of the registration; and

Provided that:-

Temporary property mark will not be required for any timber of a right holder obtained for repair/construction of his house or farm building in accordance with his rights there-to under Forest Settlement or out it in his own hand, provided that such timber is either carried across the river or is transported in the river over a very short distance.

8. All persons wishing to launch timber by any river after registration in accordance with the rules above shall apply in the form to be prescribed by Chief Conservator of Forests, thirty days before the intended date of launching to the Divisional Forest Officer incharge of the Forest Division in which such rivers is situated or to such subordinate Forest Officer as the Divisional Forest Officer incharge of the Division may authorise in that behalf.

9. The Divisional Forest Officer or the subordinate Forest Officer, as the case may be, shall verify the particulars of the application and after satisfying, in particular the correctness of the source, shall issue a pass in the form to be prescribed by the Chief Conservator of Forests, seven days in advance of this requested date of launching.

10. No person is permitted to deposit any timber for which a pass has been applied, but not yet issued, so close to the water's edge so as to endanger its being carried away by a rise in the river before the pass is issued.

11. For the issue of the pass, a fee, not exceeding fifty paise for each log, containing a minimum of 25 cum. 20 paise per piece of round or split timber and 25 paise for each sawn or axe cut scantling shall be charged before issue of the pass, provided that in case of a forest lessee, the issue of pass shall not be withheld on the reason of nonpayment in advance.

12. No person, having launched his timber, or set it afloat on any river, shall collect the same except:-

(i) with the permission in writing of the Forest Officer incharge of the Forest Division;

(ii) at the places which such officer may publicly notify as places, at which such collection shall ordinarily be made.

13. (i) No person shall raft, or otherwise convey any timber which has been collected on any river without obtaining a pass in the form to be prescribed by the Chief Conservator of Forest from the Forest Officer Incharge of the Forest Division such subordinate Forest Officer as the Officer Incharge of the Forest Division may authorise in that behalf.

(ii) A Forest Officer may require any person rafting or conveying timber as aforesaid, to produce the pass for the same at any time. No person shall be entitled to raft or convey timber by virtue of a pass, which he does not himself hold, but which is, or is stated to be, in the hands of some other person.

In the event of the pass not being produced, the Forest Officer may detain the timber.

(iii) In the event of the time mentioned on the pass as that for which it shall remain in force having expired before arrival at destination of the property covered by the pass, the Forest Officer Incharge of the Division may extend the period during which the pass shall be further valid for such time as he may think proper at a charge not exceeding twenty-five percent of the fees chargeable under Rule 10.

14. No person shall, without the written permission of the Forest Officer incharge of the Divisional:-

(i) Cut up, move, conceal, mark or alter or efface any mark on any timber while in transit or a drift on any river, or while stranded on any bank or island of any river or;

(ii) Hand Saw or cut up timber or burn timber for the manufacture of charcoal, bricks, lime or Surkhi on any river used for floating purposes, or on any island of such river or at any place on either bank of the main stream of such river which is within a distance of three miles from such bank at its cold season level, provided that the permission required shall be assumed to have been given if a man applies by a registered letter (acknowledgement due) addressed to the Divisional Forest Officer concerned and receives no orders within one Calendar month from the date of receipt of the acknowledgement certificate of the registered letter.

15. (i) No person shall, without previous registration and permission on of the Forest Officer incharge of the Forest Division, establish a saw mill or deal in timber on any river or on any island of such, river or at any place which is within a distance of three miles from such bank.

The perennial stream of the tributaries shall be notified by the Chief Conservator of Forests.

(ii) The application for permission for establishing a Saw Mill or a business in sawn timber shall be in such form as the Chief Conservator of Forests may specify. The application will be submitted with a registration fee of Rs. 100.

(iii) A certificate showing Registration number, date of registration and the period for which it holds good and acknowledging the payment of fee of Rs. 100 shall be given to every person registering his saw mill/ timber sale Depot. It shall specify such condition as to the previous inspection of the timber, examination of the records of timber etc. by a Forest Officer not below the rank of a Forest Ranger.

(iv) Every such registration shall bind the owner or the person incharge of the saw mill/Sale Depot to maintain correct record showing the receipt of the timber from various sources, sawn into various sizes and the disposal by sale or otherwise in the registers in the forms to be prescribed by the Chief Conservator of Forests, in particular to show the source of timber received with date and kind, sawn outturn in detail and records of disposal.

(v) Every owner/incharge or registered saw mill/ depot shall be bound to produce and allow to be examined with the stocks the aforementioned records to any Forest Officer not below the rank of Forest Ranger.

(vi) The Saw Mills/Sale Shops/Depots already in existence on the day of notification of these rules will be deemed to be non-established for purposes of these rules and will be required to complete the procedures prescribed herein.

16. The permission granted or registration done under Rule 14 may be cancelled by the Divisional Forest Officer, if he is satisfied that the saw mill has indulged in unauthorised activities or has not maintained the record required under Rule.

17. The appeal of the cancellation order of the Divisional Forest Officer shall lie with the Conservator of Forests having territorial jurisdiction, whose decision shall be final.

18. Once a building has been constructed, or is so far constructed that the wood suspected to have been illicitly removed from river cannot be examined without dismantling then no inspection of the wood shall be made except by order of magistrate, nor shall any house be searched except on the authority of a search warrant issued by a Forest Officer in exercise of powers invested under section 72 of I.F.A. or by a Magistrate.

19. Penalty for breach of the above rules shall be imprisonment for a term which may extend to six months or a fine which may extend to rupees five hundred or both.

Provided that the penalties will be doubled in cases where the offence has been committed after sunset or before sunrise, or after resistance to the lawful authority or where the offender has been previously convicted of a like offence.

SECTION III

Rules Regarding Control on Weirs and Dams under Section 41 (f) and (g) Section 42

20. No person, shall close or obstruct the channel of any river used for the transit of timber, except under and in accordance with the conditions of a special licence issued by the Divisional Forest Officer permitting the erection of a boom, weir or irrigation bund.

21. (i) Any Forest Officer may prevent acts likely to cause obstruction on the banks or in the channel of any river used for the transit of timber or other forest produce and the Divisional Forest Officer may cause to be removed any un-authorised obstruction.

(ii) The cost of such prevention or removal may be recovered by the Divisional Forest Officer from the person causing the obstruction by proceeding under section 82 of the Act, as if the amount were an arrears of revenue.

22. Where the whole or partial removal of any irrigation or water mill bund has been ordered by the Divisional Forest Officer under the provisions of these rules, the interests of the right holders shall be safeguarded as far as possible. No Irrigation or water mill blind may be opened for a period exceeding twelve hours during any one day.

23. The owner or the Contractor incharge of the timber in transit shall before the expiry of the period of twelve hours mentioned in the next proceeding rules:-

(i) ensure a flow of water into any irrigation or water mill channel breached under these rules by closing the breach in a manner sufficient for this purpose.

(ii) at his own expense make all necessary repairs to irrigation or water mill channel to which damage has been caused due to his timber operations.

24. The amount of compensation due if any on account of loss caused by excessive interference with the customary rights of irrigation or of water mills shall be assessed by the Deputy Commissioner and shall be paid by the owner of the timber or the floating contractor to the person concerned.

25. Penalty for breach of these rules shall be as specified in rule 17.

SECTION IV

Rules Regulating the Collection of Drift and Standard Timber and Payment of Salvage Fees under Section 45 and 51 -

26. On all rivers in Himachal Pradesh, all unmarked timber shall be deemed to be the property of Government unless and until any person establishes his right and title thereto as provided in these rules.

27. No person shall remove, without permission of Forest Officer incharge of the Division any timber of the class referred in Section 45 of the Indian Forest Act lying within the highest water level on any river.

28. The permission shall specify the kind of timber, the marks it should bear, the destination or manner of the disposal when collected and the timber for which such permission shall hold good.

29. No person shall, without such permission cut up, remove, conceal, burn, mark or efface or alter any marks or own or sell or otherwise dispose of any such timber.

30. The Forest Officer incharge of the Division may authorise Zaildars, Lambardars or other respectable persons to salve which is drift at any point on the river below the last catching place, and may cancel such authority

31. (i) For every log salved and taken to any drift timber depot, notified by the Forest Officer under section 45 of the Act, such salvage rates shall be payable either to the authorised salver or to the Forest Officer as may be fixed by the Forest Officer, incharge of the Division.

(ii) The rate for salvage, of scraps or firewood will be one fourth for the pieces collected in bund.

(iii) The Forest Officer incharge may fix any higher rate, not exceeding three times the normal rates, for salving on any portion of the river where such salving is unusually difficult or dangerous.

(iv) Nothing in this rule shall be held to prevent the Forest Officer contracting with such salvers to raft the timber at certain places at rates agreed on by the parties, and no salvage rate shall be claimable in addition to any rate paid under such contract.

32. The collection or salving of timber a drift or stranded below all the catching places by un-authorised persons is prohibited,

33. Whosoever infringes any provision of the above rules shall be punishable for every such offence with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or both.

**DIVISIONAL FOREST OFFICERS AUTHORISED TO REGISTER THE PROPERTY MARKS
AND CONTROL THE FLOATING OF TIMBERS UNDER RULE 4 OF RIVER RULES 1971**

Sl. No.	Name of River	Controlling Officer	Divisional Officer
1	2	3	4
1.	Pabar, Tons, Yamuna	DFO Rohroo and Forest Deptt	Chakrata Division
2.	Giri	DFO Nahan	
3.	Sutlej	DFO Bilaspur	
4.	Beas	DFO Nachan	
5.	Chakki,Dehar Bhakra	DFO Dalhousie	
6.	Ravi	DFO Chamba	
7.	Ghaggar	DFO Rajgarh	
8.	Chenab	DFO Chamba	

By order

P. K. MATTOO
Secretary (Forests)
to the Govt. of Himachal Pradesh
Dated 21-10-1974

CHAPTER VIII

HIMACHAL PRADESH FOREST PRODUCE TRANSIT (LAND ROUTES) RULES, 2013

(Authoritative English Text of this Department Notification No. FYFE-B-A (3)-2/2013, dated 26-11-2013 as required under clause (3) of Article 348 of the Constitution of India)

Government of Himachal Pradesh
Department of Forests.

NOTIFICATION

No. FFE-B-A (3)-2/2013

Dated Shimla-2, the 26-11-2013.

In exercise of the powers conferred under section 41 and 42 of the Indian Forest Act, 1927 (XVI of 1927), the Governor, Himachal Pradesh is pleased to make the following rules to regulate the movement of Forest Produce by land routes into, from and within the territorial limits of the Himachal Pradesh, namely:-

1. **Short title, extent and commencement:-**

- (1) These rules may be called the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013;
- (2) They shall apply to the whole of the State of Himachal Pradesh;
- (3) They shall come into force forthwith;

2. **Definitions:-**

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

- (a) 'Act' means the Indian Forest Act, 1927 (XXVI of 1927);
- (b) 'section' means a section of the said Act;
- (c) 'Division' means an executive forest management unit of forest management unit of forests constituted for the purpose of administration of forests and notified as such by the Government;
- (d) 'Divisional Forest Officer' means an Officer holding the charge of the concerned division;
- (e) 'Conservator of Forests' means an Officer holding the charge of the concerned forest circle; and
- (f) 'Check Post' means any post so specified under the provisions of these rules for checking and regulating the movement of forest produce.

- (2) All other words and expression used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. **Transportation with property mark(s).**- No person shall transport or cause to be transported any forest produce other than fuelwood, Khairwood, bamboos, charcoal, medicinal plants, **grass, other plant parts including bark, leaves, stem, roots, flowers, fruit, cones,** and seeds that does not bear the imprint of the registered mark.

4. **Registration of property mark and its use.**- (1) All persons willing to transport forest produce other than under rule 3 by land routes shall register at the office of the Divisional Forest Officer the mark or marks which indicate their propriety rights in such forest produce; provided that no mark is required to be imprinted on any timber which is being transported within the concerned revenue estate only by a right holder in consequence of a grant to that effect in his favour.

- (2) No person shall be allowed to register any mark(s) already registered in favour of other persons or the Department. The Divisional Forest Officer may refuse registration of any mark(s) which according to him closely resemble(s) used by the Government Department or has/have been registered in favour of some other person(s).
5. **Issue of certificate of registration.**- A certificate showing the facsimile or the mark, the date of registration, the period for which it is valid and acknowledging the payment of fees shall be issued to every person registering his mark(s).
6. **Validity period of registration Certificate.**- Every certificate of registration shall be valid for three years commencing from the date of registration. The registration fee in respect of each mark shall be Rs. **500** and if the number of marks to be registered in favour of one person exceeds three, the fee shall be RS. **1000/-** for each such additional mark. However, no fee is payable by any Government Department.
7. **Issue of pass for Export or transport of Forest Produce.**- No pass shall be issued for any unmarked forest produce other than fuelwood, khairwood, bamboos, charcoal, medicinal plants, **grass, other plant parts including bark, leaves, stem, roots, flowers, fruits, cones** and seeds as bears the marks not registered as herein after provided:-
- (i) the Divisional Forest Officer may refuse to issued a pass for export or transport if he has reasons to believe or for any other valid reasons that the forest produce has not been legally obtained by the applicant. However, the refusal to issue a pass shall be made in the shape of self-speaking written order; and
 - (ii) the person who has been refused the issue of pass may within fifteen days of the date of refusal prefer an appeal to the Chief Conservator/ Conservator of Forests incharge of the area concerned and his orders on appeal shall be final.
8. **Prohibition on transport of Forest Produce.**- (1) No person shall transport or cause to be transported any forest produce, except **that obtained from plant species specified in and obtained in accordance with provisions contained in Schedule- 'I' of Annexure-D** by land routes, without obtaining pass (**Annexure-'A'**) from the concerned Divisional Forest Officer or any officer **or person** so authorized.

Explanation for the purposes of rules 8: *Divisional Forest Officer shall include an officer holding the charge of the Division from where the forest produce has been extracted under contractual agreement.*

(2) No such pass shall be issued in case of forest produce obtained from species declared as prohibited or banned for collection or harvesting under any law (Act, Rule or Order) applicable in the State except when such collection is carried out as per specific provisions provided in that Act, Rule or order.

(3) No person shall transport or cause to be transported any timber for conversion for sawing or for sale en route.

(4) No person shall transport or cause to be transported any timber except firewood, pulpwood, bamboos **and that obtained from plant species listed in and obtained in accordance with provisions contained in Schedule-'I' of Annexure-D** unless the timber is properly affixed with an export hammer mark by the forest officer authorized by the Conservator of Forests concerned.

9. Transport Routes and other conditions.- (1) The authority issuing the pass shall specify a routes by which alone the forest produce may be transported for export outside Himachal Pradesh in such a manner that the forest produce crosses through one of the following barriers established by the Excise and Taxation Department:-

Sr. No.	District/ Revenue District	Name of barriers.
1.	SOLAN	1. Parwanoo Sector-IV 2. Parwanoo (main) 3. Tipra bye-pass (Parwanoo)
2.	B.B.N.Baddi	1. Gullarwala 2. Dhabota. 3. Navgaon 4. Bagheri 5. Gorakhnath Mandir at Gorakhnath Shahpur Road. 6. Bridge (Pul Baddi) at Jhar. Majri road Balad Nadi via Suncity. 7. Nankpur-Kalu Janda Madala Road (at Madala Chowk). 8. Rampur Jaggi Truck Union Barotiwala Road (near Truck Union) 9. Ratyor. 10. Baddi 11. Dherowal 12. Barotiwala.
3.	SIRMOUR	1. Kala Amb 2. Behral 3. Govindgarh 4. Haripur Khol 5. Suketi on Suketi-Khajurana Road 6. Near Ruchira Paper Mill on Ruchira Road 7. Meerpur Kotla on Meerpur Kotla-Nahan road 8. Kheer on Kheri Road 9. Ampur Ghat on Yamuna river- Paonta 10. Khodri Mazari 11. Minus.
4.	SHIMLA	1. Kuddu
5.	BILASPUR	1. Garmaura 2. Kaulanwala Toba 3. Gwalthai 4. Shailaghora on Bassi-Shree Naina Devi Road
6.	NURPUR (Revenue District)	1. Kandwal 2. Bhadroya on Bhadroya (Lodhwan) Kandwal road. 3. Sansarpur Terrace. 4. Shekupura Chowk Shekhupura Nangal bhoor Road. 5. Oader near Sulyali-Dunehra Road Tehsil Nurpur. 6. Shenehar-Sthana Gagir Road (Name changed). 7. Bela Thakra near Pu No. RD 7910. 8. Dhangupeer 9. Ulehrian Chowk. 10. Nakki Chowk on Jammu-Kangra Road. 11. Mirthal Road Kathgarh.
7.	UNA	1. Mahatpur 2. Gagret 3. Marwari 4. Pandoga 5. Ajouli 6. Polian. 7. Gondpur Jaichand. 8. Busdehra. 9. Bhatoli 10. Bathu. 11. Santokhgarh. 12. Bathri near Co-op Society Building on Garh Shankar Road. 13. Singhan on Singhan- Beetan Road. 14. Jaijon-Janani on Jaijon-Janani Road. 15. Ambota Road (near Asha Devi Temple) in Gagret locality.
8.	CHAMBA	1. Tunuhatti.

Provided that such authority shall also specify the check post(s) where the forest produce shall be compulsory checked en-route:

Provided further that no timber or other forest produce from any forest depot or intermediate depot or first station-depot of dispatch shall be loaded in vehicle, trollies, bullock, carts etc. after sun-set and before sun rise. The Divisional Forest Officer concerned may further impose any restriction(s) if so warranted for controlling the movement of the forest produce after sun-set and before sun-rise.

(2) In case the produce is not to be exported outside the territory of Himachal Pradesh, the authority issuing the pass shall specify the route by which alone the forest produce may be transported and shall also determine the check post(s) where it shall be compulsory checked.

(3) The issuing authority shall also determine the other conditions subject to which the pass shall be issued and shall as determine the period for which the pass shall remain valid. However, the validity of any pass shall under no circumstances exceed a period of **Six** months including any extension(s) allowed. A fee of Rs. **100/-** shall be leviable for the issue of such pass:

Provided that the export pass fee @Rs. 200/- per quintal shall be levied in case of resin to be exported outside the State of Himachal Pradesh.

Provided that permit fee in case of forest produce obtained from species listed in **Schedule-II of Annexure-“D”**, shall be as specified in it.

Provided that permit fee in respect of forest produce obtained from species, including that listed in **Schedule-II of Annexure-“D”** shall be Rs.100/-:

Provided further that in respect of medicinal plants as included in **Schedule-II of Annexure-“D”**, purported to be transported to the notified Herbal/ Agricultural Mandis, permit fee shall be levied in accordance with procedure detailed in **Annexure-“E”**.

10. **Issue of Challan(s).**_ The person in whose favour the pass has been issued or his authorized Agent shall carry a challan (**Annexure-‘B’**) to accompany the forest produce in case all the forest produce cannot be transported at the time and the pass cannot accompany the forest produce. The challan will be valid for a maximum 60 hours.
11. **Setting up of check post(s).**_ (1) The Divisional Forest Officer may with the permission of the Conservator of Forests notify the setting up of a check post or check posts at suitable point(s) for purposes of check and examination of forest produce.

(2) At every check post, registers (Annexure-C) to record the details of forest produce passing through the check post shall be maintained.
12. **Production of pass/challan for examination.**_ Forest Officer or Police Officer may at any time require any person transporting forest produce to produce the pass/ challan as issued for the transportation of such produce. No person is entitled to transport forest produce by virtue of pass/challan which he does not himself held but is or is stated to be in the hands of *some other person*.
13. **Detention of Forest Produce and other articles etc.**_ In the event of the pass/challan not being produced, the Forest Officer or Police Officer may detain the Forest Produce, vehicle, camels, mules etc. by which it was being transported and cause the same not be move as long as may be reasonably necessary to examine the forest produce and/or till the valid pass/ challan is produced.

14. **Seizure of Forest Produce and other articles etc.-** In the event of the pass/challan being not produced, the Forest Officer or Police Office shall seize the forest produce and means of transport and other articles, in accordance with the law in force.

15. **Exemption to right holders obtaining of pass.-** Notwithstanding anything contained in these rules, a right-holder who has collected forest produce in exercise of his recorded rights may, without obtaining a pass transport such forest produce within the revenue estate in which it has been so collected.

Provided that no timber will be removed from the forests unless checked and hammer marked and detail of timber extracted written on the overleaf of the permit by the forest officer authorized in this behalf.

16. **Bar on booking of forest produce by rail, by post and by air.-** No person shall offer any forest produce for export by rail on any railway station or by post at any post office or by air on any airport within Himachal Pradesh unless it is covered by the pass issued under these rules and nor Railway, Postal, Airport authority shall accept any forest produce for transport/transmission by rail, post or air, unless it is accompanied by a valid pass.

17. **Bar on altering or defacing of marks.-** No person shall without the written permission of the Divisional Forest Officer alter or deface or obliterate any mark placed on any forest produce while in transit.

18. **Penalty for breach of rules.-** Any person who contravene these rules shall be liable to imprisonment for a term which may extend to six months or with fine which may extend to rupees Five thousand or with both and the forest produce being transported may also be seized and dealt with under the provisions of the Indian Forest Act:

Provided that the penalties will be doubled in cases where the offence has been committed after sun-set or before sun-rise, or after resistance of the lawful authority or where the offender has been previously convicted for similar offence.

19. **Repeal and Savings.-**

(1) On and from the date of commencement of these rules, the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 are hereby repealed.

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

**(See rule 8)
Forest Department
Himachal Pradesh**

PASS FOR EXPORT OR TRANSPORT OF FOREST PRODUCE

From _____ Forest Division.
Sr.No. _____

(Original/duplicate/triplicate/Quadruplicate)

Pass No. _____ Dated _____

1. Name and full address of the person(s) to whom the pass is granted.
2. Date of issue.
3. Forest Produce covered by the pass (Details over leaf/attached and countersigned under office seal)
4. Route(s) by which forest produce will be transported.
5. Whence obtained.
6. Place to which consigned.
7. Date of expiry of permit.
8. Property Marks.

NOTE:-

- (1) In case of Forest Produce being booked by rail from any railway station in Himachal Pradesh of the Northern Railway the concerned Station Master may please endorse on the back of the pass, the quantity of timber or any other Forest Produce so booked along with the date and the destination so as to facilitate further checking.
- (2) After the expiry of permit (pass) the grantee will please report as to whether it has been availed of in full or in part.

DIVISIONAL FOREST OFFICER,

FOREST DIVISION
(SEAL OF OFFICE TO BE AFFIXED).

No. _____ Dated _____

1. Range Officer _____ for information and necessary action with reference to his report No. _____ dated _____
2. Incharge check post _____ for information and necessary action (copy for each check post to be issued separately).
3. Shri/M/S _____ for information and necessary action.

DIVISIONAL FOREST OFFICER,

FOREST DIVISION

(Challan Form)**(See Rule 10)**

Sr. No. _____ Challan No. _____ Date _____

Issued by DFO Forest Division _____ IN FAVOUR OF _____

Date and Time of issue _____.

Date and Time of Expiry _____.

Spp.	Details of Timber	Vol. in Cum	Fuel wood/ Charcoal in Qtls.	Other Forest Produce
	Description No.			Descriptions
1.	2.	3.	4.	5.

Remarks

Property marks

Export Hammer marks

Name of person Incharge Produce _____

Designation _____

Check Post(s) (Via) _____
(one copy of challan to be sent to each check post)

Vehicles (Kind and No. etc. _____)

Signature of grantee
Or
Authorized Agent

ANNEXURE 'C'**(See Rule 11)****REGISTER OF EXPORT OF TIMBER AND OTHER FOREST PRODUCE
AT CHECK POST _____**

1. Name and full address of permit Holder
2. Issuing authority of permit.
3. Permit No. and date of issue with details of timber or other Forest Produce allowed be transporting/exporting.
4. Date of expiry of permit.
5. Distinctive property of Khudan Mark.
6. Place of origin/where from carried.
7. Place to which consigned/destinations
8. (i) Route and
(ii) Check post (s) specified for transport

Book No./Challan No.

<u>Description of timber or other produce</u>							
Sr. No.	Date of Export	Quantity			Running total Of Quantity Transported/exported	Date of Challan Vide Transported/exported	Mode of transport Vehicle No. etc.
		No.	Volume	Weight			
1	2	3	4	5	6	7	8

Signature of person Incharge of timber or other forest produce	Signature of official With designation	Signature of inspecting officer	Remarks
9	10	11	12

Schedule-I
(See rule 8 (1))

Forest Produce obtained from the following Plant Species Growing on Private Land Exempt from the requirement of Transit Pass

S. No.	Botanical Name	Local/Trade Name
1.	Albizzia spp.	Oei/Siris
2.	Bauhinia spp.	Kachnar/Karial
3.	Eucalyptus spp.	Safeda
4.	Morus spp.	Kimu/Chimu/Shahoot/Tut/Mulberry
5.	Populus spp.	Poplar
6.	Salix spp.	Willow/Biuns
7.	Dendrocalamus strictus/Dendrocalamus Hamiltoni /Bambusa natans/ B.Bamboos	Bamboo culms/Lathi bans/Maggar/ Dharainch/Bans
8.	Saussurea costus (=S. lappa)*	Kuth
9.	Bunium persicum	Kala Zira

*Export of Kuth (Saussurea costus/lappa) will however be subject to fulfillment of requirement under Wildlife (Protection) Act, 1972.

The removal and transportation of the forest produce obtained from plants species listed in this schedule and growing in private lands shall be in accordance with the following provisions:

- (i) The landowner shall intimate in writing to the concerned Range Forest Officer through the local Forest Guard of his intent to harvest the forest produce from plant species listed in this schedule along with estimate of yield before starting the harvest.
- (ii) The Range Forest Officer may himself or through his representative inspect the land from which such harvest is proposed and verify the yield.
- (iii) Range Forest Officer shall issue a letter to the landowner giving detail of forest produce obtained from private land.
- (iv) The landowner shall carry this letter during transportation of the verified produce.

Schedule-‘II’
See rule 9 (3)
List of Forest Produce and Permit Fee thereon

Sr. No	Botanical Name	Local/Trade Name	Plant Part	Permit/ Pass Fee Rs/Qtl
1	<i>Abies spectabilis/ A.pindrow</i>	Talis Patra	Needles/leaves	125
2	<i>Acacia catetchu</i>	Khair	a)Heartwood/chips b)Khair billet (with bark)	250 175
3	<i>Aconitum dienorrhizum</i>	Vatsnabh/Mohra	Tubers	7,500
4	<i>Aconitum heterophyllum</i>	Atis/Patis/Karvi Patis	Tubers	5,000
5	<i>Aconitum violaceum</i>	Mitha Telia/ Mitha Patis	Tubers	1,000
6	<i>Acorus calamus</i>	Bach/Bare/Ghor bach	Rhizomes	150
7	<i>Adhatoda zeylanica /A.vasica</i>	Basuti/Bansa	Leaves	125
8	<i>Adiantum lunulatum</i>	Dungtuli/Hansraj	Fronds/Whole Plant	125
9	<i>Aegle marmelos</i>	Bilgiri	Fruits	500
10	<i>Aesculus indica</i>	Khanor	Fruits/Seeds	150
11	<i>Ainsliae aptera</i>	Sathjalori	Roots	150
12	<i>Ajuga beacteosa</i>	Neelkanthi	Leaves	125
13	<i>Alnus nitida</i>	Kosh Cones	Dry Cones	150
14	<i>Angelica glauca</i>	Chora	Roots	150
15	<i>Arctium lappa</i>	Jangli Kuth	Roots	125
16	<i>Arnebia euchromia/ A.benthami</i>	Ratanjot	Roots	200
17	<i>Artemisia brevifolia</i>	Seski	Flowering shoots	125
18	<i>Asparagus adscendens</i>	Shatavari/ Sanspai/Safed Musali	Root tubers	200
19	<i>Atropa acuminata</i>	Belladona/ Jharka	Leaves	125
20	<i>Berberis spp</i>	Kashmal/ Daruhaldi	Roots/Stems	200
21	<i>Bergenia ciliata/ B.stracheyi</i>	Pasahnbhed/ Patharchat	Roots	150
22	<i>Betula utilis</i>	Bhoj Pattar/Birch pine	Bark Dry cone	500 200
23	<i>Bunium persicum</i>	Kala Zira	Fruits	2,000
24	<i>Carum carvi</i>	Shingu Zira	Fruits	1,000
25	<i>Cedrus deodara</i>	Deodar Rosette	Dry Cone part	150
26	<i>Cinnamomum tamala</i>	Tejpatra	Leaves	500
27	<i>Colebrookia oppositifolia</i>	Bindi Phool	Leaves/Roots	125
28	<i>Coleus aromaticus</i>	Pathan Bail	Leaves, seeds	30
29	<i>Curcuma angustifolia</i>	Ban Haldi	Rhizomes	150
30	<i>Dactylorhiza hatageria</i>	Salam Panja/ Hath Panja	Root tubers	6,000
31	<i>Dioscorea deltoidea</i>	Singli Mingli/Kins	Roots	900
32	<i>Emblica officinalis</i>	Amla	Fruits	150
33	<i>Ephedra gererdiana</i>	Somlata	Twigs	200
34	<i>Fritillaria roylei</i>	Ban Lehsun/ Mushtanda	Bulb	10,000
35	<i>Geranium nepalense</i>	Laljari/Raktjari	Roots	125
36	<i>Girardiana diversifolia</i>	Bichhu Buti	Roots	150

37	<i>Hedychium acuminatum</i>	Kapur Kachri/ Kachur/Van Haldi	Roots	100
38	<i>Heracleum spp</i> (<i>H.candicans</i> ; <i>H.lanatum</i>)	Patishan/Parala	Roots	100
39	<i>Hyocymus niger</i>	Khurasani Ajwain	Seeds/Leaves	150
40	<i>Hypericum patulum</i> / <i>H.perforatum</i>	Khaarera/Basant	Whole Plant	250
41	<i>Hyssopus officinalis</i>	Juffa	Flowering Twings	500
42	<i>Iris germanica</i>	Safed Bach	Rhizomes	125
43	<i>Juglans regia</i>	Akhrot/Khod	Bark	1,000
44	<i>Juniperus communis</i>	Hauber	Berries	250
45	<i>Juniperus recurva</i> /J. <i>Macropoda</i>	Bether Patta	Leaves	150
46	<i>Jurinea macrocephala</i> =J. <i>dolomoea</i>	Dhoop/Guggal dhoop	Roots	500
47	<i>Lichens</i>	Chalora/Chharila/ Jhula/Mehndi/ Stone flower	Thallus	500
48	<i>Mentha longifolia</i>	Jangli Pudina	Leaves	125
49	<i>Morchella esculenta</i>	Guchhi/Cheun	Fruiting Body	10,000
50	<i>Mosses</i>	Green Moss Ghas	Thallus	250
51	<i>Murraya koenigii</i>	Mitthi Nim	Leaves	150
52	<i>Myrica esculenta</i>	Kaphal	Bark	200
53	<i>Nardostachys grandiflora</i>	Jatamansi	Roots	1,000
54	<i>Origanum vulgare</i>	Ban Tulasi	Leaves	150
55	<i>Oroxylum indicum</i>	Shyonak, Tatpalanga	Bark, Pod	125
56	<i>Paris polyphylla</i>	Dudhia bach/Satva	Rhizomes	200
57	<i>Picrorhiza kurroa</i>	Karoo/Kutki	Rhizomes	1,000
58	<i>Pinus gerardiana</i>	Chilgoza/Neoza	Seeds	1,000
59	<i>Pinus roxburghii</i>	Chil Cones	Dry Cones Dry needles	1,000 5
60	<i>Pinus wallichiana</i>	Kail Cones	Dry Cones	1,000
61	<i>Pistacia integerrima</i>	Kakarsingi	Leaf Galls	1,000
62	<i>Podophyllum hexandrum</i> =P. <i>emodi</i>	Bankakri	Fruits Roots	250 450
63	<i>Polygonatum spp.</i>	Salam Mishri/ Meda/Mahameda	Rhizome	1,000
64	<i>Potentilla nepalensis</i>	Dori Ghas	Roots	125
65	<i>Prunus cerasoides</i>	Pajja/Padam/ Padmakasht	Wood	125
66	<i>Punica granatum</i>	Daru/Anar	Fruits/Seed	500
67	<i>Pyrus pashia</i>	Kainth/Shegal	Fruits	125
68	<i>Rauvolfia serpentina</i>	Sarpagandha	Roots	500
69	<i>Rheum spp.</i> (<i>R.australe</i> =R. <i>emodi</i> / <i>R.speciforme</i>)	Revandchini	Roots	200
70	<i>Rhododendron</i> <i>anthopogon</i>	Talis patra	Leaves	125
71	<i>Rhododendron arboreum</i>	Brash/Burah	Flowers	150
72	<i>Rhododendron</i> <i>Campanulatum</i>	Kashmiri Patta	Leaves	150
73	<i>Salvia moorcroftiana</i>	Thuth	Roots	200
74	<i>Sapindus mukorossi</i>	Ritha/Dodde	Fruits	150
75	<i>Saussurea costus</i> /S. <i>lappa</i>	Kuth	Roots	300
76	<i>Selinum spp.</i> (S. <i>Vaginatam</i> /S.	Bhutkesi	Roots	400

	<i>tenuifolium</i>)			
77	<i>Swertia spp.</i>	Chirata	Whole Plant	700
78	<i>Taraxacum officinale</i>	Dhudhi/Dandelion	Roots	125
79	<i>Taxus wallichiana</i> = <i>T.baccata</i>	Birmi/Thuna/ Rakhal	Needles	600
80	<i>Terminalia bellirica</i>	Bahera	Fruits	300
81	<i>Terminalia chebula</i>	Harar	Fruits	500
82	<i>Thalictrum foliolosum</i>	Mamiri	Roots	350
83	<i>Thymus serpyllum</i>	Banajwain	Aerial Parts (Herb)	125
84	<i>Tinospora cordifolia</i>	Giloe/Guduchi	Stems	125
85	<i>Toona cilia/Cedrela toona</i>	Bari phool	Dried fruits	125
86	<i>Trillidium govanianum</i>	Nag Chhatri	Roots/Rhizomes	8,000
87	<i>Valeriana spp.</i>	Mushakbala/Tagar/Nihanu	Roots/Rhizomes	600
88	<i>Viola spp.</i>	Banafsha	Flowers/aerial Parts	2,250
89	<i>Withania somnifera</i>	Ashvagandha	Roots	200
90	<i>Woodfordia fruticosa</i>	Dhatki/Dhai	Flowers	150
91	<i>Zanthoxylum armatum</i>	Tirmir	Fruits/seeds	250
All other Non-Timber Forest Produce (NTFP) not listed above.				100

Schedule-III

[see Rule 9(3)]

General Provisions relating to Registration of Grower, Cultivation of Medicinal Plants on Private Land and Transportation of Produce so Obtained.

A. Registration of Growers for Cultivation of Medicinal Plants:

1. Every grower intending to cultivate medicinal plants listed in Schedule-“II” on his/her private land shall get himself/herself registered with the concerned Divisional Forest Officer (DFO) by paying a registration fee of Rs. 100/-. For this purpose, the grower will submit completed applications in the specified format given in Schedule-III (A), in duplicate, alongwith registration fee to the Deputy Ranger of the concerned block, who will (i) return one copy to the grower after acknowledging the receipt of application, and (ii) submit the application to the concerned Range Forest Officer (RFO) for getting registered with the DFO. After registration, the Forest Guard will hand over the registration certificates, in the given format given in Schedule-III (B), to the applicant, within one month of submission of application.
2. Applicant shall submit registered power of attorney alongwith application for registration in case the land is not in his name.
3. The registration shall be valid only in respect of the species for which registration has been obtained.
4. Registration shall be valid for a period of five years from the date of registration, after which it would need to be re-registered.

B. Cultivation of Medicinal Plants:

1. The growers shall inform the concerned RFO through the local Forest Guard about the medicinal plant species cultivated by him/her on his/her private land within one month of sowing/planting.
2. The grower shall procure seed/germplasm for cultivation from certified sources only and shall not collect/remove the same from wild resources, unless permitted in writing by the Divisional Forest Officer (DFO).
3. The grower shall get the khasra-wise land details bearing medicinal plant cultivation entered in the revenue records for the year.
4. The Range Forest Officer (RFO) or his representative may visit the fields under medicinal plant cultivation within the gestation period and certify the extent and quality of such crop.
5. The grower shall inform the Range Forest Officer through the local Forest Guard about the time of harvest (i) at least one month in advance, and (ii) immediately after harvesting.
6. The grower shall make the necessary records pertaining to the medicinal plant cultivation on his/her land available to the RFO or is representative to facilitate verification of cultivation.

C. Transportation of Produce Obtained from Cultivated Sources:

1. The grower or his authorized person shall transport the material after obtaining necessary transit pass under these Rules from the Divisional Forest Officer.
2. Other regulations to transport the cultivated produce shall be as per the provisions of these rules.

D. Penalty, etc. for Violation of Provisions:

In case of violation of provisions contained in this annexure, the registration shall be cancelled and produce shall be seized and further action shall be taken as per law.

Schedule-III (A)
[See Schedule-III]

(Application Format for Registration of Growers)

Name of Applicant:

Address:

Name of Panchayat:

Land details (attach copy of revenue papers):

Khasra Nos.:

Total Area:

Medicinal Plant Species Proposed to be Cultivated:

Sr. No.	Botanical Name of Species	Local Name	Proposed Source of Seed/ Germplasm
1.			
2.			
3.			

Undertaking by the Applicant: Having read the general provisions contained in Annexure-I of the H.P. Forest Produce Transit (Land Routes) Rules, 2013, I undertake to cultivate medicinal plant species in accordance with the given provisions. I further undertake that in case of any violation of the provisions under the rules, I shall be liable to be proceeded against under provisions of the law.

Signature of the Applicant.

For Office Use:

Application Received on _____

Signature & Name of Block Officer

Name of Beat_____

Name of Block_____

Name of Range_____

Name of Division_____

Application received in the Office of RFO_____

Application received in the office Of DFO_____

Registration Number and date:_____

Signature & Seal of DFO

Schedule-III (B)
(See Schedule-III)

Registration No.: _____ Date: _____

With respect to his/her application dated _____, Sh./Smt. _____, and resident of _____, falling under _____ Panchayat, has been registered as a grower of medicinal and aromatic plants on his/her private land/leased land being Khasra nos. _____ involving area _____ bighas in respect of the following species:

Sr. No.	Botanical Name of Species	Local Name
1.		
2.		
3.		

This certificate is valid for five years from the date of registration.

Terms and Conditions of Registration: The registered grower shall undertake cultivation of medicinal species permitted for cultivation in this certificate strictly in accordance with general provisions contained in **Annexure-D**, appended to the H.P. Forest Produce Transit (Land Routes) Rules, 2013. In case of any violation of the provisions of these rules, this certificate of registration is liable to be cancelled and the violator shall be proceeded against under provisions of the law.

Signature and Seal of DFO

.....

Annexure-‘E’

Guidelines for Transit of Medicinal Plants, Seeds and Miscellaneous NTFPs to the notified Herbal Mandis and Sale thereof

1. Persons intending to transport forest produce, collected from wild/cultivated land, of the species listed under **Schedule-‘II’** of these rules to the notified Herbal Mandis (operated by HPSFDC and/ or APMC) within Himachal Pradesh, shall apply to the Divisional Forest Officer (DFO) for issue of ‘Pass’ to Herbal Mandis’ on **Annexure-E (I)** (prototype of application form given below) along with a Permit Fee of RS. 10/-. No export Fee will be leviable on such forest produce being transported to the herbal Mandi.
2. The DFO shall issue ‘pass to Herbal Mandis’ on **Annexure-E(2)** to such applicant after getting the forest produce verified from his field staff, within three (3) days of receipt of application verification (Prototype of such pass given below as **Annexure-E(2)**).
3. The applicant shall transport the material to the sale depot within 7 days of receipt of pass to Herbal Mandis.
4. The produce thus brought to the notified herbal Mandis shall be put to auction by the concerned sale depot authorities as per specified auction rules.
5. On successful completion of sale, the concerned DFO in whose jurisdiction the herbal Mandi exists shall issue the necessary Transit Pass under these rules to the buyer(s) after recovery of Export Fee prescribed in Schedule-II from the buyer(s).

....

[See Annexure “E”]

(Application For issuance of Pass by persons desirous of transporting notified medicinal plants/parts thereof herbal Mandis)

Name of Applicant:

Address:

Name of Panchayat:

Species to be transported to Sale Depots:

S. No.	Name of Species	Local Name	Part	Qty. (in Qtls)	Collected from (name of forest)/Cultivated(name of village)
1.					
2.					
3.					

If cultivated, Registration No. :

Name of Sale Depot:

Undertaking by the Applicant: I certified that the material has been collected in accordance with the regulation and prescribed procedure. I undertake to transport the material as per details given above directly to the destination/herbal mandi as requested for. I further undertake that in case of any violation by me on this account, I shall be liable to be proceeded against under provisions of these rules.

Signature of the Applicant.

Verification by the Field Staff:

Certified that:

1. The above material has been collected in accordance with the regulation and prescribed procedure.
2. The applicant has not committed any forest offence in respect of the produce being transported.
3. I have checked the quality and quantity of the above mentioned forest produce and is found correct.
4. The necessary pass in favour of the applicant is recommended.

Signature of Beat Guard.

Verification by Block Officer:

Recommendation by Range Officer:

.....

[See rule 9 (3) proviso. 3]

Pass for transit of non timber forest produce (NTFP) to notified Herbal Mandis.**Pass No.:** _____**Date :** _____

With respect of his/her application dated _____, sh./Smt. _____, and resident of _____, falling under _____ Panchayat, is allowed to transport medicinal plants, seeds and miscellaneous NTFPs and parts thereof to _____ Herbal Mandi, in respect the following species:

S. No.	Name of Species	Local Name	Part	Qty.(in Qtls)	Collected from(name of forest)/Cultivated(name of village)
1.					
2.					
3.					

Name & Signature of the Forest Guard

Beat.....

Block.....

Range.....

Division.....

Copy to: Applicant/Range officer/Check Post/I/c Herbal Mandi.

By Order,

TARUN SHRIDHAR

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

Endst. No. FFE-B-A (3)-2/2013

Dated Shimla-2, the 26-11-2013.

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-171001.
3. The Pr. Chief Conservator of Forests (Wild Life), H.P. Shimla-171 001.
4. All the Addl. Pr. Chief Conservator of Forests/Chief Conservator of Forests, H.P.
5. All Conservator of Forests/ Divisional Forest Officers in H.P.
6. The Controller, Printing & Stationery Department, H.P. Shimla-5 for publication in Rajpatra.
7. All Deputy Commissioners in Himachal Pradesh.
8. The JLR-cum-Joint Secretary (Law) to the Govt. of H.P.
9. The Under Secretary (Finance) to the Govt. of H.P.
10. Guard File.

(PRAKASHA NAND)

Under Secretary (Forests) to the
Government of Himachal Pradesh.
Ph. No. 0177-2880818

CHAPTER IX

LAND PRESERVATION ACT, 1978 AND RULES

THE HIMACHAL PRADESH LAND PRESERVATION ACT, 1978 AN ACT

To provide for the better preservation and protection of certain portions of the territories of Himachal Pradesh.

Be it hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Himachal Pradesh Land Preservation Act, 1978.
- (2) It shall extend to the whole of the State of Himachal Pradesh.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless a different intention appears from the subject or context,-
 - (a) "land" means land within any area preserved and Protected or otherwise dealt within the manner provided in this Act and includes benefits to arise out of land things attached to the earth or permanently fastened to anything attached to the earth;
 - (b) "Cho" means a stream or torrent flowing through or from the mountainous ranges within Himachal Pradesh;

16 of 1927

- (c) "tree", "timber", "forest produce" and "cattle", respectively, shall have the meanings severally assigned there to in section 2 of the Indian Forest Act, 1927;
- (d) "person interested" includes all person claiming any interest in compensation to be made on account of any measures taken under this Act.
- (e) "Deputy Commissioner" includes any officer or officers at any time specially appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;
- (f) "right-holder" includes-
 - i. persons not being tenants or mortgagees having rights to, or in land; and
 - ii. persons having rights of collection of forest produce or of grazing of pasture; and
- (g) "erosion" includes the removal or displacement of earth, soil, stones or other materials by the action of wind or water.

CHAPTER II

NOTIFICATION AND REGULATION OF AREAS

Notification of areas.

3. Whenever it appears to the State Government that it is desirable to provide for the conservation of sub-soil water or the prevention of erosion in any area subject to erosion or likely to become subjected to erosion, the State Government may, by notification published in the Official Gazette, make a direction accordingly.

Power to regulate, restrict or prohibit, by general or special order, within notified areas, certain matters.

4. In respect of areas notified under section 3 generally or the whole or any part of any such area the State Government may, by general or special order, temporarily regulate, restrict or prohibit-

- a. the clearing or breaking up or cultivating of land not ordinarily under cultivation prior to the publication of the notification under section 3;
- b. the quarrying of stone or the burning of lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section 3;
- c. the cutting of trees or timber, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this section, of any forest produce other than grass save for bonafide domestic or agricultural purposes of a right- holders in such area;
- d. the setting on fire of trees, timber or forest produce;
- e. the admission, herding, pasturing or retention of sheep, goats or camels;
- f. the examination of forest produce passing out of any such area; and
- g. the granting of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of any such area to take any tree, timber or forest produce for their own use therefrom or to pasture sheep, goats or camels or to cultivate or erect buildings therein and the production and return of such permits by such persons.

Power in certain cases to regulate, restrict or prohibit by special order, within notified areas, certain further matters.

5. In respect of any specified village or villages or part or parts thereof comprised within the limits of any area notified under section 3, the State Government may, by special order, temporarily regulate, restrict or prohibit

- a) the cultivation of any land ordinary under cultivation prior to the publication of the notification under section 3;
- b) the quarrying of any stone or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3'.
- c. the cutting of trees or timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in .clause (b) of this section, of any forest produce for any purposes; and
- d. the admission, herding, pasturing or retention of cattle generally other than sheep, goats and camels or of any class or description of such cattle.

Power to require execution of works and taking of measures.

6. In respect of areas notified under section 3 generally or the whole or any part of any such area, the State Government may, by general or special order, direct :-

- a. the levelling, terracing, drainage and embanking of fields;
- b. the construction of earth works in fields and ravines;
- c. the provision of drains for stream water;
- d. the protection of land against the action of wind or water;
- e. the training of stream; and
- f. the execution of such other works and the carrying out such other measures as may, in the opinion of the State Government be necessary for carrying out the purposes of this Act.

"Necessity for regulation, restriction or prohibition to be, recited in the order under sections 4, 5 or 6 and publication of order.

7.: Every order made under sections 4, 5 or 6 shall be published in the Official Gazette and shall set forth that the State Government is satisfied, after due inquiry that regulations, restrictions, or directions contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

Proclamation of regulations, restrictions and prohibitions and admission of claims for compensation for rights which are restricted or prohibited.

8. (1) When in respect of any area a notification has been published under section 3, and:-

- (a) upon such publication any general order made under section 4 or section 6 becomes applicable to such area, or
- (b) any special order under sections 4, 5 or 6 is made in respect of such area, the Deputy Commissioner shall cause public notice of the provisions of such general or special order to be given, and if the provisions of any such order restrict or prohibit the exercise of any existing rights shall also publish in the language of the country and in every town and village the boundaries of which include any portion of the area within or over which the exercise of any such rights is so restricted or prohibited, a proclamation stating the regulation, restrictions, and prohibitions, which have been imposed by any such order, within the limits of such area or in any part or parts thereof, fixing a period of not less than three months from the date of such proclamation and requiring every person claiming any compensation in respect of any right so restricted or prohibited within such period either to present to such officer a written notice specifying, or to appear before him and state the nature and extend of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

(2) Any claim not preferred within the time fixed in the proclamation made under sub-section (1) shall be rejected:

Provided that, with the previous sanction of the Commissioner, the Deputy Commissioner may admit any such claim as if it had been made within such period.

Power to fix time within which work to be executed, etc.

9. (1) When an order has been issued under section 6, the Deputy Commissioner may by notice require the owner or occupier of the land to execute such works or take such measures as may be specified in the notice.

(2) Every such notice shall state the time within which the works are to be executed or measures are to be taken.

(3) A person aggrieved by an order contained in such a notice as aforesaid may, within thirty days from the service of such notice or within such longer period as the Deputy Commissioner may allow in this behalf, serve a notice of his objections on the Deputy Commissioner in such manner as may be provided by the rules made under this Act.

(4) If and in so far as an objection under this section is based on the ground of some informality, defect or error in or in connection with the notice, the Deputy Commissioner shall discuss the objection, if he is satisfied that the informality, defect or error was not a material one.

(5) If the objection is brought on all or any of the following grounds that is to say

- (a) that the notice might lawfully have been served on the occupier of the land in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served;
- (b) that some other person, being the owner, occupancy tenant, mortgagee with possession, or lessee or farm holder, or possessing some other right in or over the

land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required;

- (c) where the work or measure is work or measure for the common benefit of the land in question and other land, that some other person being the owner or occupier of land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required;

the objector shall serve a copy of his notice of objection on each other person referred to, in clauses (a) to (c) and on the beating, of the objection the Deputy Commissioner may make such order as he thinks fit with respect to the person by whom any work is to be executed or measure is to be taken and the contribution to be made by any other person, towards the cost of the work or measure, or as to the proportions in which any expenses which may become recoverable by the Deputy Commissioner under sub section (6) are to be borne by the objector and such other persons

Provided that no such order shall be made unless the person who is likely to be affected thereby has been given a reasonable opportunity of being heard.

In exercising his power under this subsection the Deputy Commissioner shall have regard

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works and measures required, and
- (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (c) Notwithstanding anything to the contrary contained in any law for the time being in force, no person required by a notice or an order under this section to execute any work or to take any measure shall be required to obtain the consent of any other person before complying with such notice or order.

(7) Subject to such right of objection as aforesaid and the right of appeal under section 15, if the person required by the notice to execute the works or to take the measures fails to execute the works and take measures indicated within the time thereby limited, the Deputy Commissioner may himself or by an agent execute the works or take the measures and recover from that person the expenses reasonably incurred by him in so doing.

Provided that it shall not be necessary for the Deputy Commissioner to wait for the decision of any objection other than an objection under clause (a) of sub-section (5) or an appeal against any decision on such objection, before taking action under this sub section.

(8) If the cost of any work executed or any measure taken by any person remains unpaid by the person from whom it is due after the specified in a notice issued in this behalf by the Deputy Commissioner or such other date as is fixed by him, such cost shall be recoverable as an arrears of land revenue and a certificate issued by the Deputy Commissioner in this behalf shall be final and conclusive evidence of the sum so recoverable and the person liable for the same.

(9) Every order issued under this section shall be published in such manner as may be prescribed in the rules made under this Act, and upon such publication every person affected thereby, shall, unless the contrary be proved, be deemed to have had due notice thereof.

(10) The Deputy Commissioner, may, by general or special order, authorise any revenue officer subordinate to him to enquire into any objection that may be brought under this section.

Provided that no final order on any such objection shall be passed except by the Deputy Commissioner himself.

In making an order on objections brought under this section, the Deputy Commissioner shall be guided by such rules, if any, as the State Government may make in this behalf.

6 of 1954

(12) For the purposes of this section, the expression "estate" shall have the meaning assigned there to the Himachal Pradesh Land Revenue Act, 1953.

CHAPTER III

POWER TO ENTER UPON AND DELIMIT NOTIFIED AREAS AND BEDS

Power to enter upon, survey and demarcate local areas notified under section 3.

10. It shall be lawful for the Deputy Commissioner and any other person, as may be authorised by him from time to time, as occasion may require

- (a) to enter upon and survey any land comprised within any area in regard to which any notification has been issued under section 3 or in regard to which a notification is proposed to be issued under section 6 ;
- (b) to erect bench-marks on and to delimit and demarcate the boundaries of any such area and
- (c) to do all other acts and things which may be necessary in order adequately to preserve or protect any land or to give effect to all or any of the provisions of this Act :

Provided that reasonable compensation, to be assessed and determined in the manner in this Act provided, shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this action.

CHAPTER IV

INQUIRY INTO CLAIMS AND AWARD OF COMPENSATION

Inquiries in to claims and awards thereupon.

11. (1) The Deputy Commissioner shall-

- (a) fix a date for inquiring into all claims made
under section 8 and may in his discretion, from time to time, adjourn the inquiry to a date to be fixed by him :
- (b) record in writing all statements made under section 8 ;
- (c) inquire into all claims duly preferred under section 8 ; and
- (d) make and award upon such claim, setting out therein the nature and extent of the right claimed, the person or persons making such claim, the extent, if any, to which, and the person or persons in whose favour, the right established, the extent to which it is to be restricted or prohibited and the nature and amount of the compensation if any, awarded.

5 of 1903

(2) For the purposes of every such inquiry the Deputy Commissioner may exercise all or any of the powers of a civil court in the trial of suits under the Code of Civil Procedure.

(3) The Deputy Commissioner shall announce his award to such persons interested, or their representatives, as are present and shall record the acceptance of those who accept it. To such as are not present, the Deputy Commissioner shall cause immediate notice of his award to be given.

Method of awarding compensation and effect of such award.

1 of 1894

12. (1) In determining the amount of compensation the Deputy Commissioner shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and as to matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) The Deputy Commissioner may, with the sanction of the State Government and the consent of the person entitled, instead of money, award compensation in land or by reduction in revenue or in any other form.

(3) If in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

CHAPTER V

PROCEDURE, RECORDS AND APPEAL

Record of rights in respect of notified areas.

13. (1) For every area, notified under section 3, the Deputy Commissioner shall prepare a record setting forth the nature, description, local situation and extent of all rights mentioned in section 4 and section 5.

(a) existing within such area at the time of the publication of the notification relating thereto under section 3;

(b) regulated, restricted, or prohibited by any order under section 4 or section 5.

(2) When any award is made under section 11 its effect upon any right shall also be recorded therein.

(3) The record prepared under this section shall be presumed to be correct until contrary is proved or a new entry lawfully substituted therefor.

Mode of proclaiming notifications and of serving notices, orders and process, issued under the Act.

14. (1) Upon the publication of a notification issued under any of the provisions of this Act, the Deputy Commissioner shall cause public notice of the substance thereof to be given at convenient places in the locality to which such notification relates.

6 of 1954

(2) The procedure prescribed in sections 21, 22 and 23 of the Himachal Pradesh Land Revenue Act, 1953, shall be followed, as far as may be, in proceeding under this Act.

Appeal, review and revision

15. Every order passed and every award made by a Deputy Commissioner under this Act shall for the purposes of appeal, review and revision, respectively, be deemed to be the order of Collector within the meaning of sections 14, 15, 16 and 17 of Himachal Pradesh Land Revenue Act, 1953.

6 of 1954

Provided that nothing in this Act contained shall be deemed to exclude the jurisdiction of any civil court to decide any dispute arising between the persons interested in any compensation awarded as to the apportionment or distribution thereof amongst such persons or any of them.

CHAPTER VI

PUNISHMENTS, BAR OF SUITS AND RULES

Punishments for offences

16. Any person who, within the limits of any area notified under section 3 commits any breach of any regulation made, restrictions or prohibitions imposed, order passed or requisition made under section 4, 5, 6 or 9 or obstructs or resists in any way whatever the execution of acts or things done under section 10, shall be punished with imprisonment for a term which may extend to 6 months or with a fine which may extend to five hundred rupees, or with both.

Application of provisions of the Indian Forest Act, 1927

6 of 1927

17. The provisions of sections 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64 (excluding the last sentence), 66 and 73 of the Indian Forest Act, 1927 shall so far as applicable, be read as part of this Act and for the purposes of those provisions, every offence punishable under section 16 shall be deemed to be a 'forest offence' and every officer employed in the management of any area notified under section 3 as caretaker or otherwise, shall be deemed to be a forest officer.

Power to try offences summarily

2 of 1974

18. The Chief Judicial Magistrate or any Judicial Magistrate of the first class specially empowered in this behalf by the State Government shall try summarily, under the Code of Criminal Procedure, 1973, any forest offence punishable with imprisonment for a term not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

Power to compound offences

16 to 1927

19. (1) The State Government may, by notification in the Official Gazette, empower a Gazetted Forest Officer-

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 62 of the Indian Forest Act, 1927 as sum of money by way of compensation for the offence which person is suspected to have committed; and
- (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any seized shall be released, and no further proceeding shall be taken against such person or property.

(3) The sum of money accepted as compensation under clause (a) sub-section (1) shall in no case exceed the sum of five hundred rupees in each case.

Bar to suits.

20. No suit shall lie against the State Government for anything done under this Act, and no suit shall lie against any public servant, for anything done, or purporting to have been done, by him, in good faith, under this Act.

Power to make rules.

21. (1) The State Government may make rules, consistent with this Act,-

- (a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and
- (b) generally for the purpose of carrying into effect all or any of the provisions of this Act.

(2) All rules made under this section shall be published in the Official Gazette.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days, which may be comprised in one session or in two or more successive session, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter

have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings.

2 of 1900 31 of 1966 4 of 2004 B. K.

22. The Punjab Preservation Act, 1900, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and the Mandi State Anti-Erosion Act, 2004 B K. as in force in the areas comprised in the erstwhile princely State of Mandi, are hereby repealed.

Provided that anything done or any action taken, including rules made, notification issued or proceedings commenced or continued under the provisions of the Acts hereby repealed shall, unless it is inconsistent with the provision of this Act, be deemed to have been done, taken, made, issued commenced or continued under the corresponding provision of this Act.

RULES UNDER LAND PRESERVATION ACT, 1978

In exercise of powers conferred under section 21 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), the Governor, Himachal Pradesh is pleased to make the provisions of the said Act.

THE HIMACHAL PRADESH LAND PRESERVATION RULES, 1983

Short title and commencement

The following rules for purposes of carrying into effect.

1. (i) These rules may be called the Himachal Pradesh Land Preservation Rules, 1983.
(ii) These rules shall come into force with immediate effect.

Definitions

2. In these rules, unless the context otherwise requires

- a) "Act" means the "Himachal Pradesh Land Preservation Act, 1978" (28 of 1978).
- b) "Section" means the section of the Act.
- c) "Chief Conservator of Forests" means the Chief Conservator of Forests, Himachal Pradesh.
- d) "Divisional Forest Officer" means the Forest Officer incharge of a territorial Forest Division.
- e) "Range Officer" means the Forest Office incharge of a territorial Forest Range.
- f) "Forest Guards" means the Forest Guard in- charge of a territorial Forest beat.
- g) "Form" means a form appended to these rules.
- h) "Term" bonafide domestic or agricultural purposes shall not include:-
 - (i) Removal and use of timber for construction work, or any other forest produce other than grass outside the Revenue Estate in which the land is situated.
 - (ii) Use of firewood for burning of bricks, manufacture of katha or any other manufacturing process except burning of charcoal for domestic local use; and
- i) All other words and expressions used herein but not defined and defined in the Himachal Pradesh Land Preservation Act, 1978, have the meanings respectively assigned to them in that Act.

Procedure to be adopted for holding enquiry under section 7 before issuing a Notification order under Section 4, 5 and 6

3. (1) Before issuing a Notification in respect of any area under Section 4, 5 or 6, an enquiry shall be held by a Gazetted Officer nominated by the Chief Conservator of Forests to ascertain the facts for issue of such notification.

(2) The said Officer shall visit the area(s) to be notified and among other things, may examine the following aspects:-

- i. The situation of the area.
- ii. Configuration and condition of the area.
- iii. Present land use practices and their effect on general sub soil water table.
- iv. Extent and degree of water and wind erosion and reasons of erosion.
- v. Attitude of the public regarding imposing of restrictions.
- vi. Whether the existing management is adequate to maintain and improve the soil status or not.

(3) And or base his enquiry on the overall damage caused to property, land and tree growth which may have been assessed as a consequence of any study made in regard to damage caused due to floods or other natural calamities.

(4) After the completion of enquiry, the Chief Conservator of Forests shall forward the same to the State Government with his recommendations.

(5) The State Government after satisfying itself may issue a Notification, to temporarily regulate, restrict or prohibit an action, under section 4, 5 or 6 for a period not more than 30 years.

Procedure for issue of permits for removal of Forest Produce from area closed under Sections 4 & 5.

4. (1) For Bonafide Domestic & Agricultural Purposes-

(a) There will be no restriction the use of forest produce for bonafide domestic purposes of fuel and fodder.

(b) The owners for their bonafide domestic and agricultural use may fell trees as per procedure and extent of trees specified under Notifications issued under section 4 or 5 of the Act.

(c) The trees allowed for felling for bonafide domestic and agricultural use will be marked as per instructions of Chief Conservator of Forests, Himachal Pradesh.

(d) The owners shall send written information regarding the trees felled without permission to the Range Officer concerned, through beat guard. Range Officer shall send a copy of such information to Divisional Forest for his record.

(e) The Beat Guard shall maintain a proper record on a Register of all such felling done for domestic and agricultural use with or without permission as per Notification issued under Section 4 and shall affix his hammer mark on such felled stumps. The produce of such trees may be checked by him from time to time till it is consumed for the purpose for which it has been converted. No export of any part of the produce of such trees will be allowed.

(2) (a) **For sale-** The trees of all species for sale shall be felled by the owners in accordance with the felling cycle prescribed vide notification issued under section-4 of the Act.

(b) Permission for removal of trees for sale shall be accorded by various functionaries as per limit and extent prescribed under above referred Notification.

(c) Application of felling of trees and removal of forest produce shall be submitted to the Divisional Forest Officer concerned by the owners.

(d) The area from where the trees are intended to be sold by the owner shall be demarcated by the Revenue Officer not below the rank of Naib Tehsildar in the presence of Range Officer of the area concerned and nominee of the Agent. Provided that where Naib Tehsildar is not posted, the demarcation of the area shall be carried out by Field Kanungo.

(e) The silvicultural marking of the trees shall be done as per rules framed/instructions issued by the Chief Conservator of Forests, Himachal Pradesh from time to time. No clear felling of the areas shall be, allowed even for purpose of raising orchards.

(f) The Divisional Forest Officer shall issue permission for felling of trees and permit for collection or removal of forest produce.

(g) While issuing felling permission/permits, Divisional Forest Officer may impose such restrictions/conditions as he may consider necessary in the interest of forest conservancy and misuse of forest produce so extracted.

(h) The Divisional Forest Officer while issuing the permission for felling of trees may indicate the number and species of the plants to be planted as compensatory plantation as provided under rule 4(c).

(i) The provisions of H.P. Forest Produce (Regulation of Trade) Act, 1982 and the rules made there under shall apply as such for the sale of trees.

(3) (a) **Compensatory Plantations**- Any person(s) felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 State Horticulture Department for complete stocking of the area. The success of such plans planted shall be the responsibility of the owners which shall be checked frequently by the staff of Forest/Horticulture Department.

(b) Divisional Forest Officer may require the owner to deposit such amount not exceeding Rs. 3 per plant (to be planted) for carrying out compensatory planting so that plants could be planted if the owner(s) fails to plant 3 plants for every tree felled within one year of felling.

(4) No tree shall be granted to such owner(s) from the Government forests at the right holders rate for the next 10 years who sell trees from their private lands.

(5) (a) The extraction of resin will be undertaken with the written permission of the Divisional Forest Officer concerned in accordance with the instructions issued by the Chief Conservator of Forests, Himachal Pradesh from time to time laying down the period of extraction, number of blazes, length, width and depth of blazes and other related matters.

(b) No resin so extracted shall be removed/exported by any person from the area under tapping without obtaining an export permit from the Divisional Forest Officer concerned as per rules framed.

(c) The provisions of Himachal Pradesh Resin & Resin Products (Regulation of Trade) Act, 1981 and rules made thereunder shall apply as such for the extraction of resin by owners.

Issue of Notice under-Section 8 and 9

5. (1) The notice under section 8 & 9 shall be issued by the Deputy Commissioner in the form given in Annexure-1. This notice shall be in the local language of the area and will be served through Gram Panchayats concerned.

(2) Any person aggrieved by an order contained in such a notice given under section 8 & 9 may serve a notice of his objection alongwith necessary evidence, to the Deputy Commissioner. Before passing final orders, the Deputy Commissioner shall consult the Divisional Forest Officer regarding technical aspects.

(3) Every order issued under section 8 & 9 shall be sent to the land owners through registered post. Copies of the order shall also be displayed at conspicuous places.

(4) The Deputy Commissioner while making an order on objections brought under section 9 shall be guided by the following:-

- i. Necessity of treatment of catchments area as a whole;
- ii. Potential damage to the adjoining lands as a result of soil erosion in the said area;
- iii. Effect (of soil erosion) on the sub soil water table.
- iv. Siltation in water reservoirs within or adjoining the area due to soil erosion;
- v. Need for safe guarding and protection of lines of communication against any danger due to degradation of areas;
- vi. Need for improvement in Forest conservancy environment and ecological status.

Measures to regulate control over works to be executed.

6. (1) Before issuing a notice/notification in respect of any land under section 9(1) and 9(2), an enquiry by an officer not below the rank of Assistant Conservator of Forests shall be held.

(2) The said officer shall visit the area and among other things shall study the following aspects:-

- i. The necessity of getting the works executed and fixing the time limit for the execution of such works;
- ii. The nature of damage being done to the adjoining property including habitation by the stream/Cho;
- iii. Necessity of regulating the flow of water by draining the streams to minimize the damage;
- iv. Desirability and feasibility of reclaiming the land in the stream/Cho bed;
- v. Desirability and feasibility of execution of other works and measures for such execution of works.

(3) The said Officer shall make proposals indicating the nature and extent of remedial measures.

(4) After completion of such an enquiry, the enquiry report alongwith recommendations of the Enquiry Officer shall be submitted to the Deputy

Commissioner of the area concerned through the concerned Conservator of Forests for appropriate orders.

Secretary (Forests) to the
Govt. of Himachal Pradesh.

ANNEXURE I

Office of Deputy Commissioner.....district, Himachal Pradesh.

Notice

Information or Warning.

Under sections 8 and 9 of the Himachal Pradesh Land Preservation Act, 1978, (Act No. 28 of 1978) the following area of village.....Tehsil..... is closed under section 4, 5 & 6 (delete which is not applicable) in accordance with Notification No.....dated..... (copy enclosed) and restrictions and restraints as specified in the aforesaid notification are imposed.

Description of Area,

Name of village.

Hadbast No.

Khasra No.

2. These restrictions shall remain inforce from..... to.....

3. Therefore, under section 8 & 9 of the Himachal Pradesh Land Preservation Act, 1978 (Act 28 of 1978) this notice is being issued to every such person who has objection/claim against these restrictions/restraints which can be filed by him in writing or orally before..... (He shall also inform the mode and type of compensation acceptable to him).

The above mentioned area has been demarcated on the spot and its boundaries/location can be ascertained from village Sarpanch/Lambardar or other official. Necessary information may also be obtained from helqua Patwari as well.

LAND PRESERVATION ACT, 1978 OF SHIMLA DISTRICT

ORDER

No. 15-4 / 71-SF-II, dated Shimla-2, the 27-8-80

Whereas, the State Government is satisfied, after due, enquiry, Under Section 7 of the H. P. Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor Himachal Pradesh in exercise of the powers conferred by Section 4 of the H. P. Land preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed of H.P. Notification of even number dated 6-2-1979 in Shimla District the following acts for a period of 30 years with effect from the dates of publication of this order in the Rajpatra H. P. in the manner indicated below :-

- (1) The cutting of trees or timber and removal thereof in such areas shall be prohibited;
- (2) Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owner may for their bonafide domestic and agricultural use fell upto five trees each year without permission, upto 10 trees with written permission of the Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned:

Provided further that the trees for sale shall be felled in accordance with the 10 years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned upto 50 trees in a year, of the Conservator of Forest upto 100 trees in a year of the Chief Conservator of Forest upto 200 trees in a year and of the State Government for more, than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10 years felling programme;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 State Horticulture Department for complete stocking of the area.

- (3) Subject to the provisions of para I, the extraction, collection or removal or subjection to any manufacturing process of any forest produce on such area shall be prohibited.

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time, laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3 years. Felling programme which will be framed by the officers of the Forest Department and approved by the State Government and that the permission for felling of bamboo's for sale will be granted by the Divisional Forest Officer concerned in accordance with the 3 years felling programme.

- (4) The forest produce passing out of such areas shall be subjected to examination by a Forest Officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid without obtaining an export permit for the same.

(5) The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be necessary in the interest of forest conservancy and to avoid misuse of the forest produce so extracted.

(6) Notwithstanding anything to the contrary contained in the foregoing paragraphs, the State Government may by general or special order allow the cutting or removal of any tree 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 such as grant of Nautor Land Consolidation of holdings or dry trees/fallen trees or in Cases pending before 31-3-1979.

3. This Supersedes this Department Notification of even No. dated 9-3-1980.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1978 OF KINNAUR DISTRICT

ORDER

No. 15-4/71-SF-11, dated Shimla-2, the 25-2-1981

Whereas the State Government is satisfied, after due enquiry, under Section 7 of the Himachal Pradesh Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 27-8-1980 in Kinnaur District the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below :-

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

Provided that there, will be no restriction on the use of forest produce for bonafide domestic Purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell upto five trees each year without permission, upto 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned;

Provided further that the trees for sale shall be felled in accordance with the 10 years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purpose will be felled after obtaining permission of the Divisional Forest Officer concerned upto 50 trees in a year, of the Conservator of Forests upto 100 trees in a year, of the Chief Conservator of Forests upto 200 trees in a year and of the State Government for more than 200 trees and. that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10 years felling programme;

Provided further that any person felling the trees either for domestic or agriculture use or for sale shall be required to plant at least 3 trees for one tree felled. In case, however, a fruit orchard is planted in such area, it shall be planted according to norms laid down by the State Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such areas shall be prohibited;

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time, laying down the period of extraction, number of blazes, width, length and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3 years Felling Programme, which will 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 will be granted by the Divisional Forest Officers concerned in accordance with the 3 years felling programme.

3. The Forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same.
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such condition as may be necessary in the interest or 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where- ever it is expedient to do so in the public interest such as grant of Nautor Land, Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

**GOVERNMENT OF HIMACHAL PRADESH "DEPARTMENT OF FOREST FARMING AND
ENVIRONMENTAL CONSERVATION"**

ORDER

No. 15-4171-SF-11, dated, Shimla-2, the 23-4-1981

Whereas order No. 15-4/71-SF-11, dated, 25-2-1981 issued under Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) herein after referred to as the said Act in respect of Kinnaur District was published in the Raipatra H. P. dated 12-3-81 after due enquiry under section 7 of the said Act :

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

Now, therefore, the Governor, H. P. in, exercise of the powers conferred by section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause I of para 2 of the above mentioned notification No. 15.4/71-SF- 11, dated 25-2-1981 by the following provision

"Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned."

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1978 OF MANDI DISTRICT

ORDER

No. 15-4/71-SF-11, dated Shimla-2, the 27-8-80

Whereas. the state government is satisfied, after due, enquiry, under Section 7 of the- H. P. Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 6-2-1979 in Mandi District the followings, acts for a period of 30 years with effect from the date of publication of this order in the Raipatra Himachal Pradesh in the manner indicated below :-

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell upto 5 trees each year without permission, upto 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned;

Provided further that the trees for sale shall be felled in accordance with the 10 years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned upto 50 trees in a year, of the Conservator of Forests upto 100 trees in a year of the Chief Conservator of Forests upto 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10 years felling programme;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 trees for one tree felled. In case however a fruit orchard is slanted in such area, it shall be planted accordingly to the norms laid down by the State Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para-I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such areas shall be prohibited;

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by Chief Conservator of Forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matter;

Provided further that the felling of bamboos will be regulated according to 3 years Felling Programme, which will be framed by the officer of the Forest Department and approved by the State Government and that the permission for felling of bamboos for sale will be granted by the Divisional Forest Officers concerned in accordance with the 3 years felling programme.

3. The forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same.

4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor Land, Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.

3. This supersedes this Department Notification of even No. dated 13-3-1980.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

ORDER

No. 15-4 / 71-SF-11, dated, Shimla-2, the 23-4-81

Whereas, order No. 15-4/71-SF-11, dated 27-8-80 issued Under Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Mandi District was published in the Rajpatra, H.P. dated 13-9-80 after due enquiry under section 7 of the said Act,

And whereas the State Govt. is satisfied, after due enquiry under section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, H.P. in exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act 28 of 1978) is pleased to substitute proviso two to clause I of para 2 of the above mentioned notification No. 15-4/71-SF-11, dated 27-8-80 -by the following provision.

"Provided further that the owners may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned."

**Secretary (Forests) to the
Govt. of H. P.**

LAND PRESERVATION ACT 1978 OF HAMIPUR DISTRICT

ORDER

No. 15-4 / 71-SF-11, dated Shimla-2, the, 27-8-80

Whereas, the State Government is satisfied, after due enquiry, under Section 7 of the Himachal Pradesh Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 30-5-1979 in Hamirpur District the following acts for a period

of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below :-

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell upto five trees each year without permission, upto 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned;

Provided further that the trees for sale shall be felled in accordance with the 10 years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned upto 50 trees in a year, of the Conservator of Forests upto 100 trees in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10 years felling programme;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 State Horticulture Department for complete stocking of the area.

2. Subject to the provisions of para I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such area shall be prohibited

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matter;

Provided further that the felling of bamboos will be regulated according to 3 years felling programme, which will 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 will be granted by the Divisional Forest Officer concerned in accordance with the 3-years felling programme.

3. The forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid without obtaining an export Permit for the same ;
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor land, consolidation of holdings or dry trees/ fallen trees or in cases pending before 31-3-1979.
3. This supersedes this Department Notification of even No. dated 21-3-1980.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

**LAND PRESERVATION ACT, 1978 OF UNA DISTRICT
ORDER**

No. 15-4-SF-II, dated Shimla-2, the 27-8-80.

Whereas, the State Government is satisfied, after due enquiry, under Section 7 of the Himachal Pradesh Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees' areas of other local bodies and areas falling in the peripheries of such focal bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 30-5-1979 in Una District the following acts for a period of 30 years with effect from the date of Publication of the order in the Rajprta Himachal Pradesh in the manner indicated below

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell up to five trees each year without permission, up to 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned ;

Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purpose will be felled after obtaining permission of the Divisional Forest officer concerned up to 50 trees in a year, of Conservator of Forests upto 100 trees in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10-years felling programme ;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least I 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 State Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subjection to any manufacturing proem of any forest produce in such areas shall be prohibited.

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forest from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3-years felling programme, which will 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 will be granted by the Divisional Forest Officers concerned in accordance with the 3-years felling programme.

3. The forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same.

4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor Land, Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This supersedes this Department Notification of even No). dated 21-3-1980.

**Secretary (Forests) to the,
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1978 OF BILASPUR DISTRICT

ORDER

No. 15-4/71-SF-11, dated Shimla-2, the 27-8-80

Whereas, the State Government is satisfied, after due enquiry, under Section 7 of the H. P. land Preservation Act, 1918 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act,

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to. H. P. Notification of even number dated. 3-9-1979 in Bilaspur District the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below:

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder

Provided further that the owners may for their bonafide domestic and agricultural use fell up to five trees each year without permission, up to 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned ;

Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and after purposes will be felled after obtaining permission of Divisional Forest Officer concerned up to 50 trees in a year of the Conservator of Forests up to 100 trees in a year, of the Chief Conservator of Forests upto 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forests Officer concerned in accordance 'with the 10-years felling programme

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 State Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such areas shall be prohibited.

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3-years felling programme, which will 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 will be granted by the Divisional Forest Officers concerned in accordance with the 3- years felling programme.

3. The forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be necessary in the interest 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor Land, Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This supersedes this Department Notification even No. dated 9-3-1080,

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

**GOVERNMENT OF HIMACHAL, PRADESH
DEPARTMENT OF FOREST FARMING AND ENVIRONMENTAL CONSERVATION"**

ORDER

No. 15-4/71-11, dated Shimla-2, the 23-4-81

Whereas order No. 15-4/71-SF-11. dated 27-8-1980 issued under Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) herein after referred to as the said Act in respect of Bilaspur District was published in the Rajpatra H. P. dated 13-9-80 after due enquiry under section 7 of the Said Act ;

And whereas the State Government is satisfied, after due enquiry, under Section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso to two clause 1 of para 2 of the above mentioned notification No. 15-4/71-SF-II, dated 27-8-80 by the following provision :-

"Provided further that the owners may for their bonafide domestic and agricultural use fell up to 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned".

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1979 OF SIRMAUR DISTRICT

ORDER

No. 15-4171-SF-11, dated Shimla-2, the 27-8-80

Whereas, the State Government is satisfied, after due enquiry, under Section 7 of the Himachal Pradesh Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 6-2-1979 in Sirmour district the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below : -

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic, and agricultural use fell up to five trees each year without permission, up to 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned ;

Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned up to 50 trees in a year, of the Conservator of Forests up to 100 trees in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10 years felling programme ;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 State Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subsection to any manufacturing process of any forest produce in such areas shall be prohibited;

Provided that the extraction of resin will be undertaken with written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forest from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters ;

Provided further that the felling of bamboos will be regulated according to 3-year felling programme, which will 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 will be granted by the Divisional Forest Officers concerned in accordance with the 3-years felling programme.

3. The forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been excavated after obtaining permission aforesaid without obtaining an export permit for the same ;

4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such conditions as it may deem fit to impose wherever it is expedient to do so in the public interest such as grant of Nautor Land, Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This Supersedes this Department Notification of even No. dated 9-3-1980,

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

ORDER

No. 15-4 / 71-SF-11, Dated, Shimla-2, the 23-4-1981

Whereas order No. 15-4/71-SF-11, dated 27-8-80 issued under Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Sirmour District was published in the Rajpatra H. P. dated 13-9-80 after due enquiry under sanction 7 of the said act;

And whereas the State Government is satisfied, after due enquiry, under Section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh in exercise of the, powers conferred by Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso to two clause 1 of para 2 of the above mentioned notification No. 15-4/71-SF-11, dated 27-8-80 by the following provision :-

"Provided further that the owners may for their bonafide domestic and agricultural use fell up to 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned".

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

ORDER

No. 15-4/71-SF-11, Shimla-2, Dated the 27-8-1980

Whereas, the State Government is satisfied after due enquiry, under Section 7 of the Himachal Pradesh and Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 3-5-1979 in Kullu District the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below :

1. The cutting of trees or timber and removal thereof in such areas shall be prohibited;
Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;
Provided further that the owners may for their bonafide domestic and agricultural use fell up to five trees each year without permission up to 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned.
Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned up to 50 trees in a year, of the Conservator of Forests up to 100 trees, in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10-years felling programme;
Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 state Horticulture Department for complete stocking of the area.
2. Subject to the provisions of Para I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such areas shall be prohibited;
Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;
Provided further that the felling of bamboos will be regulated according to 3-years felling programme, which will 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 will be granted by the Divisional Forest Officers concerned in accordance with 3-years felling programme.
3. The forest produce, passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same.
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor Land Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This Supersedes this Department Notification of even No. dated 21-3-1980.

Secretary (Forests)
to the Govt. of Himachal Pradesh

LAND PRESERVATION ACT, 1978 OF KULLU DISTRICT

ORDER

No. 15-4 / 71-SF-11, Dated, Shimla-2, the 23-4-1981

Whereas order No. 15-4/71-SF-11, dated 27-8-80 issued under Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as the said Act in respect of Kullu District was published in the Rajpatra H. P. dated 13-9-80 after due enquiry under sanction 7 of the said act;

And whereas the State Government is satisfied, after due enquiry, under Section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers conferred by Section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso to two clause 1 of para 2 of the above mentioned notification No. 15-4/71-SF-11, dated 27-8-80 by the following provision :-

"Provided further that the owners may for their bonafide domestic and agricultural use fell up to 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned".

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1978 OF KANGRA DISTRICT

ORDER

No. 15-4 / 71-SF-11, Dated, Shimla-2, the 23-4-1980

Whereas State Government is satisfied after due enquiry, under Section 7 of the Himachal Pradesh and Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 3-5-1979 in Kullu District the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below :

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell up to five trees each year without permission up to 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned.

Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned up to 50 trees in a year, of the Conservator of Forests up to 100 trees, in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that

for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10-years felling programme;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 state Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such areas shall be prohibited;

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3-years felling programme which will be framed by the officers of the Forest Department and approved by the State Government and that the permission for felling of bamboo's for sale will be granted by the Divisional Forest Officers concerned in accordance with 3-years felling programme.

3. The forest produce passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be necessary in the interest 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor Land, Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This supersedes this Department Notification even No. dated 9-3-1980.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

ORDER

No. 15-4/71-SF-11, Dated Shimla-2, 27-8-1981

Whereas order No. 15-4/71-SE-11 dated 27-8-80 issued under Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as this said Act in respect of Kangra District was published in the Rajpatra. H. P. dated 13-9-80 after due enquiry under section 7 of the said Act;

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

Now, therefore, the Governor, H. P. in exercise of the powers conferred by section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso to two clause I of para 2 of the above mentioned notification No. 15-4/71-SF-11, dated 27-9-1980 by the following provision

"Provided further that the owner may for their bonafide domestic and agricultural use fell up to 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1978 OF SOLAN DISTRICT

No. 15-4/71-SF-11, Dated Shimla-2, the 27-8-1980

Whereas the State Government is satisfied after due enquiry, under Section 7 of the Himachal Pradesh and Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries' of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 3-5-1979 in Solan District the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below :

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

Provided that there will be no restriction on the use of forest produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell up to five trees each year without permission up to 10 trees with written permission of the concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned.

Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned up to 50 trees in a year, of the Conservator of Forests up to 100 trees, in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10-years felling programme;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 state Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subjection to any manufacturing process of any forest produce in such areas shall be prohibited;

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3-years felling program In, which will 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 will be granted by the Divisional Forest Officers concerned in accordance with 3-years felling programme

3. The forest produce, passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same.
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where ever it is expedient to do so in the public interest such as grant of Nautor Land Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This Supersedes this Department Notification of even No. dated 21-3-1980.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

ORDER

No. 15-4/71-SF-11, Shimla-2, Dated the 27-8-1981

Whereas order No. 15-4/71-SE-11 dated 27-8-80 issued under Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) hereinafter referred to as this said Act in respect of Solan District was published in the Rajpatra. H. P. dated 13-9-80 after due enquiry under section 7 of the said Act;

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

Now, therefore, the Governor, H. P. in exercise of the powers conferred by section 4 of the H. P. Land Preservation Act, 1978 (Act No. 28 of 1978) is planned to substitute provision to two clause I of para 2 of the above mentioned notification No. 15-4/71-SF-11, dated 27-9-1980 by the following provision

"Provided further that the owner may for their bonafide domestic and agricultural use fell up to 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the Divisional Forest Officer concerned."

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

LAND PRESERVATION ACT, 1978 OF CHAMBA DISTRICT

No. 15-4/71-SF-11, dated Shimla-2, the 27-8-1980

Whereas the State Government is satisfied after due enquiry, under Section 7 of the Himachal Pradesh and Land Preservation Act, 1978 that regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of this Act.

2. Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), is pleased to temporarily regulate, restrict and prohibit throughout the areas (except in Municipal Corporation/Municipal Committees, areas of other local bodies and areas falling in the peripheries' of such local bodies) specified in the schedule annexed to Himachal Pradesh Notification of even number dated 3-5-1979 in Chamba District the following acts for a period of 30 years with effect from the date of publication of this order in the Rajpatra Himachal Pradesh in the manner indicated below :

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

Provided that there will be no restriction on the use of forest, produce for bonafide domestic purposes of fuel and fodder;

Provided further that the owners may for their bonafide domestic and agricultural use fell up to five trees each year without permission up to 10 trees with written permission of the

concerned Range Officer and more than 10 trees with written permission of the Divisional Forest Officer concerned.

Provided further that the trees for sale shall be felled in accordance with the 10-years felling programme, which will be framed by the officers of the Forest Department and approved by the State Government subject to the condition that trees used for timber and other purposes will be felled after obtaining permission of the Divisional Forest Officer concerned up to 50 trees in a year, of the Conservator of Forests up to 100 trees, in a year, of the Chief Conservator of Forests up to 200 trees in a year and of the State Government for more than 200 trees and that for other trees the permission will be accorded by the Divisional Forest Officer concerned in accordance with the 10-years felling programme;

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least 3 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 state Horticulture Department for complete stocking of the area.

2. Subject to the provisions of Para I the extraction, collection or removal or subsection to any manufacturing process of any forest produce in such areas shall be prohibited;

Provided that the extraction of resin will be undertaken with the written permission of the concerned Divisional Forest Officer in accordance with the instructions issued by the Chief Conservator of Forests from time to time laying down the period of extraction, number of blazes, length, width and depth of the blazes and other related matters;

Provided further that the felling of bamboos will be regulated according to 3-years felling program which will 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 will be granted by the Divisional Forest Officers concerned in accordance with 3-years felling programme

3. The forest produce, passing out of such areas shall be subject to examination by a forest officer and no forest produce will be removed by any person, even if it may have been extracted after obtaining permission aforesaid, without obtaining an export permit for the same.
4. The authority empowered to grant permission for extraction of forest produce may while granting permission impose such conditions as may be 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 by general or special order allow the cutting or removal of any tree or class of trees subject to such condition as it may deem fit to impose where- ever it is expedient to do so in the public interest such as grant of Nautor Land Consolidation of holdings or dry trees/fallen trees or in cases pending before 31-3-1979.
3. This Supersedes this Department Notification of even No. dated 21-3-1980.

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

ORDER

No. 15-4171-SF-11, 1 dated, Shimla-2, the 23-4-1981.

Whereas order No. 15-4/71-SF-11, dated 27-8-80 issued under Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) here-in-after referred to as the, said Act in respect of Chamba District was published in the Rajpatra H.P. dated 13-9-80 after due enquiry under section 7 of the said Act ;

And whereas the State Govt. is satisfied, after due enquiry, under Section 7 of the said Act the regulations, restrictions, prohibitions or directions contained in this order are necessary for the purpose of giving effect to the provisions of the said Act.

Now, therefore, the Governor, H.P. in exercise of the powers conferred by Section 4 of the I-I.P. Land Preservation Act, 1978 (Act No. 28 of 1978) is pleased to substitute proviso two to clause I of para 2 of the above mentioned notification No. 15-4/71-SF-11, dated 27-8-80 by the following provision :

"Provided further that the owner may for their bonafide domestic and agricultural use fell upto 5 trees each year with the written permission of the concerned Range Officer and more than 5 trees with the written permission of the divisional forest officer concerned."

**Secretary (Forests) to the
Govt. of Himachal Pradesh**

**AMENDMENT OF LAND PRESERVATION, ACT, 1978 OF KANGRA, KULLU, MANDI,
CHAMBA, BILASPUR, UNA, SHIMLA, SOLAN, SIRMUR, HAMIRPUR AND KINNAUR
DISTRICTS**

ORDER

No. 15-4/71-SF-11, dated Shimla-2, the 2nd September, 1981

Whereas Orders No. 15-4/71-SF-11, dated the 27th August, 1980 and 25th February, 1981 issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978), hereinafter referred to as the said Act, in respect of Kangra, Kullu, Mandi, Chamba, Bilaspur, Una, Shimla, Solan, Sirmour, Hamirpur and Kinnaur Districts of Himachal Pradesh were published in the Rajpatra, Himachal Pradesh dated the 13th September, 1980 and 12th March, 1981 after due enquiry under section 7 of the said Act.

And whereas proviso two to clause I of Para 2 of the above, mentioned Orders were substituted under this Government Orders of even number dated the 23rd April, 1981 published in the Rajpatra Himachal Pradesh dated 18-7-1981 in respect of Kangra District and dated 23-5-81 (extra-ordinary) in respect of Kullu, Manali, Chamba, Bilaspur, Una Shimla, Solan, Sirmour, Hamirpur and Kinnaur Districts.

And whereas the State Government is satisfied after due enquiry, under section 7 of the said Act that the regulations, restrictions, prohibitions or directions contained in this order and necessary for the purpose of giving effect to the provision of the said Act :

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers conferred by section 4 of the said Act is pleased to substitute proviso two to clause I of Para 2 of the above mentioned Orders of even number dated the 27th August 1980 and 25th February, 1981, amended under orders dated the 23rd April 1981, by the Following provision.

"Provided further that the owners may for their bonafide domestic and agricultural use fell upto three trees each year without permission, upto ten trees with written permission of the concerned Range Officer and more than ten trees with written permission of the Divisional Forest Officer concerned."

**Sd/-
Secretary (Forests) to the
Govt. Of Himachal Pradesh**

AMENDMENT OF LAND PRESERVATION ACT 1978 OF KANGRA, KULLU, MANDI, CHAMBA, BILASPUR, UNA, SHIMLA, SOLAN, SIRMUR, HAMIRPUR AND KINNAUR DISTRICTS.

No. Fts (A) 3-1181-Part II, dated Shimla-2, the Sept, 1984,

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

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

Provided further that the owners may for their bonafide domestic and agricultural use fell 3 trees of coniferous (except chil trees) and in case of chil and other trees 5 trees each year without permission, up to 10 trees with written permission of the Range Officer concerned and more than 10 trees with written permission of the Divisional Forest officers concerned. In case of bamboos there will no restriction on number to be felled for bonafide domestic purposes or for use in their own cottage industries.

(a) For Khair, bamboos & other miscellaneous broad leaved species.

-upto 200 trees in a year

-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

-upto 200 trees in a year

-above 200 trees in a year Himachal Pradesh Government.

This supersedes the amendment to proviso (2) to clause I of para 2 issued vide Order No. 15-4/71-SF- II dated 2nd September, 1981.

224

(Authoritative English text of this Government Notification, No. Fts (A) 3.1181, dated 19-9-1983 as required under, Article 348(3) of the Constitution of India).

COMPOUNDING OF FOREST OFFENCES UNDER SECTION 19 OF L.P.A.

NOTIFICATION

No. Fts (A) 0-1181, dated Shimla-2, the 19th September, 1983.

In exercise of the powers conferred by section 19 of Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) the Governor of Himachal Pradesh is pleased to empower the concerned Divisional Forest Officers of the, Forest Deptt., Himachal Pradesh with immediate effect to compound forest offences as per provisions of Section 19 of the said Act for the offences committed within their territorial jurisdiction.

By Order
Secretary (Forests) to the
Govt. of Himachal Pradesh.

Authoritative – text of English version of this Department Notification No. Fts (A)3-1/81-II dated 13.11.1992 as published under Article 348 (3) of the Constitution of India for the general information of the public).

GOVERNMENT OF HIMACHAL PRADESH DEPTT. OF FOREST FARMING AND CONSERVATION.

NOTIFICATION

No. Fts. (A) 3-1/81-II

Dated Shimla-2, 13.11.1992.

In exercise of the powers conferred under section 21 of the Himachal Pradesh Land Preservation Act, 1979 (Act of 1978), the Governor, Himachal Pradesh is pleased to make the following rules further to amend Himachal Pradesh Land Preservation Rules, 1983 issued vide Notification No. Fts (A)3-1/81 dated 1st June, 1983 and published in the Rajpatra Himachal Pradesh (Extra Ordinary) dated the 27th August, 1983, namely:-

- Short title
1. These rules may be called the Himachal Pradesh Land Preservation (Amendment) rules, 1992.
 2. In rule 4 of the Himachal Pradesh Land Preservation Rules 1983:-
 - (a) at the end of clause (e) of sub-rule (2) for the sign (.) the sign ‘ : ’ shall be substituted and thereafter the following proviso shall be inserted, namely:

“Provided that in case of poplar, Albizzia, Willow, Bauhinia, Eucalyptus & Mulberry, clear felling can be allowed to the owner(s) of these species”
 - (b) at the end of the clause (a) of sub-rules (3) for the sign ‘ . ’ the sign, ‘ : ’ shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that in case of Poplar, Eucalyptus, Albizzia, Bahunia, Willow and Mulberry the owner(s) shall not be required to plant any tree for the tree felled.”

By Order

Financial Commissioner-cum-Secretary (FTS)
to the Govt. of Himachal Pradesh.

(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 Scheduled 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 Scheduled 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	Competent authority of grant Permission to fell the trees.
(1)	(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, by 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:-

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. Bhoraanj 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. Baijnath 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.

(Refer to the further Amendment made by GoHP to the above Notification vide Notification No. FFE-B-A (3)-4/99-Loose Dated Shimla -02 the, 11th November, 2013 as below)

**Government of Himachal Pradesh
Department of Forests**

No. FFE-B-A (3)-4/99 – Loose Dated: Shimla – 02, the 11th November, 2013

ORDER

Whereas, the Governor of Himachal Pradesh is satisfied that it is expedient to amend the Order No. FFE-B-A-(3)-4/99, dated 10-09-2002 (hereinafter referred to as the said order) which has been issued in exercise of the powers conferred by Section 4 read with Section 7 of the Himachal Pradesh Land Preservation Act, 1978;

Now, therefore, in exercise of the powers conferred by Section 4 read with Section 7 of the Act *ibid*, the Governor of Himachal Pradesh is pleased to amend the said order in the following manner and the same is published in the Rajpatra, Himachal Pradesh as required under Section 7 of the Act *ibid*;

For the provisions contained in Clauses (a) and (b) under third proviso to para 1, the following shall be substituted; namely:-

<u>No. of trees</u>	<u>Competent authority of grant permission to fell the trees.</u>
-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, HP
-above 200 trees in a year	: Himachal Pradesh Government.

By Order

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

Authoritative English text of this Department Notification No. FFE- B-A (3)/ 99 – dated 29.4.2003 of the constitution of India under clause (3) of article 348 of the Constitution of India.

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS.**

No. FFE-B-A (3)/99 – Dated Shimla-2 the 29th April, 2003.

ORDER

In exercise of the powers conferred by Section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28) of 1978 read with section, 20 of the Himachal Pradesh Central Clauses Act, 1968 (Act No. 16 of 1969) The Governor, Himachal Pradesh is pleased to amend this Department Order No. FEE-B-A(3)-4/99 - dated 20th September, 2002 published in the Himachal Pradesh Rajpatra (Extra ordinary) dated 4th October, 2002 (hereinafter called the said order) to the following extend namely:-

AMENDMENT

1. Amendment of Para-I.	In para-I of the said order – (i) Before the existing first proviso, the following new proviso shall be inserted namely:-

“Provided that there shall be no prohibition or restriction on felling of species of trees of Popular, Eucalyptus, Albizzia, Bahunia, Willow and Mulberry:”, and

(ii) In the existing first provisio of the said order after the word “provided” before the word “that” the word “further” shall be inserted.

By order

Principal Secy (Fts) to the
Govt. of Himachal Pradesh.

Authoritative English text of this department Order as required under clause (3) of article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Forests**

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

Dated Shimla-2, the 24-9-03

ORDER

Whereas order of even number dated 10-9-2002 of this department was issued under section 4 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) and published in the Rajpatra Himachal Pradesh)Extra Ordinary) dated 4-10-2002 after complying with the Provisions of section 3 and 7 of the Act ibid;

And whereas State Government is satisfied after due inquiry under section 7 of the said Act that it is necessary and expedient further to amend the said order;

Now, therefore in exercise of the powers conferred by section 4 of the said Act, the Governor of H.P. is pleased to made following amendments in the said order, namely:-

Insertion of Para 6-A	1. After para 6 of the order of the even number dated 10-9-2002 of (hereafter referred to as the “said order”, the following new para 6- A shall be inserted namely :- 1. “6A. If the trees are not felled within extended period of one year granted by the Principal Chief Conservator under para 6 of this order the State Government may extend the period for one year if there are sufficient reasons for granting such extension.
Amendment of para-8	2. In par-8 of the said order for sub-para (ii) of para-8 of the said order, the following shall be substituted, namely :- (ii) The State Government upto two years subject to its being satisfied that there exists any of the following reasons for granting such permission namely :- (a) If there is dispute over the title or ownership or possession of land on the production of a documentary evidence such as orders/certificate of the Court etc; or. (b) If the area is in the ten years felling programme but the same has not been shown therein the certificate from the Divisional Forest Officer concerned; or

- (c) If the demarcation of land could not be made due to non-availability of staff on furnishing a certificate from the Sub-Divisional Officer (Civil) or the Divisional Forest Officer concerned as the case may be to this effect; or
- (d) If the process of demarcation of land, marking and felling of trees has not been completed due to a natural calamity; or
- (e) If the settlement of rates of trees has not been arrived at during the prescribed year of felling; or
- (f) If there is any other reason beyond the control of the land owner.

Provided that the State Government may allow felling of the trees upto two years and six months after the prescribed year of felling in the snow bund areas” .

Addition of paras
13, 14 & 15

3. After para 12 of the said order, the following paras shall be added, namely :-

- (1) The felling and conversion of Deodar, Kail, Fir and Spruce shall be completed within a period of two years and that of Chil and other scheduled species within a period of one year.
- (2) The felling and conversion of trees of non scheduled species shall be completed within three months from the date of issuance of felling order by the Divisional Forest Officer or at the end of financial year whichever is later, as the case may be.

14. The State Government may allow demarcation of land, marking and felling of trees on the land recorded as Shamlat Deh/Tika Hasab-Rasad-Mallguzari in favour of the co-sharer on their furnishing of a certificate issued by the Sub-Divisional Officer (Civil) concerned to the effect that they are in continuous possession of the land prior to 26-1-1950 and further that they have become absolute owners in proportion to the land revenue paid by them and the said land has never been vested in the Government under any enactment.

15. Working plans for the felling trees shall be prepared for private land falling within the ten years felling programme adjoining to the Government “Forests” which shall be verified at the spot by an officer not below the rank of Divisional Forest Officer.

By Order

J.P. Negi,
Principal Secretary (Fts.) to the
Government of Himachal Pradesh.

(Authoritative English text of this Department Notification No. FEE-B-F(1)1/2010-11 dated 3/2/2011 under clause (3) of article 348 of the Constitution of India)

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS.**

No. FFE-B-F (1)1/2010-11

dated Shimla-2, the 3/2/2011.

In exercise of the powers conferred by section 21 read with section 4 of Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Land Preservation Rules, 1983 and notified vide this Department notification No. Fts(A)3-1/81 dated 1st June, 1983 and published in Rajpatra, Himachal Pradesh (Extra-ordinary) dated 27.8.1983, namely:-

Short title	1. These rules may be called the Himachal Pradesh Land Preservation (Amendment) Rules, 2011.
2. Amendment of rule-4	2. In rule (4) of the Himachal Pradesh Land Preservation Rules 1983 in sub-rule (2),-
	(a) from the proviso below clause (d), the word and sign “Bamboo” appearing after the word “Khair” shall be deleted; and
	(b) after the proviso to clause(e), the following second proviso shall be inserted namely:-

“Provided further that the owners shall be free to fell bamboos in accordance with the three years felling program to be notified by the Divisional forest Officer every year”.

By order,

Sudripto Roy
Principal Secretary (forests)
to the Govt. of Himachal Pradesh.

**Government of Himachal Pradesh
Forest Department.**

NOTIFICATION

No. FFE-B-E(3)-31/2001-I

Dated Shimla-2, the 19th February, 2011.

Whereas, the Expert Committee constituted by the State Government in compliance of interim order dated 12.12.1996 of the Hon’ble Apex Court in Writ Petition 202 of 1995 titled -T. N. Godaverman V/s Union of India and others decided that the ‘compact wooded block’ above 5 ha which are not recorded as ‘forest’ in the revenue record shall be treated as ‘forest’.

2. And Whereas, during the hearing of Civil Appeals No. 8133, 8134 and 8135 of 2003 on 01.02.2010 in the Central Empowered Committee constituted by the Hon’ble Supreme Court of India in Writ Petition (C) 202 of 1995 titled – T.N. Godaverman Vs Union of India and others, it was suggested by the Ventral Empowered Committee that the definition of ‘Forests’ as defined by the State of Himachal Pradesh needs further clarification by way of certain definable parameters.
3. And Whereas the Central Empowered Committee vide its recommendations dated 7th September, 2010 communicated to the Hon’ble Apex Court that the CEC is in agreement with the definition of the ‘compact wooded block’ decided by the State and

recommended that the Civil Appeals No. 8133, 8134 and 8135 of 2003 may be decided with the direction that the State of Himachal Pradesh will notify the definition of 'compact wooded block' decided by it immediately.

4. And Whereas on the recommendations/Report of the Central Empowered Committee, the Hon'ble Supreme Court of India on 22/11/2010 in the above matter has passed following order:-

"The CEC vide its report dated 7th September, 2005 inter alia observed that it will be appropriate that the State of Himachal Pradesh notifies the definition of Compact Wooded Block as decided by the Himachal Pradesh Forest Department.

Learned counsel for the State of H.P. submits that so far the State did not issue any such Notification. In such circumstances, we direct the State of H.P. to examine the issue and issue appropriate Notification accepting the said definition of Compact Wooded Block as has already been decided by the Forest Department. The appropriate Notification in this regard shall be issued within three months from today."

5. Now therefore, in compliance of the above order of the Hon'ble Apex Court, the definition of 'forest' / 'compact wooded block' is notified as under:-

1. "If the private area is notified under Indian Forest Act, 1927 or other Act or is entered as van/bani/jungle in the revenue record it will be treated as forests."

2. For other type of areas not recorded as indicated in point 1.

There are two components under this definition:-

Compactness of the area above 5 Ha. and

Woodiness in this area above 5 Ha.

- (a) **Compactness** of an area above 5 Ha would be an area of private land with itself or in contiguity with other adjacent private khasras only
- (b) **Woodiness** in this area of above 5 Ha would be as defined below:-

Accordingly, the definition in different agro-climatic zones would be as under:-

- i) **Temperate areas:-** These areas consisting of conifer forests of deodar, fir, spruce, kail, and of oaks rhododendrons and other broad leave species will be defined as under:-

"A compact wooded private area of more than five hectares constituted by itself or in contiguity with private khasras of one or more than one land owners and having more than 400 trees of natural origin and not of plantation origin per hectare of Class-III and above in this compact wooded block will constitute a forests."

- ii) **Sub-tropical areas:-** These areas consisting of chil, khair and other broad leaved forest species will be defined as under:-

Chil forests:- The above definition for temperate areas will hold good in these forests.

Khair and other broad leaved species: "A compact wooded private areas of more than five hectares constituted by itself or in contiguity with private khasras of one or more than one land owners and having more than 800 trees of natural origin and not of plantation origin per hectares of less than class-III or for a mixed crop (mature and young) the trees being worked out by taking one mature tree equal to two young trees and vice versa in this compact wooded block will constitute a forests."

By Order

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

CHAPTER X
SALE OF TIMBER ACT, 1968 AND RULES
THE HIMACHAL PRADESH (SALE OF TIMBER) ACT, 1968
(Act No. 18 of 1968)

(Received the assent of the President of India on the 12th November, 1968, and was published in R.H.P. Extra, dated the 17th February, 1968 at P. 145- 148).

An Act to provide the control of the sale of timber and establishment of sale depots for such timber in Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth year of the Republic of India as follows:-

1. Short title, extent and commencement-(1) This Act may be called the Himachal Pradesh Forest (Sale of Timber) Act, 1968.
- (2) It shall extend to the whole of Himachal Pradesh.
- (3) It shall come into force at once.

2. Definitions- (1) In this Act, unless the context otherwise requires-

- a. "Official Gazette" means the Rajpatra, Himachal Pradesh and
- b. "State Government" means the Government of Himachal Pradesh.

(2) Words and expressions used, but not defined, in this Act and defined in the Indian Forest Act, 1927 (16 of 1927), shall have the meanings, respectively assigned to them in that Act.

3. Power to make rules, regulating sale of timber and the establishment of sale depots-
(1) The State Government may, by notification in the Official Gazette, make rules to regulate the sale of timber and the establishment of sale depots for such timber.

- (2) In particular and without prejudice to the generally of the foregoing powers, such rules may
- a. prescribe the classes of timber to which the rules shall, apply;
 - b. define what shall be deemed to be a sale depot.
 - c. provide for the establishment, registration regulation and inspection of the depots, and the levy of fees for registration; prescribe the period for which registration shall hold good and the conditions under which timber may be brought to, store at, and removed from, sale depots; and prohibit the sale of timber at or the establishment or maintenance of unregistered sale depots.
 - d. regulate the use of sale depot marks and the registration of such marks; prescribe the time for which registration shall hold good; and provide for the levy of fees for registration.
 - e. prescribe the registers to be maintained at sale depots and provide for the production of such registers before and for their examination by any forest officer authorised in this behalf by the divisional forest officer.
 - f. Prescribe, as penalties for the infringement of any rule made under this section, imprisonment which may extend to six months, or fine which may extend to five hundred rupees, or both. Double penalties may be inflicted where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or if the officer has been previously convicted of a like offence.

(3) All rules made under this section shall be so made after previous publication in the Official Gazette.

(4) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

4. **Application of chapter IX of Indian Forest Act, 1927** - The provisions of chapter IX of the Indian Forest Act 1927 (16 of 1927) with the exception of section 68, shall apply, so far as may be, to any infringement of the rules made under this Act as if such infringement were a forest offence under the Indian Forest Act, 1927.

5. **Indemnity for acts done in good faith** - No suit shall lie against any public servant for anything done by him in good faith under this Act.

6. **Repeal and savings** - The following Acts are hereby repealed:-

- (1) the Punjab Forest (Sale of Timber) Act, 1913 (3 of 1913), as applicable to the areas merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) and
- (2) the Punjab Forest (Sale of Timber) Act, 1913 (3 of 1913), as applicable to the areas merged with Himachal Pradesh (Application of Laws) Order, 1949.

Provided that anything done, or any action taken or proceedings commenced or continued under the Acts hereby repealed shall be deemed to have been done, taken, commenced or continued under the corresponding provisions of this Act.

RULES UNDER HIMACHAL PRADESH FOREST (SALE OF TIMBER) ACT, 1969.

NOTIFICATION

(As amended vide notification No. 3-236/69-SF dt. 30-1-1973)

No. 3-236169-SF-Shimla-1, the 3rd July, 1970.

In exercise of the powers conferred on him by section 3 of the Himachal Pradesh Forest (Sale of Timber) Act 18 of 1968) Lieutenant Governor Himachal Pradesh is pleased to make the following rules

1. Short title extent and commencement

1. (1) These rules may be called the Himachal Pradesh Forest (Sale of Timber) Rules, 1969.
- (2) These shall extend to the whole of Himachal Pradesh.
- (3) These shall come into force from the date of issue of this notification.

2. Definition: - In these rules unless there is anything repugnant in the subject or context,-

- (i) ¹["timber" includes trees when they have fallen or have been felled and all wood whether cut-up or fashioned or hallowed out for any purpose or not;]
- (ii) "Depot" means any building or place where timber is brought or stored for sale, as it is or processed through sawing or any other method/process.

²[Explanation,- Saw mills which process timber through sawing for whatever purpose shall be deemed to be depot.]

3. No person shall establish or maintain a depot unless it is registered in accordance with these rules.

4. Any person wishing to establish or maintain a depot shall register the same in the office of the Forest Division in which the depot is situated, and shall give in respect of such depot such details in regard to origin of timber as may be required by the Divisional Forest officer. Every person registering a depot shall be and remain responsible for the observance of all rules which may from time to time be notified by the Himachal Pradesh Government under section 3 of the

¹ The definition of Timber Subs. vide, Not. 3-236/69-SF, dated 30-1-1973 published in R.H.P. in R.H.P. dated 30-6-73 again sub Not. No. Fb. A (4) 6/76 dated 23-7-1984 published in R.H.P. dated 15-2-1986, p. 198.

² Explanation added vide Not. No. Fts. (A) 3-4/83 dated 3-10-85, published in R.H.P. dated 18-10-1986, p. 1068.

Himachal Pradesh Forest (Sale of Timber) Act, 1968, provided that the Divisional Forest Officer, with the approval of the Conservator, may exempt by order in writing any timber dealer from the operation of such rules as he may consider necessary. Each depot registered under this rule shall be assigned a number by the registering officer. In the case of persons having depots at the date of the publication of these rules a period of six months from such date will be allowed within which the deposit existing shall be registered.

³[Provided that a fee of Rs. 100/- shall be paid for registration of each depot registered under these rules]

5. The Officer in Charge of a Forest division may refuse registration at discretion for reasons which shall be stated in writing, but an appeal against an order refusing registration shall lie to the Conservator of Forest of the Circle concerned.

⁴[6. (i) Every person having a registered depot shall register his sale hammer mark in the office of the Forest Division in which the depot is situated.

(ii) No fee shall be paid for the registration of the sale hammer mark to be done under rule 6(1)].

7. No person shall be allowed to register a mark already registered in favour of another person or any mark used by Government, and the officer-in- Charge of a Forest Division may refuse registration of any mark which in his judgment so closely resembles a mark used by Government or registered in favour of any person as to be easily altered to counterfeit such mark.

8. The registration of a mark under rule 7 shall hold good for a period of three ⁵[calendar] years from the date of such registration.

9. ⁶[The owner or person-in-charge of a registered depot shall be required to maintain Register correctly in either or both of the following forms;

(i) A register of receipts of timber, showing

1. Date of receipt.
2. The place from which received.
3. Name, parentage and full address from whom received.
4. Species.
5. Property marks and/or khundan marks.
6. Number of logs or pieces.
7. Description giving size and volume.
8. Remarks.

(ii) A register of sales and removals of timber showing --

1. Date of sale,
2. Date of removal of timber from depot.
3. Name, parentage and full address of person to whom sold or made over.
4. Designation with full address.
5. Species.
6. Property marks and/or Khundan marks.
7. Number of logs and pieces
8. Description giving size and volume.
9. Remarks].

³ Provisio added vide ibid.

⁴ Rule 6 Subs. for the original one by Not. No. 2-236/69, SF,-dated 30-1-1973, published in R.H.P. dated 30-6-73, p. 1009-10.

⁵ Ins. By Not. No. 2-236/59-/SF, dated 30-1-1973, published in R.H.P. dated 30-6-1973.

⁶ Rule 9 subs for. vide Not. No. Fts. -A (4) 6/76 dated 23-7-1984 published in R.H.P. dated 15-2-1986, p. 198.

⁷[10. Every owner or person-in-charge of a registered depot shall produce the, above registers for scrutiny and checking of timber lying in the depot when called upon to do so by the State Vigilance Officer or the Divisional Forest Officer or any Forest Officer authorised by him in this behalf. Such official may at any time enter a registered/depot/saw mill for such purpose].

11. No timber shall be removed from any registered depot until it has been marked with the registered sale hammer of the owner, of the registered depot.

12. Sale hammer marks shall be surrendered to the Divisional Forest officer on the cancellation of any registration or on his death of the owner of the mark in whose name it has been registered.

13. No timber shall be removed from any registered depot unless accompanied by a form of receipt prescribed by the Government.

14. Whoever infringes any of these rules shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to the five hundred rupees or with both. Double penalties may be inflicted where the 'offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or if the offender has been previously convicted of any offence under these rules,

**⁸[FORM FOR REMOVAL OF TIMBER
(See rule 13)]**

Receipt of timber removed from Timber Depot registered under the Himachal Pradesh Forest (Sale of Timber) Rules, 1969

Date.....

1. Name of the Registered Depot holder
2. Location of the Timber Depot
3. Registration No. of Depot

Name of purchaser	Detail of Timber sold with size	
<i>Size No.</i>	<i>Vol. in cub. M</i>	<i>Amount</i>
Deodar	----	
Kail	----	
Fir/Spruce	----	
Chil	----	
Sal	----	
Other Species	----	
Total Sale amount	----	

Signature of
Registered Depot Holder

Note:- This receipt to be issued in triplicate, one copy to be endorsed to the Check Post and one to be sent to the D.F.O. concerned and one to be retained as Counterfoil.

No export permit will be required under sections 41 and 42 of the Indian Forest Act, 1927, when timber is purchased from Timber Sale Depot under Sale of Timber Rules, 1969 by the purchasers, when accompanied with this prescribed receipt form]

(R.H.P. dated the 22 August 1970, p. 755).

⁷ Rule 10 Subs. vide Not. No. Fts. -A (4) 6/76 dated 23-7-1984 published in R.H.P. dated 15-2-1986, p. 198.

⁸ Form added vide Not. No. FTS (A) 4-6/76, dated 19-1-1977 published in R.H.P. dated 25-6-1977, p. 986.

HIMACHAL PRADESH (SALE OF TIMBER)

(1ST AMENDMENT) RULES 1984

No. Fts (4)-6/76 dated the Shimla-171002, the 20th July/23-7-84.

NOTIFICATION

Whereas the proposed amendments in the Himachal Pradesh Forest (Sale of Timber, Rules, 1969 were published in extraordinary Rajpatra, H.P. dated 10-1-1981 under notification of even number dated 3-9-1980 for the information of the persons likely to be affected and inviting objections/suggestions to the same within 30 days from the date of its publication in the Rajpatra;

And whereas no objections/suggestions have been received to the proposed amendments within the prescribed period;

Now, therefore, in exercise of the powers vested in him under Section 3 of the HP Forest (Sale of Timber) Act, 1968 (No. 18 of 1968), the Governor of Himachal Pradesh is pleased to order the following amendments in the H. P. Forest (Sale of Timber) Rules, 1969 notified vide this Government notification No. 3-236/69-SF dated 03/01/1970 and published in H. P. Rajpatra dated 22-8-1970.

Amendments

1. Shot title and commencement

(1) These rules may be called the Himachal Pradesh (Sale of Timber) (Ist amendment) Rules, 1984.

(2) These shall come into force at once.

2. Amendment of Rules 2

For the existing clause (i) of rule 2 of the Himachal Pradesh (Sale of Timber) Rules, 1969 (hereinafter referred to as the said rules) the following clause (i) shall be substituted, namely:-

(i) "Timber" includes trees when they have, fallen or have been felled, and all wood whether cut-up fashioned or hollowed out for any purpose or not.

3. Substitution of Rule 10

For the existing rule 10 of the said rules, the following rule 10 shall be substituted, namely:-

"10. Every owner or person incharge of the Registered Depot shall produce the above registers for scrutiny and checking of timber lying in the depot when called upon to do go by the State Vigilance Officer or the Divisional Forest Officer or any Forest Officer authorized by him in his behalf. Such official may at any time enter a registered depot/saw-mill for such purpose."

By Order,
Secretary (Forests) to the
Government of Himachal Pradesh

Authoritative, English Text of Notification on No. Fts (A) 3-4/83, dated..... is hereby published in the H.P. Rajpatra as, required under Article 348(3) of the Constitution of India.

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF FOREST FARMING &
CONSERVATION**

NOTIFICATION

No. Fts. (A) 3-4/83. Dated Shimla-2, the 3rd Oct., 1985

In exercise of powers vested under section 3 of Himachal Pradesh Forest (Sale of timber) Act, 1968 (Act 18 of 1968), the Governor, Himachal Pradesh is pleased to make the following rules, further to amend the Himachal Pradesh Forest (Sale of Timber), Rules, 1969 as published vide Government Notification No. 3- 26/69-SF, dated 3rd July, 1970 in the H. P. Rajpatra dated 30-6-73:-

1. Shot title and commencement -

(1) These rules may be called the Himachal Pradesh Forest (Sale of Timber) Amendment Rules, 1985.

(2) These shall come into force on the date of issue of this notification.

2. Amendment of Rule 2

After existing sub-rule (1) of rule 2 of the Himachal Pradesh Forest (Sale of Timber) Rules, 1969 (hereinafter called the 'aforesaid rules', the following explanation shall be added namely:-

"Explanation - "Saw mills which process timber through sawing for whatever purpose shall deemed to be depot."

Amendment of Rule-4

After rule 4 of the said rules, the following provision shall be added namely

Provided that a fee of Rs. 100 shall be paid for the registration of each depot registered under these rules.

By order
Sd/-
Secretary forests to the Government
of Himachal Pradesh

CHAPTER XI
RESIN AND RESIN PRODUCTS ACT, 1981 AND RULES
THE HIMACHAL PRADESH RESIN AND RESIN PRODUCTS
(REGULATION OF TRADE) ACT, 1981

Act No. 6 of 1981,

ACT

To provide in the interest of the general public, for the carrying on by the State of the trade of purchase and distribution of resin to the exclusion of others, and for the regulation of manufacture and preparation of various articles based on resin and for matters connected therewith.

BE, it enacted by the Legislative Assembly, Himachal Pradesh in the Thirty-second Year of the Republic of India, as follows :-

CHAPTER I
PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Himachal Pradesh Rein and Resin Products (Regulation of Trade) Act, 1981.
- (2) It extends to, the whole of Himachal Pradesh.
- (3). It shall be deemed to have come into force with effect from the 13th day of February, 1981.

CHAPTER-II
REGULATION OF THE TRADE OF RESIN

Definitions

2. In this Act, unless the context otherwise requires,-
 - a) "authorised officer" means an officer of the State Government or any other person who may be authorised by it to purchase or sell resin on its behalf and to grant permits under section 5;
 - b) "prescribed" means prescribed by the rules made under this Act;
 - c) "resin" means the secretion extracted by tapping from Chir/Chil or Kail trees;
 - d) "resin depot" means a place specified as such by the Chief Conservator of Forests, Himachal Pradesh, for the purchase, storage and sale of resin tapped in an area specified in relation to that depot;
 - e) "resin products" means derivatives obtained by processing of resin, and includes resin, turpentine, hardened resin, and also includes paints and varnishes manufactured directly from resin;
 - f) "tapper of resin" means a person who taps resin;
 - g) "owner" means, a person in possession, management or control of Chir/Chil or Kail trees;
 - h) "unit" means a unit constituted under section 3 ;
 - i) words and expressions used but not defined this Act and defined in the Indian Forest Act, 1927, (16 of 1927) as amended from time to time in its application to Himachal Pradesh, shall have the meanings assigned to them in that Act.

Constitution of Units

3. The State Government may, by notification in the Official Gazette divide the State into such number of units, as it may deem fit, and until varied by such notification, each forest division (as for the time being delimited by general or special orders of the State Government) shall constitute a unit.

Restrictions on sale, and purchase of resin etc.

4. On and after the commencement of this Act
 - (a) no person shall tap resin or manufacture any resin product or export any resin or resin products, unless he is registered under and in accordance with section 10;

- (b) no person shall sell resin to any person other than the State Government or an authorised officer;
- (c) no person other than the State Government or authorised officer shall purchase resin from any tapper/owner of resin;
- (d) no person other than State Government or an authorised officer shall transport resin except in the following cases :-
 - (i) where he being a tapper of resin transports it to the resin depot specified for the area where the resin is tapped or
 - (ii) where he transports it on behalf of the State Government or an authorised officer;
- (e) no person other than the State Government or an authorised officer shall transport resin products manufactured in a unit to any place outside that unit without a permit issued in that behalf by such authority, in such manner and subject to such terms and conditions as may be prescribed.

Permits for sale, transport etc.

5. (1) Notwithstanding anything in section 4, the State Government or an authorised officer may on such terms and conditions and in such manner as may be prescribed-

- (a) permit any person, who had purchased any resin before the commencement of this Act to transport and sell such resin to any person other than the State Government or an authorised officer and permit any person other than the State Government or an authorised officer to purchase and transport the same; or
- (b) permit any person, who has purchased resin from the State Government or an authorised officer for manufacture of resin products to transport the same and to sell any resin which he has been unable to utilize in the manufacture of resin products; or
- (c) permit any person, who has purchased any resin outside Himachal Pradesh to bring the same inside the State either for manufacture of resin products within the State or for transporting them elsewhere outside Himachal Pradesh.

(2) A person to whom a permit is granted under sub-section (1) shall be liable to payment of such fee as may be prescribed.

Constitution of an Advisory Committee

6. (1) The State Government shall for each year constitute for each unit in which resin is tapped, an Advisory Committee which shall consist of not more than 9 members nominated by the State Government.

(2) The Advisory Committee for each such unit shall advise the State Government in the matter of fixation from time to time of a fair and reasonable price at which resin offered for sale may be purchased by or on behalf of the State Government in that unit, and also on such other matters as may be referred to it by the State Government.

3 The business of the Committee shall be conducted in such manner as may be prescribed.

Fixation of price by State Government

7. The State Government shall, having regard to following factors, fix the price at which resin shall be purchased by or for it in each unit during the year namely

- a) the price of resin, if any, fixed under this Act during the preceding three years in respect of the unit;
- b) the quality of the resin tapped in the unit;
- c) the cost of transport;
- d) the general rate of wages for labour prevalent in the unit;
- e) the cost of extraction of resin;
- f) the cost of packing of resin including the cost of container in which resin is delivered;
- g) any other factor which the State Government considers relevant.

(2) The price so fixed shall be published in such manner as the State Government may direct, and shall not be altered during the year to which it relates.

(3) The price so fixed shall be for net weight of resin excluding the weight of container in which resin is packed.

(4) Where an Advisory Committee has been constituted under section 6, it shall, wherever practicable, be consulted by the State Government

before the fixation of price under sub-section (1).

State Government to purchase all resin offered for sale

8. (1) The State Government or the authorised officer shall be bound to purchase at the price fixed under section 7 all resin offered for sale to or for it during the normal hours of business at a *resin* depot;

Provided that it shall be open to an authorised officer to refuse purchase of such resin as in his opinion is not fit for the purpose of manufacture of resin products.

(2) Any person aggrieved by the authorised officer's refusal to purchase resin under the proviso to sub-section (1) may, within fifteen days from such refusal and in the manner prescribed, complain to the Divisional Forest Officer or such other officer 'as may be empowered by the State Government in that behalf (hereinafter referred to as the competent officer).

(3) On receipt of a complaint under sub-section (2), the competent officer shall hold a summary inquiry and pass such order within thirty days of the receipt of the complaint as may deem fit, and in case he finds such refusal to be improper, he may direct the authorised officer to purchase the same.

(4) Where the competent officer finds the refusal of the resin proper but in his opinion, the resin may be purchased at a lower price he may direct the authorised officer to purchase the same at such lower price as he deems fit.

(5) Notwithstanding anything in sub-section (1), where the State Government or an authorised officer has reason to believe that any resin offered for sale was tapped from trees standing on any land which was vested in or belonged to the State Government, Cantonment Board, Municipal Corporation, Municipal Committee, Notified Area Committee or Gram Panchayat, such resin may be appropriated without payment of price, and on payment only of such collection charges, if any, as the State Government or an authorised officer may determine.

(6) The provisions of sub-section (2) to (4) shall *mutatis mutandis* apply in relation to any action taken under subsection (5):-

(7) Every order passed under this section shall be final.

Tapping of trees which are not being tapped.

9. (1) If the State Government or an authorised officer finds that any Chir / Chil or Kail trees of tapable size standing in a unit is not being tapped, the State Government or an authorised officer may by notice require the owner of such trees to commence tapping of the same or to cause its tapping to be commenced within such time as may be prescribed.

(2) If after the service of the notice under sub-section (1), the owner of the trees fails to comply with such notice, the State Government or an authorised officer may, in the manner prescribed, cause the trees to be tapped for extraction of resin.

(3) All resin extracted from a tree under sub-section (2), shall be sold in accordance with the provisions of this Act and the rules made thereunder and the price thereof shall, after deducting the expenses of tapping, be paid to the owner of such trees.

Registration of tappers of resin etc.

10. Every tapper of resin, every manufacturer of resin product and every exporter of resin or resin products shall be entitled to registration on payment of such fee, to such authority and in such manner as may be prescribed.

Disposal of resin

11. Resin purchased by the State Government or an authorised officer shall be sold or otherwise disposed of in such manner as the State Government may by general or special order direct.

Delegation of powers

12. The State Government may, except, the power to make the rules under section 19, by general or special order, delegate any of its powers or functions under this Act or the rules made thereunder to any officer not below the rank of Assistant Conservator of Forests, or the Sub-Divisional Manager of the State Forest Corporation, who shall exercise or perform the same, subject to such conditions or restrictions, if any, as the State Government may specify in the order.

Power of entry, search, seizure etc.

13. (1) Any police officer not below the rank of Sub-Inspector or any Forest Officer may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfy himself that the said provisions have been complied with--

- (i) stop and search any person, vessel, vehicle or receptacle used or intended to be used for the transport of resin or resin product;
- (ii) enter and search any place;
- (iii) seize resin or resin product in respect of which he suspects that any provision of this Act or the rules made thereunder has been, is being or is about to be contravened along with the receptacle containing or carrying such resin.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizure under this section.

Penalty

14. If any person contravenes any of the provisions of this Act or the rules made thereunder, he shall be deemed to have committed a forest offence and the resin or resin product, if any, in respect of which such offence is committed shall in relation to the commission of such offence be deemed to be forest produce, and the provisions of Chapter IX of the Indian Forest Act, 1927 (16 of 1927) as in force in this State shall accordingly apply with necessary modifications.

Offences by companies

15. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub- section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any managing agent, secretary and treasurer, director, manager or other officers of the company, such managing agent, secretary and treasurer, director, manager or other officer of the company shall also be deemed to be guilty of that offence and shall also be liable to be proceeded-against and punished accordingly.

Explanation.

For the purpose of this section-

- (a) "company" means a body , corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

Cognizance of offence

16. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a Forest Officer not below the rank of a Forest Ranger or by such other officer as may be empowered by general or special order of the State Government in that behalf.

Provisions of this Act to have overriding effect

17. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any contract or other instrument.

Saving in respect of acts done in good faith

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government or an authorised officer for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or the rules made thereunder or by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder

Power to make rules

19. (1) The State Government may, by notification in the Official Gazette make rules for carrying out purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely

- a) the publication of the price of list of the resin;
- b) the manner of holding inquiries under this Act;
- c) the authority by whom, the manner in which and the condition & subject to which permits may be issued under section 5 and the fees payable for such permits;
- d) the disposal of the resin, the purchase of which was refused under section 8;
- e) the manner of tapping the trees for resin under section, 9;
- f) the manner of registration under section 10, the period within which such registration shall be made, and the fees payable here for;
- g) specifications of resin for purposes of determination of quality;
- h) any other matter which is to be or may be prescribed.

(3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislative Assembly while it is in session for a total period of not less than ten days, comprised in its one session or two or more successive sessions, and if before the expiry the session in which it is so laid or the successive sessions, the Assembly makes any modification in the rule or decide, that the rule shall not be made, the, rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.-

(4) Notwithstanding anything in sub-section (3), any rules made within one year from the commencement of this Act may be made retrospectively to a date not earlier than such commencement.

Transitory provision

20. Where at any time before the commencement of this Act, any person had entered into any contract for the sale of resin expected to be tapped by him to any trader and obtained an advance, from such trader towards the price of the resin expected to be delivered to the trader under such contract, then notwithstanding that by virtue of the provisions of sections 4 and 17, such contract shall have become void on the commencement of this Act, the said person and trader may make a joint application before the Divisional Forest Officer or an officer authorised

by him in that behalf giving particulars of such advance, and thereupon the said officer on being duly satisfied that the application has been voluntarily made by the said person may direct the authorised officer to pay on behalf of the said person, to such trader a sum equivalent to the said advance (less the amount already repaid by the said person to such trader), without any interest or compensation, out of the price due to the said person for resin sold under section 8, and the liability of the State Government or the authorised officer to the said person and of the said person to the trader shall to the extent of such payment stand discharged, and the said person shall not be liable to pay any interest or compensation in respect of such advance.

Repeal and Savings

21. The Himachal Pradesh Resin and Resin Products (Regulation of Trade) Ordinance, 1981 (I of 1981) is hereby repealed:

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 13th February, 1981.

[Authoritative English Text of the Government Notification No. Fts. (F) 12.17/82 dated 30.9-1982 as required under Article 348(3) of the constitution of India]

AMENDMENT OF THE HIMACHAL PRADESH RESIN & RESIN PRODUCTS (REGULATION OF TRADE) ACT, 1981.

NOTIFICATION

NO. Fts. (P) 1 12-17/82 Shimla-2, the 18/30-9-1982.

In exercise of powers conferred under section 3 of the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981 (Act No. 6 of 1981) the Governor, Himachal Pradesh is pleased to declare the State of Himachal Pradesh as one unit with immediate effect for the purposes of the said Act.

Secretary (Forests) to the
Government of Himachal Pradesh,

AMENDMENT OF THE HIMACHAL PRADESH RESIN AND RESIN PRODUCTS (REGULATION OF TRADE) ACT, 1982

Authorised English Text of Notification No. Van (E) 3-2/81 dated 18/04/1983 is hereby published under Article 348(3) of the Constitution of India for general Information of the public;-

In exercise of the powers conferred by section 19 of Himachal Pradesh Resin & Resin Products (Regulation of Trade) Act, 1981, the Governor, Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Rules, 1981 as notified vide Notification of even number dated 16th April, 1981 and published In Himachal Pradesh Extraordinary Rajpatra dated 07/09/1981:-

Amendment to Rule 3

In Rule 3(2) of the Himachal Pradesh Resin & Resin Products (Regulation of Trade) Rules, 1981 (herein called the said Rules) the words "Competent Officer" shall be substituted by the word "authorised Officer".

Amendment to Rule 7

In sub-rule 7(2) of the said rules the words "in writing" shall be inserted after the word (recorded) and before the word (reject).

By order
Sd/-
B.C. NEGI
Secretary (Forests) to the
Govt. of Himachal Pradesh.

Authoritative English text of this Department Notification No. FFE-B-F (12) 3/96-Loose dated 23.10.2002 as required under clause (3) of Article 348 of the Constitution of India

**Government of Himachal Pradesh
Forest Department.**

NO. FFE-B-F (12) 396-LOOSE DATED 23.10.2002.

Notification

In exercise of the powers conferred by Section 10 of the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981, (Act No. 6 of 1981), the Governor, Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the aforesaid Act, namely:-

Short title	1.	(1)	These rules may be called the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Rules, 2002.
		(2)	The rules shall come into force with immediate effect.
Definitions	2.	(1)	In these rules, unless the context otherwise requires: a) "Act" means the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981 (Act No. 6 of 1981); b) "Divisional Forest Officer" means the Forest Officer-in-charge of a Forest Division; c) "Form" means a Form appended to these rules; d) "manufacturer of resin product" includes a person owning a factory of manufacture of resin products; and e) "section" means a section of the Act.
		(2)	All others words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.
Registration of tapper	(1)		Every person intending to act as a resin tapper under the Act shall make an application for registration in Form-1 to the Range Officer within whose jurisdiction the trees, which are to be tapped for resin, are situated. The Range Officer, after due verification, shall forward the application within 30 days of its receipt to the Divisional Forest Officer who, after making such further enquiry as he may deem necessary, may issue a certificate in Form-2. The certificate of registration shall be valid for one calendar year. In case of loss or mutilation of certificate, the same may be obtained from the office of the Divisional Forest Officer on payment of fee of Rs. 10/- in cash.
	(2)		Every application under sub-rule (1) shall be accompanied by a fee of 10 paise per blaze which may either be paid in cash in the office of Divisional Forest Officer or be deposited in the Government Treasury through a challan under the relevant head of account.
Registration of Seller or Purchaser	4.	(1)	Every person intending to be a seller or purchaser of resin under the Act shall make an application for registration in Form-3 to the Divisional Forest Officer within whose jurisdiction resin is to be sold or purchased. Divisional Forest Officer shall, after making such enquiry as he may deem fit, may issue a certificate in Form-4. Certificate of registration shall be valid for three years from the date of issue. In case of loss or mutilation of certificate, the copy of the same may be obtained from the office of the Divisional Forest Officer on payment of fee of Rs. 10/- in cash.
	(2)		Every application under sub-rule (1) shall be accompanied by a fee of Rs. 50/- which may be either paid in cash in the office of Divisional Forest Officer or be deposited in the Government Treasury through a challan under the relevant head of account

- (3) Every seller of resin shall get registered his property mark in the office of Divisional Forest Officer. No person shall be allowed to register a property mark already registered in favour of another person, nor any mark used by the Government. The registration of property mark shall hold good for the period of registration of seller. Such property mark shall be affixed on the resin filled tin. No fee shall be charged for the registration of the property mark.
- Registration of manufacturer of resin product 5. (1) Every person intending to carry on the business of manufacturer of resin products shall make an application for registration in Form-5 to the Divisional Forest Officer under whose jurisdiction the manufacturing unit is situated. The Divisional Forest Officer may, after making such enquiry as he may deem fit, issue a certificate of registration in Form-6 or reject the application after recording reasons therefore. The certificate of registration shall be valid for three years from the date of issue of certificate. In case of loss or mutilation of certificate, the copy of same may be obtained from the office of the Divisional Forest on payment of fee of Rs. 10/- in cash.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of Rs. 100/- which may be paid either in cash in the office of Divisional Forest Officer or be deposited in the Government Treasury through a challan under the relevant head of account.
- Registration of Resin Depot 6. (1) Every person intending to establish a resin depot shall make an application for registration in Form-7 to the Divisional Forest Officer under whose jurisdiction the resin depot is situated. The Divisional Forest Officer after making such enquiry as he may deem fit, may issue a certificate of registration in Form-8. The certificate of registration shall be valid for three years from the date of issue of certificate. If the certificate is lost or mutilated a certified copy of the same can be obtained from the office of the Divisional Forest Officer on payment of Rs. 10/- for each such copy.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of Rs. 50/- which may be paid either in cash in the office of Divisional Forest Officer or be deposited in the Government Treasury through a challan under the relevant head of account.
- (3) The owner or a person-in-charge of a registered resin depot shall maintain the registers of receipt and disposal on Form-9 and Form-10 respectively.
- (4) Every owner or a person-in-charge of a registered resin depot shall produce the above registers for scrutiny and checking of resin lying in the depot when called upon to do so by the Divisional Forest Officer or any Forest Officer authorized by him in this behalf. Such officer may at all reasonable time enter a registered resin depot for such purpose.
- Repeal & Savings 7. (1) The Himachal Pradesh Resin and Resin Products (Regulation of Trade) Rules, 1981 notified vide Forest Farming and Environmental Conservation Department Notification No. Fts. (E) 3-2/81 dated 16-4-1981 and published in Rajpatra Himachal Pradesh (Extra ordinary) dated 7th September, 1981 are hereby repealed.
- (2) Notwithstanding such repeal any action taken or anything done under the rules so repealed shall be deemed to have been valid by taken or done under these rules.

By order

Avay Shukla

Principal Secretary (Fts.) to the
Government of Himachal Pradesh.

FORM-1
{See rule 3 (1)}

APPLICATION FORM FOR REGISTRATION TAPPER AS REQUIRED UNDER SECTION 4 (1)

- (1) Year for which registration is applied for.....
- (2) Name, Father's name and full address of the applicant. If it is a registered firm or company, name of firm or company, registration number, year of registration, the name and address of person holding a power of attorney (a copy of power of attorney be enclosed}.....
.....

(3) Detail of the land from which resin to be extracted:

- (a) Khasra number.....
- (b) Mauza/Tikka/Mohal etc.....
- (c) Tehsil & District.....
- (d) Name of beat.....
- (e) Name of Block.....
- (f) Name of Forest Division.....

(4) Detail of ownership of land from which resin tapping on Chil/Kail trees to be done.

1. Nakal Jamabandi and Tatima duly certified by the field Kanungo be enclosed.
2. In case resin tapping is not be done by the landowners himself then the power of attorney for appointing SPA be enclosed.
3. The Khasrawise list of blazes proposed to be tapped duly verified by the Block Officer be enclosed.

(5) Estimate of likely quantity of resin expected to be obtained from the resin blazes proposed for tapping.

No. of blazes

Quantity of resin expected to be obtained
(in quintals)

Certified that I have studied and understood the provision of Himachal Pradesh Resin & Resin Product (Regulation of Trade) Act, 1981. It is, further certified that the details furnished above is correct to the best of my knowledge and belief and in support of its correctness. I am capable of producing necessary proof thereof.

Signature of applicant.

*Note: Strike out whichever is not applicable.

FORM-2
{See rule 3 (1)}

CERTIFICATE OF REGISTRATION OF TAPPER OF Resin AS REQUIRED UNDER SECTION 4(1)

This is to certify that Shri/Messrs.....S/o.....
of village/town District.....is registered as
tapper of resin as per section 4(1) of Himachal Pradesh Resin and Resin Products (Regulation of
Trade) Act, 1981 and the rules made thereunder for the calendar year.....whose
estimated annual production of resin is quintals. He is assigned registration No.
..... The registration will be valid upto 31st December..... (year)

Detail of land		
Khasra Nos.	No. of Chir trees fit for Resin tapping.	No. of resin channel
1.		
2.		
3.		
4.		
Total		

Seal of office

Divisional Forest Officer,
.....Forest Division.

Date:

*Note : Strike out whichever is not applicable.

ORM-3
{See rule 4(1)}

**APPLICATION FOR REGISTRATION OF SELLER/PURCHASER OF RESIN AS
REQUIRED UNDER SECTION 4(1)**

1. Name, Father's name and full address of the applicant. If it is a registered firm or company, name of firm or company, registration number, year of registration, the name and address of person holding a power of attorney (a copy of power of attorney be enclosed).....
.....
2. Place of business location of the headquarters or head office, village or town tehsil, police station, district.....
3. Property mark (for seller)
4. Whether the applicant was previously registered and if so in which year and in which Division
.....
5. Any other information, the applicant desires to give as an evidence that he is a bonafide seller/purchaser of resin.....
6. Evidence of payment of registration fee.....
7. Name and address of two persons of status to whom reference could be made for verification of details of the applicant.
(1).....
(2).....

Signature of the applicant

Place.....
Date.....

*Note : Strike out whichever is not applicable.

FORM-4
{See Rule 4(1)}

**FORM OF REGISTRATION OF SELLER/PURCHASER OF RESIN AS REQUIRED
UNDER SECTION 4(1)**

This is to certify that Shri/Messrs.....
son of of village/Town/City.....
District.....has been registered as Seller/Purchaser of Resin as required
under section 4(1) of the Himachal Pradesh Resin and Resin Products (Regulation of
Trade) Act, 1981 and the rules made thereunder. He is assigned registration No
.....

The registration is valid for upto.....(date).

Seal of Office

Divisional Forest Officer,
.....Forest Division.

Date:

*Note: Strike out whichever is not applicable.

ORM-5
{See rule 5 (1)}

**APPLICATION FOR REGISTRATION OF MANUFACTURER OF RESIN PRODUCTS,
AS REQUIRED UNDER SECTION 4(1)**

1. Name, father's name and address of the applicant. If it is a registered firm or company, name of firm or company, registration number, year of registration, the name and address of person holding a power of attorney (a copy of power of attorney be enclosed)
.....
2. Place of business location of the headquarters or head office, village or town, tehsil, police station, district.....
3. Particulars of resin products manufactured annually:
 - (a) Average quantity of resin products manufactured annually :
 - (1) Turpentine oil..... litres.
 - (2) Resin..... quintals.
 - (3) Varnishes..... litres.
 - (4) Paint.....
 - (5) Hardened resin..... quintals.
 - (6) Other Products..... quintals.
 - (b) Trade mark if any.
 - (c) Estimated annual requirement of crude resin for manufacturing of resin products.....quintals.
 - (d) Names of places of godowns, where applicant's stock of crude resin is stored.....
 - (e) Manner in which the required stock is obtained.....
 - (f) Central or State excise or other registration number if any
.....
4. Since when the applicant is manufacturing resin products
.....
5. Quantity or resin in quintals for which registration is required
.....
6. Whether the applicant was previously registered and if so in what year and in which Division and for what quantity of resin in quintals
.....
7. Any other information the applicant desires to give as an evidence that he is a bonafide manufacturer of resin products
.....
8. Evidence of payment of registration fee.....
9. Names and address of two persons of status to whom references could be made for verification of details of the applicant.
 - (1)
 - (2)

Signature of the applicant.

Place.....

Date.....

*Note: Strike out whichever is not applicable.

FORM-6
{See rule 5 (1)}

CERTIFICATE OF MANUFACTURER OF RESIN PRODUCTS AS REQUIRED UNDER SECTION 4(1)

This to certify that Shri/Messrs son of..... of village.....Tehsil.....District.....has been registered as manufacturer of resin products as required under section 4(1) of the Himachal Pradesh Resin Products (Regulation Trade) Act, 1981 and the rules made thereunder. He is assigned registration No.....

Estimated quantity of Resin/Resin products is / or will be about quintals stored at one or more or all the following places:

1.
2.
3.
4.
5.

The registration is valid upto..... (date).

Seal of office

Divisional Forest Officer
.....Forest Division.

Dated.....

*Note: Strike out whichever is not applicable.

FORM 7
{See Rule 6(1)}

APPLICATION FOR REGISTRATION OF Resin DEPOT AS REQUIRED UNDER SECTION 4(2)

1. Name, Father's name and full address of the applicant. It is a registered firm or company, name of firm or company, registration number, year of registration, the name and address of person holding a power of attorney (a copy of power of attorney be enclosed)
.....
.....
2. Location where Resin depot is situated.....
 - (a) Khasra number.....
 - (b) Village.....
 - (c) Tehsil & District.....
 - (d) Name of beat/block.....
 - (e) Name of Range.....
 - (f) Name of Forest Division.....
3. Evidence of payment of registration fee.....

Date.....

Name of applicant.

*Note: Strike out whichever is not applicable.

**CERTIFICATE OF REGISTRATION OF RESIN DEPOT AS REQUIRED
SECTION 4(2)**

Division Forest Officer,
.....Forest Division.

Date:

FORM-9
{See rule 6(3)}

[illegible]

REGISTER OF SALE & DISPOSAL OF RESIN.

255

Authoritative English text of this Department Notification No. (3) of FFE B-A (3)-1/77-dated 25th October 2002 as required under clause (3) of Article 348 of the Constitution of India.

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FOREST.**

No. FFE-B-A (3)-1/77-

Dated Shimla-2

25th October, 2002.

NOTIFICATION

In exercise of the powers conferred by section 41 read with section 42 of the India Forest Act, 1972 (160 of 1927) the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Forest produce Transit (Land Routes) Rules, 1978 published in the Rajpatra Himachal Pradesh (Extra-ordinary) dated the 5th March 1979 and Notified vide this Department Notification No. Fts (A) 3-177- dated 20th November 1979 namely:-

Short title	1.	(1) These rules shall be called the Himachal Pradesh Forest Produce Transit (Land Routes) (5th Amendment) Rules, 2002.
Amendment of Rules	2.	(2) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh. In rule 11 of the Himachal Pradesh Forest 11. Produce Transit (Land Routes) Rules, 1978, after sub-rules (5), the following proviso shall be added, namely:- “Provided that the export pass fee @ Rs 200/- per quintal shall be levied in case of resin to be exported outside the State of Himachal Pradesh.”

By order

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

CHAPTER XII

FOREST PRODUCE REGULATION OF TRADE ACT, 1982 AND RULES

THE HIMACHAL PRADESH FOREST PRODUCE (REGULATION OF TRADE) ACT, 1982

An Act to make provisions for regulating in the public interest the trade of certain forest produce by creation of full State control in such trade.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India, as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982.
- (2) It extends to the whole of Himachal Pradesh.
- (3) It shall be deemed to have come into force with effect from the 1st day of October, 1981.

Definitions

2. (1) In this Act, unless the context otherwise requires:-
 - (a) "agent" means an agent appointed under section 3,
 - (b) "committee" means an Advisory Committee constituted under sub-section (1) of section 6;
 - (c) "division" means a territorial Forest Division as for the time being constituted or may be delimited from time to time, by special or general order of the State Government;
 - (d) "forest Produce" means trees of any of the species standing, felled or otherwise fashioned, specified in the Schedule annexed to this Act and any other produce declared as such by the State Government from time to time by a notification published in the Official Gazette;
 - (e) "owner" means any person other than the State Government authorised by virtue of ownership of land as per entries in revenue records prepared under the Himachal Pradesh land Revenue Act, 1954 or by any other authority of law 6 of 1954 to own or to have in his possession the forest produce;

Act No. 5 of 1982.

- (f) "Purchase" with all its grammatical variations and cognate expression means the acquisition of forest produce for cash or deferred payment or for other valuable consideration;

Explanation - Purchase of forest produce on installment system of payment shall, notwithstanding that the seller retains a title to forest produce as security for payment of the purchase money, be deemed to be a purchase; and

- (g) "sale" with all its grammatical variations and cognate expressions means any transfer of forest produce by one person to another for cash or for deferred payment or for other valuable consideration and includes a transfer of forest produce on hire-purchase or other system of payment by installment.

(2) All other words and expressions used herein, but not defined in the Act, shall have the meanings assigned to them in the Indian Forest Act, 1927, as applied to this State, 16 of 1927.

CHAPTER II

REGULATION OF THE TRADE OF FOREST PRODUCE

Appointment of agents

3. The State Government may, for the purchase of, and trade in, forest produce on its behalf, appoint one or more agents in respect of different divisions or all or a specified forest produce on such terms and conditions as may be laid by the Government from time to time.

Restriction on sale, purchase and transportation

4. On the commencement of this Act,-

- (a) no owner of forest produce shall effect sale of any forest produce to a person, other than the State Government or the agent appointed under section 3;
- (b) no person other than the State Government through its authorised officer or agent appointed under section 3 shall purchase forest produce from any owner; and
- (c) no person shall transport forest produce to any place within or outside the division without permit issued in that behalf by such authority, in such manner and subject to such terms and conditions as are prescribed under sections 41 and 42 of the Indian Forest Act, 1927 and the rules made thereunder by the State Government.

16 of 1927

State Govt. to purchase all forest produce offered for sale

5. (1) Subject to the provisions of section 8, the State Government through its authorised officer or agent appointed under section 3 shall purchase at the price fixed under section 7 all forest produce offered for sale by the owner during the normal hours of business at such places or premises as may be specified by the State Government through its authorised officer or its agent.

(2) Notwithstanding anything contained in sub- section (1), where the officer-in-charge of the division has reason to believe that any forest produce offered for sale belongs to the State Government, such forest produce may be appropriated without payment of price.

Constitution of Advisory Committee

6. (1) The State Government shall from time to time constitute for each division in which forest produce is grown or found, and Advisory. Committee which shall consist of not more than 5 members, nominated by the State Government.

(2) The Advisory Committee for each such division shall from State Government in the matter of fixation from time to time of a fair and reasonable price at which forest produce offered for sale may be purchased by or on behalf of the State Government in that division and also on such other matter as may be referred to it by the State Government.

(3) The business of the Committee shall be conducted in such manner as may be prescribed.

Government to fix price in consultation with the Committee

7. The State Government shall after consultation with the Committee constituted under section 6, fix the price at which forest produce shall be purchased at various places by it or by any of its authorised officer or agent from the owner of the forest produce and shall publish the same in the Official Gazette or in such other manner as may be prescribed no price so fixed shall remain in force upto the end of each financial year and shall not be altered during that financial year.

Provided that if the Committee fails to tender advice by the 15th of February proceeding the financial year, the State Government may proceed to the price without consultation of the Committee:

Provided further that the State Government through its authorised officer or agent may purchase than forest produce till the constitution of the Committees at a price mutually agreed upon between the parties to the sale.

State Govt. agent to purchase for forest produce as per programme

8. (1) The authorised officer or an agent shall purchase from the owner the forest produce offered for sale according to the felling programme, as may be formulated under the H.P. Land Preservation Act, 1978 (28 of 1978) at the price fixed under section 7 .

(2) The State Government through its authorised officer or the agent may make such advances of money on such terms and conditions as may be prescribed to the owner whose forest produce is covered by the felling programme under the Himachal Pradesh Land Preservation Act, 1978 (28 of. 1978).

Disposal of forest produce

9. Forest produce purchased by the State Government through its authorised officer or agent shall be sold or otherwise disposed of in such manner as the State Government may direct.

Delegation of powers

10. The State Government may, by special or general order, delegate any of its powers or functions under this Act or the rules made thereunder, except the power to make rules under section 17, to any officer not below the rank of the Assistant Conservator Of Forests, who shall exercise or perform the same, subject to such conditions and restrictions, if any, as the State Government may specify in the order.

Powers of entry, search, seizure etc.

11. (I) Any Forest Officer not below the rank of the Forest Ranger or any Police Officer not below the rank of Sub-Inspector or any other person authorised by the State Government in this behalf may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfying himself that the said provisions have been complied with-

- (i) stop and search any person, boat, vehicle or receptacle, used or intended to be used for the transport of forest produce,
- (ii) enter and search any place; and
- (iii) seize the forest produce in respect of which he suspects that any provision of this Act or the rules made thereunder has been, is being, or is about to be contravened alongwith receptacle containing such produce, as well the animals, the vehicles or boats used in carrying such produce.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far may be, apply to searches and seizures under this section.

Penalty

12. Any person contravening any of the provisions of this Act or the rules made thereunder-

- (a) shall be punishable with imprisonment which may extend to one year or with fine which extend to five thousand rupees or with both; and
- (b) the forest produce in respect of which such contravention has been made shall be forfeited to the Government.

Attempts and abetment

13. Any person who attempts to contravene or abets the contravention of any provision of this Act or the rules made thereunder shall be deemed to have contravened such provision.

Cognizance of offences

14. No court shall take cognizance of any offence punishable, under this Act except on a report in writing of the facts constituting such offence made by any Forest Officer not below the rank of the Divisional Forest Officer or any other officer as may be authorised by the State Government in this behalf.

Compounding of offences

15. (1) The State Government may by notification, empower a Forest Officer not inferior in rank to that of a Divisional Forest Officer-

- (a) to accept from any person against whom a reasonable suspicion exists that he had committed an offence punishable under this Act, a sum of money by way of compensations in lieu of, prosecution for the offence which such person is suspected to have committed; and
- (b) when any property other than forest produce has been seized as liable to confiscation, to release the same on payment of the value thereof as may be determined by such officer,

(2) On the payment of such compensation or such value or both, as the case may be, to such officer, the suspected person shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) The sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case be less than rupees five hundred and exceed rupees two thousand.

(4) No case hereunder shall be compounded by any authority competent to compound without providing for the forfeiture of the forest produce involved in the said case to the Government.

Savings in respect of fact done in good faith

16. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or by anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

Powers to make rules

17. (1) The State Government may, subject to the conditions of previous publication, make rules or issue directions to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) the terms and conditions and the procedure for appointment of agents under section 3;
- (b) the manner of the conduct of business of this Advisory Committee under section 6 (3);
- (e) the publication of the prices list of the forest produce under section 7;
- (d) The terms and conditions governing the payments of advances under section 8 (2);
- (e) the manner in which the forest produce shall be disposed of under section 9;
- (f) the terms and conditions subject to which, and the manner in which, the permit may be granted under section 19 (1); and
- (g) any other matter which is to be or may be proscribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of not less than ten days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to add or exclude any forest produce from the operation of the Act

18. The State Government may, by notification, from time to time, add or exclude any species of forest produce covered by this Act.

Transitory provision

19. (1) Notwithstanding anything to the contrary contained in section 4, the State Government or its authorised officer may, on such terms add conditions. and in such manner as be prescribed, permit any person who had purchased the extracted forest produce for the purpose of further sale or had extracted forest produce or had obtained the orders of demarcation and marking for its extraction before the commencement of this Act, to fell, convert, transport and sell such forest produce to any person other than the State Government, or an authorised officer or agent and permit any person other than the State Government or its authorised officer or agent to purchase and transport the same. The permission so accorded shall lapse after the 30th November, 1982.

(2) Where at any time before the commencement of this Act, any person had entered into any contract for the sale of forest produce to any trader and obtained an advance from such trader towards the price of the forest produce accepted to be delivered to the trader under such contract, then notwithstanding that by virtue of the provisions of section 4, such contract shall have become void on the commencement of the Act, the said person and trader may make a joint application before the Divisional Forest Officer or an officer authorised by him or the agent, in that behalf, giving particulars of such advance and there upon the said officer, on being satisfied that the transaction is genuine one may direct the officer of the State Government or the agent to pay on the said person to such trader a sum equivalent to the said advance (less than the amount already repaid by the said person to such trader) without any interest or compensation out of the price due to the said person for the forest produce sold under section 5 and the liability of the State Government or the agent to the said person and of the said person to the trader shall to the extent of such payment, stand discharged and the said person shall be liable to pay; any interest or compensation in respect of such advance. Such claims shall lapse after the 30th November, 1982.

Repeal and savings

20. The Himachal Pradesh Forest Produce (Regulation of Trade) Ordinance, 1981 is hereby repealed (6 of 1981)

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 1st Oct., 1981.

SCHEDULE

[See section 2(d)]

1. Bird-cherry (*Prunus cornata*)
2. Chil (*Pinus roxburghii*)
3. Deodar (*Cedrus deodara*)
4. Fir (*Abies Pindrow*)
5. Horn beam (*Khirkhee*) (*Carpinus spp*)
6. Horse chestnut (*Aesculus indica*)
7. Kail (*Pinus wallichiana*)
8. Maple (*Acer Spp.*)
9. Sain (*Terminalia tomentosa*)
10. Sal (*Shorea robusta*)
11. Shisham (*Dalbergia sisso*)
12. Spruce (*Picea smithiana*)
13. Walnut (*Juglan regia*)
14. Ash (*Fraxinus Spp.*)
15. Willow (*Salix*)
16. Mulberry (*Morus Alba*).

Authoritative English Text of Notification No. Fts. (A) 3-5/83, dated 17-1-1984 as required under Articles 348(31) of the Constitution of India

**AMENDMENT OF THE HIMACHAL PRADESH FOREST PRODUCE
(REGULATION OF TRADE) ACT, 1982
NOTIFICATION**

No. Fts. (A) 3-5183 dated Shimla-2, the 17th January, 1984.

In exercise of the powers conferred by sub-section (1) of section 17 of the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982 (Act No. 5 of 1982), the Governor of Himachal Pradesh, is pleased to propose to make the following amendments in the Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1982 as notified Code Notification No. Fts. A-3-2/81, dated 6-1-1983 and published in (Extraordinary) Rajpatra Himachal Pradesh, dated 19-2-1983 and to publish the draft amendments in the Rajpatra, Himachal Pradesh for the information of the persons likely to be affected thereby.

Any person having any objections/suggestions to make may do so and send the same to the Secretary (Forests) to the Government of Himachal Pradesh, Shimla-2, within a period of 30 days from the date of publication of the draft amendment in the, Rajpatra. Himachal Pradesh.

The objections/suggestions received within the period specified above will be duly considered before finalization of the draft amendments

Draft Amendments

For the existing clause (c) of sub-rule (2) of rule 5 of the Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1982, the following clause (e) shall be substituted, namely:-
"two Pradhans of Gram Panchayats of the Area, due for felling under the approved 10 years felling programme formulated under section 4 of the Himachal Pradesh Land Preservation Act, 1978".

By Order

B. C. NEGI

Secretary (Forests) to the
Govt. of Himachal Pradesh.

Authorised English Text of Notification No. Fts. (A) 3-5/83 dated 11-6-1984 as required under Article 348(3) of the Constitution of India.

HIMACHAL PRADESH FOREST PRODUCE (REGULATION OF TRADE) RULES, 1984.

Whereas, the draft rules the Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1984 were published in the Himachal Pradesh Rajpatra dated 4-2-1984 vide this Department's notification of even number dated 17,1-1984 for inviting objections/suggestions from the persons likely to be affected thereby.,

And whereas no objection/suggestions have been received within the prescribed period;

And Now, therefore, in exercise of the powers conferred under the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982 the Governor of Himachal Pradesh is pleased to make the following rules to amend the Himachal Pradesh Produce (Regulation of Trade, Rules, 1982 :-

Short Title and Commencement

1. (1) These rules may be called the Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1984.

Amendment of Rule 5

2. (2) These rules shall come into force at once.

For clause (e) of sub-rule, (2) of rule 5 of Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1982, the following clause shall be substituted, namely :

(c) "two Pradhans of Gram Panchayats of the area, due for felling under the approved 10 years felling programme formulated under section 4 of the Himachal Pradesh Land Preservation Act, 1978".

By order

B. C. NEGI

Secretary (forests) to the
Government of Himachal Pradesh.

CHAPTER XIII

WILD LIFE

THE WILDLIFE (PROTECTION) ACT, 1972

(No. 53 of 1972)

(9th September, 1972)

An Act to provide for the protection of [Wild animals, birds and plants]¹ and for matters connected therewith or ancillary or incidental thereto.

² [***]

CHAPTER 1

PRELIMINARY

1. Short title, extent, and commencement. - (1) This Act may be called the Wildlife (Protection) Act, 1972.

³[(2) It extends to the whole of India, except the State of Jammu and Kashmir.]

⁴(3) It shall come into force in a State or Union Territory to which it extends, on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provision of this Act or for different States or Union Territories.

2. Definitions - In this Act, unless the context otherwise requires, -

(1) “animal” includes amphibians, birds, mammals, and reptiles, and their young, and also includes, in the cases of birds and reptiles, their eggs,

⁵(2) “animal article” means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal [has been used and ivory imported into India and an article made therefrom].

⁶(3) [Omitted 1991.1]

(4) “Board means the Wildlife Advisory Board constituted under subsection (1) of Sec. 6;

(5) “captive animal” means any animal, specified in Schedule 1, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

⁷(6) [Omitted 1991.1]

(7) “Chief Wildlife Warden” means the person appointed as such under C1. (a) of sub-section (1) of Sec.4;

⁸[(7A) “Circus” means an establishment, whether stationary or mobile where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;]

(8) “closed area” means the area which is declared under sub-section (1) of Sec.37 to be closed to hunting;

(9) “Collector” means the Chief Officer in charge of the revenue administration of a district;

(10) “commencement of this Act”, in relation to -

(a) State, means commencement of this Act in that State.

(b) any provision of this Act, means commencement of that provision in the concerned State;

(11) “dealer” means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncurled trophy, [⁹meat or specified plant];

(12) “Director” means the person appointed as Director of Wildlife Preservation under C1 (a). of sub-section (1) of Sec. 3;

[(12A) “Forest Officer” means the Forest Officer appointed under clause (2) of Sec.2 of the Indian Forest Act, 1927 (¹⁰16 of 1927);]

(13) [Omitted 1991. ¹¹]

(14) “Government property” means property, referred to in sec.39; [or sec. 17H¹²]

(15) “habitat” includes land, water, or vegetation which is the natural home of any wild animal;

(16) “hunting”, with its grammatical variations and cognate expressions, includes, -

(a) capturing, killing, poisoning, snaring, and trapping or any wild animal and every attempt to do so,

- (b) driving any wild animal for any of purposes specified in sub clause
- (c) injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;
- (17) "land" includes canals, creeks, and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, [marshes and wetlands and also includes boulders and rocks; ^{13]}
- (18) "licence" means a licence granted under this Act;
- ¹⁴[(18A) "Live-stock" includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yak and also includes their young; *]
- (19) "manufacturer" means a manufacturer of animal articles;
- (20) "meat" includes blood, bones, sinew, eggs, fat and flesh, whether raw or cooked, of any wild animal other than vermin;
- (21) "National Park" means an area declared, whether under sec.35. or sec.38 or deemed, under sub-section (3) of sec.66. to be declared, as a National Park
- (22) "notification" means a notification published in the official Gazette;
- (23) "permit" means a permit granted under this Act or any rule made thereunder;
- (24) "Person" includes a firm;
- (25) "prescribed" means prescribed by rules made under this Act;
- ¹⁵[(25A) "recognised zoo" means a zoo recognised under section 38H;
- (25B) "reserve forest" means the forest declared to be reserved by the State Government under sec.20. of the Indian Forest Act, 1927 (16 of 1927);*]
- (26)¹⁶ "sanctuary" means an area declared, whether under sec. [26 (A)^{5]} or sec 38, or deemed, under sub section (3) of Sec.66 to be declared, as a wildlife sanctuary;
- [(27) "specified plant "means any plant specified in Schedule VI;*]
- (28) "special game" means any animal specified in Sec.II;
- (29) "State Government", in relation to a Union Territory, means the Administrator of that Union Territory appointed by the President under Art 239 of the Constitutions;
- (30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;
- [(30A) "territorial waters" shall have the same meaning as in Sec.3. of Territorial waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976); ^{18]}
- (31) "trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes,
 - (a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, and
 - (b) antler, horn, rhinoceros horn, feather, nail, tooth, musk, eggs, and nests;
- (32) "uncured trophy" means the whole or any part of any captive animal, other than vermin, which has not undergone a process of taxidermy, and includes a [freshly killed wild animal ambergris, musk and other animal products];
- (33) "vehicle" means any conveyance used for movement on land, water or air, and includes buffalo, bull, bullock, camel, donkey, elephant, house, and mule;
- (34) "vermin" means any wild animal specified in Sch.V;
- (35) "weapon" includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares, traps, and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;
- (36) "wild animal" means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule, IV or Schedule V, wherever found;
- (37) "wildlife" includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat;
- (38) "Wildlife Warden" means the person appointed as such under Cl. (b) of sub-section (1) of Sec.4;

[(39) “zoo” means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licenced dealer in captive animals. ^{19]}

The Act has been made applicable in various States and Union Territories as under:

1. Andaman and Nicobar, w.e.f. 1st July 1973, vide G.S.R.332 (E), dated 1st July, 1973.
2. Andhra Pradesh, w.e.f. 1st July 1973, vide G.S.R.371 (E), dated 1st August, 1973.
3. Arunachal Pradesh, w.e.f. 15th May 1973.
4. Assam, w.e.f. 25th January 1977, vide G.S.R.33 (E), dated 25th January, 1977.
5. Bihar, w.e.f. 1st February 1973, vide G.S.R.40 (E), dated 1st February, 1973.
6. Dadra and Nagar Haveli, w.e.f. 1st September 1973, vide G.S.R.441 (E), dated 1st September, 1973.
7. Delhi, w.e.f. 1st June 1973,
8. Gao Daman and Diu, w.e.f. 16 July 1973, vide G.S.R.629 (E), dated 16th July, 1973.
9. Gujarat, w.e.f. 1st February 1973, vide G.S.R.62 (E), dated 1st February, 1973.
10. Haryana, w.e.f. 12th March July 1973, vide G.S.R.63 (E), dated 12 March, 1973.
11. Himachal Pradesh, w.e.f. 2nd April ly 1973, vide G.S.R.190 (E), dated 2nd April, 1973.
12. Kerala, w.e.f. 1st June 1973, vide G.S.R.293 (E), dated 1st June, 1973.
13. Lakshdweep, w.e.f. 1st November 1973, vide G.S.R.481 (E), dated 1st November, 1973.
14. Madhya Pradesh, w.e.f. 25 January 1973, vide G.S.R.28 (E), dated 25 January, 1973.
15. Maharashtra, w.e.f. 1st June 1973, vide G.S.R.296 (E), dated 1st June, 1973.
16. Manipur, w.e.f. 15th May 1973, vide G.S.R.269 (E), dated 15th May, 1973.
17. Meghalaya, w.e.f. 1st April 1977
18. Mizoram, w.e.f. 1st October 1974, vide G.S.R.407 (E), dated 1st October, 1974.
19. Mysore, w.e.f. 1st July 1973, vide G.S.R.355 (E), dated 1st July, 1973.
20. Nagaland, w.e.f. 18th December 1981, vide G.S.R.668 (E), dated 18thDecember
21. Orissa, w.e.f. 14th August 1974, vide G.S.R.364 (E), dated 14th August, 1974.
22. Punjab, w.e.f. 1st April 1975.
23. Rajasthan, w.e.f. 1st September 1973, vide G.S.R.410 (E), dated 1st September, 1973.
24. Sikkim, w.e.f. 1st May 1976, vide G.S.R.311 (E), dated 1st May, 1976.
25. Tamil Nadu, w.e.f. 1st January, 1974.
26. Tripura, w.e.f. 2nd October 1973, vide GS.R.465 (E), dated 2nd October, 1973.
27. Union Territory of Chandigarh, w.e.f. 2nd December 1974, vide G.S.R.674 (E), dated 2nd December, 1974.
28. Union Territory of Pondicherry, w.e.f. 1st March 1975, vide G.S.R.62 (E), dated 1st March, 1975
29. Uttar Pradesh, w.e.f. 1st February 1973.
30. West Bengal, w.e.f. 1st May 1973, vide G.S.R.224 (E), dated 1st May, 1973.

¹ Substituted by Act 44 of 1991, sec. 2(w.e.f. 2.10.1991)

² Preamble omitted by Act 44 of 1991, sec. 3.

³ Sec. 1(2) It extends, in the first instance, , to the whole of the State of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh, and West Berigal, and to all the Union Territories, and it shall also extend to such other State as may adopt this Act by 44 of 1991, sec4.

⁴ (3) “or may become extended in future”, after “to which it extends” omitted by Act 44 of 1991, sec4

⁵ Sec. 2(2) “and Ivory imported into India and an article made therefrom;” appended by Act. 44 of 1991 , sec 5

⁶ Sec. 2 (3) “big game” means any animal specified in Schedule III;” omitted by Act 44 of 1991, sec 5.

⁷ Sec. 2 (6) “Cattle” includes buffaloes, bulls, bullocks, camels cows domestic, elephants, donkeys, goats, horses, mules, pigs and sheep, and also includes their young,” omitted by Act 44 of 1991 , sec 5.

⁸ Sec.2 (7A) inserted by Act 44 of 1991, sec. 5.

⁹ Sec.2 (11) “meat or specified plant, “appended by Act 44 of 1991, sec.5.

¹⁰ Sec.2 (12A) “Inserted by Act 44 of 1991 sec. 5.

¹¹ Sec.2 (13) “game reserve” means an area declared under sec. 36 to be a game reserved;” omitted by Act 44 of 1991. sec. 5.

¹² Sec.2 (14) “or sec. 17H;” appended by Act 44 of 1991, sec.5.

¹³ Sec.2 (17) “marshes and wetlands” inserted after “whether artificial of natural,” by Act 44 of 1991, sec.5.

¹⁴ Sec.2 (18A) “inserted by Act 44 of 1991 sec. 5.

¹⁵ Sec.2 (25A) inserted by Act 44 of 1991 sec. 5.

¹⁶ Sec. 2 (26) “26(A)” substituted after “whether under sec. “by Act 44 of 199 1, sec 5.

¹⁷ Sec.2 (26A) inserted by Act 44 of 1991 sec. 5.

¹⁸ Sec.2 (27) “small game” means any animal specified in sch. IV “substituted by Act 44 of 1991, sec.5.

Sec 2 (30A) inserted by Act 44 of 199 1, sec 5.

¹⁹ Sec.2 (39) inserted by Act 44 of 1991, sec 5.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THIS ACT

3. Appointment of Director and other officers.– (1) The Central Government may, for the purposes of this Act appoint, -

- (a) A Director of Wildlife Preservation;
- (b) Assistant Directors of Wildlife Preservation; and
- (c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

(3) The Assistant, Directors of Wildlife Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

4. Appointment of Chief Wildlife Warden and other officers – (1) The State Government may, for the purposes of this Act, appoint –

- (a) a Chief Wildlife Warden; [***¹]
- (b) Wildlife Wardens;
- [(bb) One Honorary Wildlife Warden in each district; and²]
- (c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wildlife Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

(3)³ [The Wildlife Warden, the Honorary Wildlife Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wildlife Warden.

5. Power of delegate – (1) The Director may, with the previous approval of the Central Government, by order in writing delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(2) The Chief Wildlife Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under Cl.(a) of sub-section (1) of Sec.11, to any officer subordinate to him subject to such conditions, if any, be specified in the order.

(3) Subject to any general or special, direction given or condition imposed by the Director or the Chief Wildlife Warden, any person, authorised by the Director or the Chief Wildlife Warden to exercise any, powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

6. Constitution of the Wildlife Advisory Board– (1) The State Government, or, in the case of a Union Territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wildlife Advisory Board consisting of the following member, namely:

- (a) the Minister in charge of Forest in the State or Union Territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government or the Union Territory, who shall be the Chairman;
- (b) two members of the State Legislature or, in the case of a Union Territory having a Legislature, two members of the legislature of the Union Territory, as the case may be;
- (c) Secretary to the State Government, or the Government of the Union Territory, in charge of Forests;
- [(d) The Forest Officer in charge of the State Forest Department, by whatever designation called, ex-officio; ⁴]
- (e) an officer to be nominated by the Director;
- (f) Chief Wildlife Warden, ex-officio;

[(g) Officers of the State Forest Government not exceeding five⁵];

(h) such other person, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of Wildlife, including the representatives of tribals not exceeding three.]

[(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).⁶]

(2) The State Government shall appoint [the forest Officer incharge of the Forest Department⁷] or Chief Wildlife Warden as the Secretary to the Board.

(3) The term of office of the members of the Board referred to in C1.(g) of sub-section (1) and the manner of filling the vacancies among them shall be such as may be prescribed.⁸

(4) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribe.

7. Procedure to be followed by the Board. – (1) The Board shall meet at least twice a year at such place as the State Government may direct.

(2) The Board shall regulate its own procedure (including the quorum).

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board affecting the merits of the case.

8. Duties of the Wildlife Advisory Board. – It shall be the duty of the Wildlife Advisory Board to advise the State Government,–

(a) In the selection of areas to be declared as Sanctuaries, National Parks, and Closed Areas and the administration thereof;

[⁹(b) in formulation of the policy of protection and conservation of Wildlife and specified plants;]

(c) in any matter relating to any schedule;

(cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and ¹⁰

(d) in any matter that may be referred to it by the State Government.

¹ Sec.4(1)(a) “and “omitted by Act 44 of 1991, sec6.

² Sec.4(1)(bb) “inserted by Act 44 of 1991, sec.6.

³ Sec.4(3) “the Honorary Wildlife Warden” after “The Wildlife Warden” substituted by Act 44 of 1991, Sec. 6

⁴ Sec.6(1)(d) “Chief Conservator of Forests, ex officio;” substituted by Act of 44 of 1991, sec.7.

⁵ Sec.6(1)(g) “such other officers and non-officials, not exceeding fifteen, who, in the opinion of the State Government, are interested in the protection of Wildlife, “ substituted by Act 44 of 1991, sec.7. and original sub-section renumbered as ‘h’.

⁶ Sec.6(IA) inserted by Act 44 of 199 1, sec.7.

⁷ Sec.6(2) “The State Government shall appoint the Chief Wildlife or the Chief Conservator of Forest as the Secretary to the Board, “substituted by Act 44 of 199 1, sec.7.

⁸ Sec.6 (3) “in CL(g)” should have been substituted by C1 (h)” under the amended verdict.

⁹ Sec. 8(b) “in the formulation of the policy in granting licences and permits under this Act;” substituted by Act 44 of 199 1, sec. 8.

¹⁰ Sec. 8(cc) inserted by Act of 199 1, sec. 8.

CHAPTER III

HUNTING OF WILD ANIMALS

[[9 Prohibition of Hunting. – No person shall hunt any wild animal specified in Schedule, I, II, III and IV except as provided under section 11 and section 12. ^{1]}

[²(Omitted 199)

Hunting of Wild animals to be permitted in certain cases.– (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV –

- (a) the Chief Wildlife Warden may, if he is satisfied that any wild animal specified in Sch. 1 has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause animal to be hunted;
- (b) the Chief Wildlife Warden or the authorised officer may, if he is satisfied that any wild animal specified in Sch. II Sch, III or Sch. IV has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence;

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes. - Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wildlife Warden, to grant [^{***3]} a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt, subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,–

- (a) education;
- [⁴(b) scientific research;
- (bb) scientific management;

Explanation:- for the purposes of Cl. (bb), the expression, “scientific management” means–

- (i) translocation of any wild animal to an alternative suitable habitat; or
- (ii) population management of wildlife, without killing or poisoning or destroying any wild animals].

[⁵(c) Collection of specimens

- (i) for recognised zoos subject to the permission under section 38-1 or
- (ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life saving drugs.]

⁶[Provided that no such permit shall be granted:

- (a) in respect of any wild animal specified in Sch.L except with the previous permission of the Central Government, and
- (b) in respect of any other wild animal, except with the previous permission of the State Government.]

[(13) “Suspension or cancellation of licence. - The Chief Wildlife Warden or the authorised officer may, subject to any general or special order of this State Government, for good and sufficient reasons, to be recorded in writing, suspend or cancel any licence granted under this Chapter. (OMITTED 1991)

Provided that no such suspensions or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard”.]

[⁷(14) Omitted 1991]

[⁸(15) Omitted 1991]

[⁹(16) Omitted 1991]*

[¹⁰(17) Omitted 1991]

¹ Sec.9. “Hunting of Wild animals”...

Sec.9(1)“No person shall hunt any wild animal specified in Sch. I” Substituted.

(2) “No person shall hunt any wild animal specified in Sch. II, Sch. III, or Sch. IV, except under, and in accordance with, the conditions specified in a licence granted under sub-section (5).” substituted.

(3) “Any person distilling to obtain a licence referred to in sub-section (2) shall apply, in such from and on payment of such fee, as may be prescribed, to the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf (hereinafter referred to as the aufluirised officer).”

(4) “An application under sub-section (3) may be made for all or any of the following kinds of licences, namely

(a) Special game hunting licence.

(b) Big game hunting licence.

(c) Small game hunting licence.

(d) Wild animal trapping licence.

Provided that any such licence may be restricted to be hunting or trapping of such animal as may be specified therein.” omitted.

(5) “On receipt of an application under sub-section (3), the Chief Wildlife Wardenen or the authorised officer may,, after making such inquiry as he may think fit with regard to the fitness or other wise of the applicant to receive the licence, grant or refuse to grant such licence after recording in writing his reason for such grant of refusal; and when the grant of a licence is refused, the fee paid therefor shall be refunded to the applicant. “ omitted.

(6) “A Licence granted undeftthis section shall

(a) be in such from as may be prescribed;

(b) be valid for such period as may be specified therein;

(c) be subject to such items, conditions, and restrictions as may be prescribed; (d) not be transferable.

Omitted by Act 44 of 1991, sec.9.

² Sec. 10. Maintenance of records of wild animals killed or captured. – (1) The holder of every licence shall maintain a record, containing such particulars as may be prescribed, of the wild animals, other than vermin, killed or captured by him during the currency of the licence.

(2) When any animal specified in Sch. III is killed, wounded, or captured by the holder of a licence, he shall, not later than fifteen days from the date of such killing, wounding, or capture, or before leaving the area specified in the licence, whichever is earlier, intimate in writing to the Chief Wildlife Warden or the authorised officer, the prescribed particulars of such anima killed, wounded, or captured by him”..

(3) The holder of any licence shall, not later than fifteen days from the date of expiry of such licence, surrender the records maintained by him under sub-section (1) and the licence to the Chief Wildlife Warden or the authorised officer, and shall sign a declaration, in the prescribed form, certifying the accuracy of the records maintained by him under sub-section (a).” omitted by Act of 199 1, sec. 10

³ Sec. 12. the words “with the previous permission of the State Government” omitted by Act 23 of 1982 , sec. 2.

⁴ Sec. 12(b) substituted by Act 23 of 1982, sec.2.

⁵ Sec. 12 (c) “collection of specimens for zoological gardens, museums, and similar institutions” substituted by ibid.

⁶ Proviso inserted by Act 23 of 1982, sec.2

⁷ Sec 14. Omitted by Act 44 of 199 1. Sec. 12

“Appeals. - (1) An appeal from an order refusing to grant a licence under sec.9, or an order suspending or cancelling a licence under sec. 13, shall lie

(a) if the order is made by the authorised officer, to the Chief Wildlife Warden, or (b) If the order is made by the Chief Wildlife Warden, to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden under sub-section (1), a second appeal shall lie to the State government

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against.

*Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.”

8 See 15 Omitted by Act 44 of 199 1. Sec. 12

“Hunting of young and female of wild animals. --No person shall, unless specially authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet.”

9 Sec 16. Omitted by Act 44 of 199 1. Sec. 12

Declaration of closed time.– (1) The State Government may, by notification, declare the whole year or any part thereof, to be a closed time throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting of such animal shall be permitted, during the said period, in the area specified in the notification.

(2) The provisions of sub-section (1) shall not apply to vermin unless otherwise specified by the State Government in this behalf [omitted 1991]

^{5*} **Conviction, setting aside of.** –On 5th February, 1954, at about 10 a.m. a rhinoceros was shot dead at village Hahpani. The petitioner along with a few others, who have since been acquitted or discharged, were sent up for trial under sec. 429 of the Indian Penal Code and Sec. 25 (g) of the Assam Forest Regulation. The charge under sec. 25 (g) of the Forest Regulation failed because the occurrence was found to have taken place outside the game sanctuary. The petitioner was, however, convicted by the learned Magistrate under sec.429 of the Indian Penal Code for having shot and killed the rhinoceros with a gun, and that conviction was upheld by the learned Sessions Judge on appeal. The only evidence against the petitioner was that of one prosecution witness, who saw the petitioner firing at the rhinoceros with a single - barreled muzzle loading gun, and later the animal was found dead. The evidence of this witness had been believed by the two Courts below who has, therefore, convicted the petitioner. The argument for the defence was that in order for the conviction to be correct, the destruction of property should be established. Where, therefore, no one has any property or right in an animal, the killing of the animal does not come within that meaning of Sec. 425 of the Indian Penal Code. And thus the provision of Sec.429 of the Indian Penal Code will also not be attracted. The learned Sessions Judge appears to have overlooked the effect of Sec. 425 on the interpretation of Sec 429. It was submitted that at any rate an offence had been committed under sec.3 of the Wild Birds and Animals Protection Act, 1912 (8 of 1912), and therefore, the conviction of the petitioner should be altered to one under Sec.4 of the Act and an appropriate sentence imposed on him. But this cannot be done for the obvious reason that there is nothing to show in this case that there was any such notification by the Government declaring that the offence, if any, was committed in a closed season, as prohibited by the law, ‘Mat being so, the conviction and sentence of the petitioner must be set aside. - Nabin Chandra Gogoi vs State of Assam, AIR 1961, pp. 18-19.

10 Sec. 17 Omitted by Act 44 of 199 1. Sec. 12

17. “Restrictions on hunting. -(I) No person shall

(a) hunt any wild animal, from or by means of, a wheeled or mechanically propelled vehicle on water or land, or by aircraft;

(b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;

(c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisonous, poisoned weapons, snares or traps, except insofar as they relate to the capture of wild animals under a Wild Animal Trapping Licence;

(d) hunt any special game or big game other than with a rifle unless specially authorised by the licence to hunt with a shot gun using single-slug bullets;

(e) for the purpose of hunting, set fire to any vegetation;

(f) use any artificial light for the purpose of hunting except when specially authorised (f) to do so under licence in the case of carnivora over a kill;

(h) hunt any wild animal on a salt-lick or waterwheel or other drinking place or on path or approach to the game, except sandgrouse and waterbirds;

(i) hunt any wild animal on any land not owned by Government, without the consent of that owner or his agent or the lawful occupant of such land;

(j) notwithstanding that he holds a licence for the purpose, hunt any wild animal during the closed time referred to in Sec. 16;

(k) hunt, with the help of dogs, any wild animal except waterbird, chakor, partridge, or quail;

(2) The provisions of sub-section (1) shall not apply to vermin. “[Omitted]

PROTECTION OF SPECIFIED PLANTS

17A. Prohibition of picking, uprooting, etc., of specified plants. – Save, as otherwise provided in this Chapter, no person shall –

- (a) willfully pick, uproot, damage destroy, acquire or collect any specified plant from any forest land and area specified, by notification, by the Central Government,
- (b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof:

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bonafide personal use.

17B. Grant of permit for special purpose– The Chief Wild Life Warden may with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of

- (a) education;
- (b) scientific research.,
- (c) collection, preservation and display in a herbarium of any scientific institutions; or
- (d) propagation by a person or an institution approved by the Central Government in this regard.

17C. Cultivation of specified plants without licence prohibited. – (1) No person shall cultivate a specified plant except under, and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf :

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection)

Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him, or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. Dealing in specified plants without licence prohibited. - (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof:

Provided that nothing in this section shall prevent a person, who, immediately before that commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. Declaration of stock.– (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days, from the date of commencement of the Wild Life (Protection) Amendment Act, 1991, declare to the Chief Wild Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-section (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

17F. Possession, etc., of plants by licensee. - No licensee under this chapter shall

(a) keep in his control or possession

- i. any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made, but has not been made;
- ii. any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule, or order made thereunder;

(b) (i) pick, uproot, collect or acquire any specified plant, or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof,

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. Purchase, etc., of specified plants.— No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licenced dealer:

Provided that nothing in this section shall apply to any person referred to in section of 17B.

17H. Plants to be Government property. – (1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or derivative thereof shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof as they apply in relation to wild animals and articles referred to in sub-section (1) of that section.]

¹ Chapter IIIA inserted by Act 44 of 1991, sec. 13.

CHAPTER IV

SANCTUARIES, NATIONAL PARK, ¹[****] AND CLOSED AREAS

Sanctuaries

18. Declaration of Sanctuary:— [(1) The State Government may, by notification, declare its intention to constitute any area other than area comprised with any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural. or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment. ²]

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

Explanation. - For the purposes of the this section, it shall be sufficient to describe the area by roads, rivers, ridges, or other well-known or readily intelligible boundaries

19. Collector to determine rights.— [³When a notification has been issued under Sec.18,] the collector shall inquire into, and determine the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

20. Bar of accrual of rights.— After the issue of a notification under Sec.”18, no right shall be acquired in, or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

21. Proclamation by Collector. – When a notification has been issued under Sec.18 the Collector shall publish in the regional language in every town and village in or in the neighborhood of the area comprised therein, a progamation:

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in Sec. 19, to prefer before the collector” within two months from the date of such proclamation, a written claim in the prescribed form specifying the nature and extent of such right, with necessary

details and the amount and particulars of the compensation, if any, claimed in respect thereof.

22. Inquiry by Collector. – The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into

(a) the claim preferred before him under Cl. (b) of Sec.21, and

(b) the existence of any right mentioned in Sec.19 and not claimed under Cl.(b) of Sec.21, so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

23. Powers of Collector. – For the purpose of such inquiry, the Collector may exercise the following powers, namely

(a) the power to enter in or upon any land and to survey, demarcate, and make a map of the same or to authorise any other officer to do so;

(b) the same powers as are vested in a civil court for the trial of suits.

24. Acquisition of rights. – (1) In the case of a claim to a right in or over any land referred to in Sec.19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Collector may either

(a) exclude such land from the limits of the proposed sanctuary, or

(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and payment of such compensation, as is provided in the Land Acquisition Act, 1894 (1 of 1894)

[⁴(c) allow, in consultation with the Chief Wildlife Warden, the continuance of any right of any person in, or over any land within the limits of the sanctuary.]

25. Acquisition proceedings. – (1) For the purpose of acquiring such land, or rights in or over such land,-

(a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 of 1894):

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under sec.9 of that Act.

(c) the provisions of the sections preceding Sec.9 of that Act shall be deemed to have been complied with;

(d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of Sec.18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief, against the award under the provision of Part III of that Act;

(e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money, and

(f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government provide for an alternative public way or common pasture, as far as may be practicable or convenient.

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

26. Delegation of Collector's powers. – The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under Sec. 19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

[⁵(26A) Declaration of area as Sanctuary. – (1) When –

- (a) a notification has been issued under sec.18 and the period for preferring claim has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or
- (b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification.

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government.

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial water shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislation of the State.]

27. Restriction on entry in sanctuary. – (1) No person other than,

- (a) a public servant on duty;
- (b) a person who has been permitted by the Chief Wildlife Warden or the authorised officer to reside within the limits of the sanctuary;
- (c) a person who has any right over immovable property within the limits of the sanctuary;
- (d) a person passing through the sanctuary along a public highway, and
- (e) the dependents of the person referred to in Cl. (a), (b) or (c).
- (f) shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.

(2) Every person shall, so long as he resides in the sanctuary, be bound

- (a) to prevent the commission, in the sanctuary, or an offence against this Act;
- (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;
- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wildlife Warden or the authorised officer takes charge thereof;
- (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and
- (e) to assist any forest officer, Chief Wildlife Warden, Wildlife Warden or police officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

[⁶(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause any wrongful gain as defined in the Indian Penal Code (45 of 1860), alter, destroy, move, or deface such boundary-mark.]

[⁷(4) No person shall tease or molest any wild animal or litter the grounds or sanctuary]

28. Grant of permit. – (1) The Chief Wildlife Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:

- (a) investigation or study of wildlife and purposes ancillary or incidental thereto;
- (b) photography;
- (c) scientific research;
- (d) tourism;

(e) transaction of lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

[⁸(29) Destruction, etc., in a sanctuary prohibited without a permit.— No person shall destroy, exploit or remove any wildlife from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal or its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government being satisfied that such destruction, exploitation or removal of wildlife from the sanctuary is necessary for the improvement and better management of wildlife therein authorises the issue of such permit.

Explanation: For the purposes of this section, grazing or movement of livestock permitted under clause (d) of Sec.33 shall not be deemed to be an act prohibited under this section.]

30. Causing fire prohibited. – No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

31. Prohibition of entry into sanctuary with weapon. – No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

32. Ban on use of injurious substances. – No person shall use in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary.

33. Control of sanctuaries. – The Chief Wildlife Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary;
- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals, therein;
- (c) may take such measures, in the interests of wildlife, as he may consider necessary for the improvement of any habitat.
- (d) may regulate, control or prohibit, in keeping with the interests of wildlife, the grazing or movement of [livestock].
- (e) [omitted 19911

[⁹33A. Immunisation of livestock. – (41) The Chief Wildlife Warden shall take such measures in such manner as may be prescribed, for immunisation against communicable diseases of the livestock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or graze, any livestock in a sanctuary without getting it immunised.]

34. Registration of certain persons in possession of arms. – (41) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee, and within such time as may be prescribed, to the Chief Wildlife Warden or the authorised officer, for the registration of his name.

(2) On receipt of an application under sub-section (1), the Chief Wildlife Warden or the authorised officer shall register the name of the applicant in subject manner as may be prescribed.

[¹⁰3) No new licences under the Arms Act, 1959 (54 of 1959), shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wildlife Warden.

National Parks

35. Declaration of National Parks. – (1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological, or zoological association or importance, needed to be constituted as a National

Park for the purpose of protecting and propagating or developing wildlife therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park.

[¹¹(1) Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of Sec.26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.]

(2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a National Park, the provisions of Sec. [¹²19 to 26-A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely

(a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government

the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall, destroy, exploit, or remove any wildlife from a National Park or destroy or damage the habitat or any wild animal or deprive any wild animal or its habitat within such National Park except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation, or removal of wildlife from the National Park is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit.

(7) No grazing of any [livestock¹³] shall be permitted in a National Park and no livestock shall be allowed to enter except where such [livestock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of secs. 27 and 28, secs.30 to 32 (both inclusive), and CIS, (a), (b) and (c) of [Sec.33, 33A¹⁴] and sec.34 shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

36. [Omitted 1991]

Closed Area

37. Declaration of closed area. - (1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section(1).

Sanctuaries or National Park declared by Central Govt.

38. Power of Central Government to declare areas as Sanctuaries or National Park,
- (1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a Sanctuary, to the Central Government the Central Government may, if it is satisfied that the conditions specified in sec.18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of [sec 18 to 35 (both inclusive) ¹⁶], 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

(2) The Central Government may, if it is satisfied that the conditions specified in sec.35 are fulfilled in relation to any area referred to in sub-section (1), whether or not such area

has been declared, to be a sanctuary by the Central Government, or the State Government, declare such area, by notification, to be a National Park and the provisions of secs.35. 54 and 55 shall apply to such National Park as they apply in relation to a National Park declared by the State Government.

(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wildlife Warden under the section referred to in sub-section (1) and (2). shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references in the sections aforesaid to the State Government, shall be construed as reference to the Central Government and reference therein to the Legislation of the State shall be construed as a reference to Parliament.

1 Chapter IV "Game Reserves" omitted by Act 44 of 1991, sec. 14.

2 Sec 18(l) substituted by Act 44 of 1991, sec. 15.

3 Sec. 19 "Whenever any area is declared to be a sanctuary" Substituted by Act 44 of 1991, sec. 16.

4 Sec.24(2)(c) Inserted by Act 44 of 1991, sec. 17

5 Sec.26A inserted by Act 44 of 1991, sec. 18.

6 Sec.27(3) Inserted by Act 44 of 1991, sec. 19.

7 Sec.27(4) Inserted by Act 44 of 1991, sec. 19.

8 Sec.29. Hunting in sanctuary without permit prohibited. (1) Notwithstanding anything contained elsewhere in this Act, no person shall hunt any wild animal in a sanctuary or remove therefrom any wild animal, whether alive or dead, or any trophy, uncured trophy, or meat derived from such animal.

Provided that if the Chief Wildlife Warden is satisfied that it is necessary that any wild animal in a sanctuary should be hunted or removed.

(a) for the better protection of wildlife, or

(b) for any other good and sufficient reason he may, with the previous approval of the State Government, grant a permit authorising any person to hunt or remove such wild animal under the direction of an office authorised by him or cause it to be hunted or removed.

(2) A permit granted under sub-section

(1) shall specify the kind and number of wild animal that may be hunted or removed by the holder of such permit.

(3) The Chief Wildlife Warden may, for good and sufficient reason, to be recorded in writing, cancel any permit granted under sec.28 or under this section.

Provided that no such cancellation shall be made except after giving the holder of the permit a reasonable opportunity of being heard.

(4) Any person aggrieved by the cancellation of a permit under sub-section (3) may, within 15 days from the date of such cancellation, appeal to the State Government, whose decision shall be final.

Provided that the State Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the applicant had sufficient cause for not preferring the appeal in time." Substituted by Act 44 of 1991, Sec. 20,

9 Sec.33A inserted by Act 44 of 1991, sec.22.

10 Sec.34 (3) inserted by Act 44 of 1991, sec.22A.

11 Sec.35 (l) Provision added by Act 44 of 1991, sec.23

12 Sec. 35 (3) " 19 to 26 (both inclusive)" between "the provisions of sections' and "shall, as far as" substituted by Act 44 of 1991, sec.23.

13 Sec. 35 (7) "cattle" substituted by "livestock" by Act 44 of 1991, sec.23.

14 Sec. 35 (8) "section 33" after "clause (a), (b) and (c) of "substituted by Act 44 of 1991, sec.23.

15 Sec. 36 Declaration of "Game Reserve".-(1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in such reserve except under and in accordance with a licence, issued under this section by the Chief Wildlife Warden or the authorised officer." omitted by Act 44 of 1991, sec. 24.

16 Sec38. "Section 19 to 35 after "provisions of" substituted by Act 44 of 1991, sec.25.

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. Constitution of Central Authority.² - (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

- (2) The Authority shall consist of
- (a) Chairperson;
 - (b) such number of members not exceeding ten; and
 - (c) Member - Secretary; to be appointed by the Central Government.

38B. Term of office and conditions of service of chairperson and members etc.-

(1) The chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government.

(2) The chairperson or a member may, by writing under this hand, addressed to the Central Government, resign from the office of chairperson or, as the case may be, of the Member.

(3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person.

- (a) becomes an undischarged insolvent,
- (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave or absence from the authority, absent from three consecutive meetings of the Authority; or
- (f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances and other conditions of appointment of chairperson, members and Member-Secretary of the Authority shall be such as may be prescribed.

(6) The Authority shall, with the previous sanction of the Central Government, employ such officer and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.

38C. Functions of the Authority. - The Authority shall perform the following functions, namely:

- (a) specify the minimum standards for housing, unkeep and veterinary care of the animals kept in a zoo;
- (b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;
- (c) recognise or derecognize zoos;
- (d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;
- (e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;
- (f) ensure maintenance of stud-books of endangered species of wild animals bred in captivity;
- (g) identify priorities and themes with regard to display of captive animals in a zoo;
- (h) co-ordinate training of zoo personnel in India and outside India;

- (i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;
- (j) provide technical and other assistance to zoos for their proper management and development on scientific lines;
- (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

38D. Procedure to be regulated by the Authority. – (1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

38E. Grants and loans to Authority and constitution of fund. – (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officer and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(7) The accounts of the Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. Annual report. – The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38G. Annual report and audit report to be laid before Parliament. – The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of Parliament.

38H. Recognition of Zoos. – (1) No zoo shall be operated without being recognised by the Authority.

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period of [eighteen months from the date of such commencement and³] if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

(2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

(3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

(5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Authority may, for reason to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

(7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or canceling a recognition under sub-section (6) shall lie to the Central Government:

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication to the applicant, of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal.

38I. Acquisition of animals by a zoo. – Subject to the other provisions of this Act, no zoo shall acquire or transfer any wild animal specified in Schedule I and Schedule 11 except with the previous permission of the Authority.

38J. Prohibition of teasing etc., in a zoo. – No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo.

¹ Chapter IVA inserted by Act 44 of 1991, sec.26

² The Central Zoo Authority was constituted vide S.O 113 (E), dated 3rd February, 1992 published in Part-II, Section 3, sub-section (ii) of the Extra -Ordinary Gazette of India, dated 3rd February, 1992

³ Sec.38H. “eighteen months from the date of such commencement” after the words “recognised for a period of” substituted by Act 26 of 1993, sec.2.

CHAPTER V

TRADE OR COMMERCE IN WILD ANIMALS, ANIMAL ARTICLES AND TROPHIES

39. Wild Animal, etc. to be Government property. - (1) Every –

- (a) wild animal, other than vermin, which is hunted under Sec. 11 or sec.29 or sub-section (6) of sec 35 or kept or [bred in captivity or hunted¹] in contravention of any provisions of this Act or any rule or order made thereunder, or found dead, or killed by [***] mistake;
- (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in Cl.(a) in respect of which any offence against this Act or any rule or order made thereunder has been committed;
- [²(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed.
- (d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provision of this Act.]

shall be the property of the State Government and, where such animal is hunted in a sanctuary or National Park declared by the Central Government such animal or any article, trophy, uncured trophy or meat [derived from such animal or any vehicle, vessel, weapon, trap, or tool used in such hunting, ³] shall be the property of Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours of obtaining such possession, report it to the nearest police station or authorised officer and shall, if so required, hand over such property to the officer in charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

- (a) acquire or keep in his possession, custody, or control, or
- (b) transfer to any person, whether by way of gift, sale or otherwise, or
- (c) destroy or damage such Government property.

40. Declaration. – (1) Every person having at the commencement of this Act the control, custody, or possession of any captive animal specified in Sch. I or Part 11 of Sch. 11, or any uncured trophy derived from such animal or salted or dried skin of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wildlife-Warden or the authorised officer the number and description of animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale, or otherwise transfer or transport any animal specified in Sch. 1 or Part 11 of Sch. 11, any uncured trophy or meat derived from such animal, or the salted or dried skin of such animal or the musk of a deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

[⁴(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 381 or to a public museum.]

(4) The State Government may, by notification, require any person to declare to the Chief Wildlife Warden or the authorised officer any animal, article or trophy (other than the musk of musk deer or the horn of rhinoceros), or salted or dried skin derived from an animal specified in Sch. I or Part 11 of Sch. H in his control, custody or possession in such form, in such manner, and within such time as may be prescribed.

41. Inquiry and preparation of inventories. - (1) On receipt of a declaration made under sec.40, the Chief Wildlife Warden or the authorised officer may, after such notice, in such manner and at such time as may be prescribed,

- (a) enter upon the premises of a person referred to in Sec.40;
- (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins, and captive animals specified in Sch. I and Part 11 of Sch. 11 and found thereon; and
- (c) affix upon the animals, animal articles, trophies of uncured trophies, identification marks in such manner as may be prescribed.

(2) No person shall obliterate or counterfeit any identification mark referred to in this Chapter.

42. Certificate of ownership. - The Chief Wildlife Warden may, for the purposes of Sec. 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, or uncured trophy, and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for the purposes of Identification.

43. Regulation of transfer of animal etc. - (1) Subject to the provisions of sub-section (2), (3) and (4), a person (other than a dealer) who does not possess a certificate of ownership shall not

- (a) sell or offer for sale or transfer whether by way of sale, gift or otherwise, any wild animal specified in Sch. I or Part II of Sch. 11 or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;
- (b) make animal articles containing part or whole of such animal;
- (c) put under a process of taxidermy an uncured trophy of such animal;

except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State any such animal, animal article, trophy or uncured trophy as referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) No person who does not possess a certificate of ownership shall transfer or transport from one State to another state or acquire by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer is to be effected.

(4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wildlife Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.

(5) While permitting the transfer or transport of any animal, animal article, trophy or uncured trophy, as is referred to in sub-section (1), the Chief Wildlife Warden or the authorised officer

(a) shall issue a certificate of ownership after such inquiry as he may deem fit;

(b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected,.

(c) may affix an identification mark on any such animal, animal article, trophy or uncured trophy.

6. Nothing in this section shall apply –

[⁵(a) to tail feather of peacock and animal articles or trophies made therefrom],

[⁶(b) to any transaction entered into by a recognised zoo subject to the provisions of Sec 381 or by a public museum with any other recognised zoo or public museum]

44. Dealings in trophy and animal articles without licence prohibited. – (1) [⁷Subject to the provisions of Chapter VA, no person shall, except under, and in accordance with, a licence granted under sub-section (4), –]

(a) commence or carry on the business as

(i) a manufacturer of, or dealer in, any animal article, or

(ia) [Omitted]

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy; or

(iv) a dealer in captive animal; or

(v) a dealer in meat; or

(b) cook or serve meat in any eating-house

[⁹(c) derive, collect or prepare, or deal in, snake venom,];

Provided that nothing in this sub-section shall prevent a person, who immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

[¹⁰Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such article.]

Explanation. – For the purposes of this section, “eating-house” includes a hotel, restaurant or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged in board and lodging.

(2) Every manufacturer of, or dealer in animal article, or every dealer in captive animals, trophies or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of this Act, declare to the Chief Wildlife Warden his stocks of animal articles, captive animals, trophies and uncured trophies, as the case may be, as on the date of such

declaration and the Chief Wildlife Warden or the authorised officer may place an identification mark on every animal article, captive animal trophy or uncured trophy, as the case may be.

(3) Every person referred to in sub-section (1) who intends to obtain a licence shall¹¹, make an application to the Chief Wildlife Warden or the authorised officer for the grant of a licence.

(4) (a) Every application referred to in sub-section (3) shall be made in such form and on payment of such as fee as may be prescribed, to the Chief Wildlife Warden or the authorised officer.

[¹²(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wildlife Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implications which the grant of such licence would have on the status of wildlife and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted].

(5) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

(6) Every licence granted under this section shall

(a) be valid for one year from the date of its grant;

(b) not be transferable; and

(c) be renewable for a period not exceeding one year at a time.

(7) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wildlife Warden or the authorised officer is satisfied that.

(i) the application for such renewal has been made after the expiry of the period specified thereof, or

(ii) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect or false in material particulars, or

(iii) the applicant has contravened any term of condition of the licence, or any provision of this Act, or any rule made thereunder, or

(iv) the applicant does not fulfill the prescribed conditions.

(8) Every order granting or rejecting in application for the grant or renewal of a licence shall be made in writing.

(9) Nothing in the foregoing sub-section shall apply in relation to vermin.

45. Suspension or calculation of licence. - Subject to any general or special order of the State Government the Chief Wildlife Warden or the authorised officer may, for reason to be recorded by him in writing, suspend or cancel any licence granted or renewed under sec.44: Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

46. Appeal. - (1) An appeal from an order refusing to grant or renew a licence under sec.44 of an order suspending or canceling a licence under sec. 45 shall lie

(a) if the order is made by the authorised officer, to the Chief Wildlife Warden, or

(b) if the order is made by the Chief Wildlife Warden to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden' under C1. (a) of sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) An appeal under this section shall be preferred within days from the date of the communication, to be applicant, or the order appealed against.

Provided that the appellate authority may appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

47. Maintenance of records. A licensee under this Chapter shall-

(a) keep records, and submit such returns of his dealings, as may be prescribed.

(i) to the Director or any other officer authorised by him in this behalf, and

(ii) to the Chief Wildlife Warden or the authorised officer, and

(b) make such records available on demand for inspection by such officers.

48. Purchase of animal, etc., by licensee. - No licensee under this Chapter shall

- (a) keep in his control, custody, or possession
 - (i) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of sec.44 has to be made but has not been made;
 - (ii) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule of order made thereunder.
- (b)
 - (i) capture any wild animal, or
 - (ii) acquire, receive, keep in his control, custody, or possession, or sell, offer for sale, or transport, any captive animal specified in Sch. I or Part II of Sch. 11 or any animal article, trophy or uncured trophy, or meat derived therefrom, or serve such meat, or put under a process or taxidening or make animal article containing part or whole of such animal,

except in accordance with such rules as may be made under this Act:

Provided that where the acquisition, or possession, or control, or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from one State to another, no such transfer or transport shall be effected except with the previous permission in writing of the Director or any other officer authorised by him in this behalf.

Provided further that no such permission under the foregoing proviso shall be granted unless the Director or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

[¹³48A Restriction of transportation of wildlife. - No person shall accept any wild animal (other than vermin) or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.]

49. Purchase of captive animal, etc. person other than a licensee. - No person shall purchase, receive or acquire any captive animal, wild animal other than vermin, or any animal article, trophy, uncured trophy, or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act.

[¹⁴Provided that nothing in this section shall apply to a recognised zoo subject to the provision of section 38-1 or to a public museum.]

-
1. Sec.39(l)(a) "or hunted" inserted in between "bred in captivity" and "in contravention" by Act 44 of 1991, sec.27.
 2. Sec.26(l)(a) The words "without a licence or" after "or killed" omitted by Act 44 of 1991, sec.27.
 3. Sec.39(1)(c) Inserted by Act 44 of 1991, sec.27.
 4. Sec.39(1) "derived from such animal" substituted by Act 44 of 1991, sec.27.
 5. Sec.40(3) "Nothing in sub-section (1) or (2) shall apply to a public museum or zoo." substituted by Act 44 of 1991, sec. 28. 5
 6. Sec.43(6)(a) "to animal articles or trophies made out of feathers of peacocks;" substituted by Act 44 of 1991, sec, 29. 6
 7. Sec.43(6)(b) "to any transaction entered into by a public museum or zoo with any other public museum or zoo." substituted by Act 44 of 1991, sec.29.
 8. Sec.44(l) Substituted by Act 28 of 1986, sec.2 for the words "Except under, and in accordance with, a licence granted under sub-section (4), no person shall".
 9. Sec.44(l)(a)(ia) 'a manufacturer of, or dealer in, any article made of ivory imported into India;' omitted by Act 44 of 1991, sec.30.
 10. Sec.44(l)(c) Inserted by Act 44 of 1991, sec.30.
 11. Sec.44(l) Second provision substituted by Act 44 of 1991, sec.30.
 12. Sec.44(3) The words "written fifteen days from the commencement of this Act." omitted by Act 23 of 1992, sec. 3.
 13. Sec.44(4) (b) substituted by Act 23 of 1982, sec.3.
 14. Sec.48A Inserted by Act 44 of 1991, sec.31.
 15. Sec.49 "Provided that nothing in this section shall apply to any transaction entered into by a public museum or zoo with any public museum or zoo." Substituted by Act 44 of 1991, sec.32

**PROHIBITION OF TRADE OR COMMERCE IN TROPHIES,
ANIMAL ARTICLES, ETC. DERIVED FROM CERTAIN ANIMALS.**

49A. Definitions. - In this Chapter, -

- (a) “scheduled animal” means an animal specified for the time being in Sch. I or Part 11 of Sch. 11;
- (b) “scheduled animal article” means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal (has been used but does not include tail-feather of peacock, an article or trophy made therefrom and snake venom or its derivative; ^{2]}
- (c) “specified date” means -
 - (i) In relation to a scheduled animal on the commencement of the Wildlife (Protection) Amendment Act, 1986, the date of expiry of two months from such commencement.]
 - (ii) in relation to any animal added or transferred to Sch. I or part II of Sch. 11 at any time after such commencement, the date of expiry of two months such addition or transfer;
 - [(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of 6 months from the commencement of the Wildlife (Protection Amendment) Act 1991.^{3]}

49B. Prohibition of dealing in trophies, animal articles etc. derived from Scheduled animals.- (1) Subject to the other provisions of this section, on and after the specified date, no person shall

- (a) commence or carry on the business as -
 - (i) a manufacturer of, or dealer, in scheduled animal articles; or
 - [(ia) a dealer in ivory imported into India or article made therefrom or a manufacturer of such article; or^{4]}
 - (ii) a taxidermist with respect to any schedule animals or any parts of such animals; or
 - (iii) a dealer in trophy or unucured trophy derived from any scheduled animal; or
 - (iv) a dealer in any captive animal being scheduled animal; or
 - (v) a dealer in meat derived from any scheduled animal^{5]; or}
- (b) cook or serve meat derived from any scheduled animal in any eating-house.

Explanation. - For the purposes of this sub-section, “eating-house” has the same meaning as in the Explanation below sub-section (1) of Sec.44.

(2) Subject to the other provisions of this section, no licence granted or renewed under sec. 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in Cl. (a) of sub-section (1) of this section on the occupation referred into Cl (b) of that sub-section after such date.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the Central Government is satisfied that it is necessary or expedient to do so in the public interest, it may, by general or special order published in the official Gazette, exempt, for purposes of export, any corporation owned or controlled by the Central Government (including a Government company within the meaning of Sec.617 of the Companies Act, 1956 (1 of 1956), or any society registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for -the time being in force, wholly or substantially financed by the Central Government, from the provisions of sub-section (1) and (2).

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under sec-44 to carry on the business as a taxidermist may put under a process of taxidermy any scheduled animal or any part thereof,

- (a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or
- (b) with the previous authorisation in writing of the Chief Wildlife Warden, for and on behalf of any person for educational or scientific purposes.

49C. Declaration by dealer. - (1) Every person carrying on the business or occupation referred to in sub-section (1) of Sec.49B shall, within thirty days from the specified date, declare to the Chief Wildlife Warden or the authorised officer,

- (a) his stock, if any, as at the end of the specified date of -
 - (i) scheduled animal articles;
 - (ii) scheduled animals and part thereof;
 - (iii) trophies and uncured trophies derived from scheduled animals;
 - (iv) captive animals, being scheduled animals;
 - (v) ivory imported into India or article made therefrom.]
- (b) the place of places at which the stocks mentioned in the declaration are kept; and
- (c) the description of such items, if any, of the stocks mentioned in the declaration which he desires, to retain with himself for his bona fide personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wildlife Warden or the authorised officer may take all or any of the measures specified in Sec.41 and for this purpose, the provisions of Sec. 41 shall , so far as may be, apply.

(3) Where, in a declaration made under sub-section (1), the person making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his bona fide personal use, the Chief Wildlife Warden, with the prior approval of the Director, may, if he is satisfied that the person is in lawful possession of such items, issue certificates of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wildlife Warden are required for the bona fide personal use of such person and affix upon such items identification marks in such manner as may be prescribed.

Provided that no such item shall be kept in any commercial premises.

(4) No person shall obliterate or counterfeit any identification mark referred to in sub-section (3),

(5) An appeal shall lie against any refusal to grant certificate of ownership under sub-section (3) and the provisions of sub-section (2), (3) and (4) of sec. 46 shall, so far as may be, apply in relation to appeals under this sub-section.

(6) Where a person who has been issued a certificate of ownership under sub-section (3) in respect of any item,

- (a) transfers such item to any person, whether by way of gift, sale of otherwise, or
- (b) transfer or transports from the State in which he resides to another State any such item.

he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep under his control, sell or offer for sale or transfer to [any person any scheduled animal or scheduled animal article or ivory imported into India or any article made therefrom.^{6]}

¹ Chap VA Inserted by Act 28 of 1986, sec.3.

² Sec.49A(b) "has been used.... derivatives" substituted by Act 44 of 1991, sec.33.

³ Sec.49(A)(c)(i) The word 'and after "commencement"; omitted by Act 44 of 1991, sec.33.

⁴ Sec.49B(1)(a)(ia) Inserted by Act 44 of 1991, sec.34.

⁵ Sec.49B(1)(a)(v) Inserted by Act 44 of 1991, sec.35.

⁶ Sec.49C(7) The words "any scheduled animal or a scheduled animal article or ivory imported into India or any article made therefrom." substituted by Act 44 of 1991, sec.35.

CHAPTER VI

PREVENTION AND DETECTION OF OFFENCES

50. Power of entry, search, arrest and detention. - (1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector may, if he has reasonable grounds for believing that any person has committed an offence against this Act,

- (a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, [¹trophy, uncured trophy, or any specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or any other document granted to him or required to be kept by him under the provisions of this Act;
- (b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle, or vessel in the occupation of such person, and open and search any baggage or other things in his possession;
- [²(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel, or weapon used for committing any such offence and unless he is satisfied that such person will appear and answer any charge which may be preferred against him arrest him without warrant and detain him.

Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park, inadvertently enters on a boat not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.]

(2) [³Omitted 1991]

(3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provisions of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address, and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

[(3A) Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or Wildlife Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the magistrate having jurisdiction to try the offence on account of which the seizure has been made.⁴]

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law.

(5) Any person who, without reasonable cause, fails to produce anything which he is required to produce under this section, shall be guilty of an offence against the Act.

- (6) (a) Where any [⁵meat or uncured trophy, specified plant or part or derivative thereof] is seized under the provisions of this section, the Asstt. Director of Wildlife Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.
- (b) Where it is proved that the [⁶meat or uncured trophy, specified plant or part or derivative thereof] seized under the provision of this section is not Government property, the proceed of the sale shall be returned to the owner.

(7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detection of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with Ct. (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.

[7(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wildlife Preservation or Wildlife Warden shall have the powers, for the purpose of making investigation into any offence against any provision of this Act.

- (a) to issue a search warrant;
- (b) to enforce the attendance of witness;
- (c) to compel the discovery and production of documents and material objects, and;
- (d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in presence of the accused person. ^{8]}

51. Penalties. - (1) Any person who ^{9]}contravenes any provisions of this Act [^{10]}except Chapter VA and section 38J] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to [three years] or with fine which may extend to [twenty five thousand rupees] or with both.

Provided that where the offence committed is in relation to any animal specified in Scheduled I or Part 11 of Sch. 11, or meat of any such animal, animal article, trophy, or uncurled trophy derived from such animal or where offence [relates to hunting in, ox, altering the boundaries of] a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than [one year] but may extend to six years and also with fine which shall not be less than [five thousand rupees^{11]}.

[Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term or imprisonment may extend to six years ' and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.]

[¹² (1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees.]

[¹³ (1 B) Any person who contravenes the provisions of Section 38J] shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

Provided that in case of second or subsequent offence the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.]

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, [^{14]}uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant or part or derivative thereof] in respect of which the offence has been committed, any trap, tool, vehicle, vessel, or weapon used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959) for possession of any arm with which an offence against this Act has been committed, shall be cancelled, and that such person shall not be eligible for a licence under the Arms Act, 1959, for a period of five years from the date of conviction.

[¹⁵(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of offenders Act, 1958 (20 of 1958) shall apply to a person convicted

of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.]

52. Attempts and abetment. - Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule of order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

53. Punishment for wrongful seizure. - If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in sec. 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

54. Power to compound offences. - (1) [16The Central Government may, by notification empower the Director of Wildlife Preservation or any other officer and the State Government], may, by notification, empower the C-1-def Wildlife Warden or any officer or a rank not inferior to that of a Deputy Conservator of Forests,

(a) to accept, from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed; and.

(b) when any property that has been seized is liable to be forfeited, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, and the property, other than Government property, if any seized, shall be released and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under C1. (b) of sub-section (1) shall, in no case, exceed the sum of two thousand rupees.

Provided that no offence, for which a minimum period of imprisonment has been prescribed in sub-section (1) of sec51, shall be compounded.

[1755 Cognizance of offences. - No court shall take cognizance of any offence against this Act on the complaint of any person other than

(a) the Director of Wildlife Preservation or any other officer authorised in this behalf by the State Government; or

(b) the Chief Wildlife Warden, or any other officer authorised in this behalf by the State Government; or

(c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the officer authorised as aforesaid.]¹⁸

(56) Operation of other laws not barred. - Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act.

Provided that no person shall be punished twice for the same offence.

57. Presumption to be made in certain cases. - Where, in any prosecution for one offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, [meat, trophy, uncured, trophy, specified plant, or part or derivative thereof, ¹⁹] it shall be presumed until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, [trophy, uncured trophy] specified plant, or part or derivative thereof.]

58. Offences by companies. - (1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company

as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence against this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purpose of this Section,

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to. a firm, means a partner in the firm

-
- 1 Sec. 50(l)(a) The words “meat, trophy or uncured” substituted by Act 44 of 1991, sec.36
 - 2 Sec.50(l)(c) “seize any captive animal, wild animal, animal article, meat trophy or uncured trophy in the possession of any person and appearing to him to be Government property, together with any trap, tool, vehicle, vessel, or weapon used for committing any such offence and, unless; he is satisfied that such person will appear and answer any charge which may be preferred against him arrest him without warrant, and detain him. “substituted by Act 44 of 1991 sec.36.
 - 3 Sec.50(2) “Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or Wildlife Warden, who, or whose subordinate, has seized any trap, tool, vehicle, vessel, or weapon under CL(c) of sub-section (1), may release the same, on the execution by the owner thereof a bond for the production of the property so released, if and when required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.” omitted by Act 44 of 1991 sec.36.
 - 4 Sec.50.(3A) Inserted by Act 44 of 1991, sec.36.
 - 5 Sec.50(6)(a) The words “meat or uncured trophy” substituted by Act 44 of 1991, sec.36.
 - 6 Sec.50(6)(b) The words “meat or uncured trophy” substituted by Act 44 of 1991, sec.36.
 - 7 Sec.50(8) Inserted by Act 44 of 1991, sec.36.
 - 8 Sec.50(9) Inserted by Act 44 of 1991, sec. 36.
 - 9 Subs. by Act 28 of 1986, sec.4. for the certain words (w.e.f 20th November, 1986).
 - 10 Sec.51(l) The words “contravenes any provision of this Act” substituted by Act 28 of 1986, sec.4. and the words “except Chapter VA” substituted by Act 44 of 1991, sec.37. The words “two years” and “two thousand rupees” substituted by Act 44 of 1991, sec. 37.
 - 11 Sec.51(1) The words “or altering the boundaries of”, six months”, and “five thousand rupees” occurring in the first provision substituted by Act 44 of 1991, sec. 37. The second provision substituted by Act 44 of 1991, sec.37.
 - 12 Sec.51(1A) Ins by Act 28 of 1986, sec.4. (w.e.f. 20th November, 1986).
 - 13 Sec.51 (1B) Inserted by Act 44 of 1991, sec. 37.
 - 14 Sec.51(2) The words “uncured trophy or meat” substituted by Act 44 of 1991, sec.37
 - 15 Sec.51(5) Inserted by Act 44 of 1991, sec.37.
 - 16 Sec. 54(l) The words “The State Government” substituted by Act 44 of 1991, sec.38.
 - 17 Sec. 55 “No Court shall take cognizance of any offence against this Act except on the complaint of the Chief Wildlife Warden or such officer as the State Government may authorise in this behalf.” substituted by Act 44 of 1991, sec. 39.
 - 18 Sec. 55(c) came into force w.e.f. 20.4.1995 vide S.O. No. 344(E) Dt. 7.4.95 published in the Gazette of India, Extraordinary, Part II, Sec.3(ii) Dt. 18.4.95.
 - 19 Sec.57. The words “meat or trophy and uncured trophy” substituted by Act 44 of 1991, sec.40.

CHAPTER VII

MISCELLANEOUS

59. Officers to be public servants. - Every officer referred to [in Chapter II and the chairperson, members, member-secretary, officers and other employees referred to in chapter IVA¹] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of sec.21 of the Indian Penal Code (45 of 1860).

60. Protection of action taken in good faith. - (1) No suit, prosecution, or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, member, member secretary, officers and other employees for any thing which is in good faith done or intended to be done under this Act.]

(60A) Reward to persons. - (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may when passing judgement order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty percent of such fine.

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty percent of such money].

61. Power to alter entries in schedules. - (41) The Central Government may, if it is of the opinion that it is expedient so to do, by notification, [4add or delete any entry to or from any schedule] or transfer any entry from one part of the schedule to another part of the same schedule or from one schedule to another.

(2) [5Omitted 1991]

(3) On the issue of a notification under sub-section (1) ⁶[***] the relevant schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

(4) [7Omitted 1991]

62. Declaration of certain wild animal to be vermin. - [8The Central Government] may by notification, declare any wild animal other than those specified in Sch. I and part 11 of Sch H to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Sch.V.

63. Power of Central Government to make rules. - [9(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:

- (a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;
- (b) the salaries and allowances and other conditions of appointment of chairperson, members and members-secretary under sub-section (5) of Section 3813;
- (c) the terms and conditions of service of the officer and other employees of the Central Zoo Authority under sub-section (7) of section 3813;
- (d) the form in which the annual statement of accounts of Central Zoo Authority shall be prepared under sub-section (4) of Section 38E;
- (e) the form in which and the time at which the annual report of Central Zoo Authority shall be prepared under section 38F;
- (f) the form in which and the fee required to be paid with application for recognition of a zoo under sub-section (2) of section 38H;
- (g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;

- (h) the form in which declaration shall be made under sub-section (2) of section 44;
- (i) the matters to be prescribed under clause (b) sub-section (4) of section 44;
- (j) the terms and conditions which shall govern transaction referred to in clause (b) of section 48;
- (k) the manner in which notice may be given by a person under clause (c) of section 55;
- (l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government]

(2) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Power of State Government to make rules.— (1) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of Sec.63

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the term of office of the members of the Board referred to in Cl. (g) of sub-section (1) of Sec.6 and the manner of filling vacancies among them;
- (b) allowances referred to in sub-section (4) of Sec.6;
- (c) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return, or other document, made, granted, or submitted under the provisions of this Act and the fees, if, any therefor;
- (d) the conditions subject to which any licence or permit may be granted under this Act;
- (e) the particulars of the record of wild animal (captured or killed) to be kept and submitted by the licensee;
- (f) [10(ee)the manner in which measures for immunization of live-stock shall be taken;]
- (g) regulation of the possession, transfer, and the sale of captive animals, meat, animal articles, trophies, and uncured trophies;
- (h) regulation of taxidermy;
- (i) any other matter which has to be, or may be, prescribed under this Act.

65. Rights of Scheduled Tribes to be protected. - Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union Territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, NO. 40 /97/1'. No.G-635. Vol. III, dated the 28th April, 1967 published at pages I to 5 Extraordinary issue of the Andaman and Nicobar Gazette, dated 28th April, 1967.

66. Repeal and savings. – (1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or -any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed :

Provided that such repeal shall not–

- (i) affect previous' operation of the Act so repealed, or any thing duly done or suffered thereunder;
- (ii) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the Act so repealed;
- (iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (iv) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, and punishment may be imposed, as if the aforesaid Act had not been repealed.

(2) Notwithstanding such repeal,

- (a) anything done or any action taken under the Act so repealed (including any notification, order, certificate, notice, or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at the time such thing was done or action was taken, and shall continue to be in force, unless and until superseded by anything done or an action taken under this Act;
- (b) every licence granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion of the period for which such licence had been granted.

(3) For the removal of doubts, it is hereby declared that any sanctuary or National Park declared by a State Government under any Act repealed under sub-section (1) shall be deemed to be a sanctuary or National Park, as the case may be, declared by the State Government under this Act and where any right in or over any land in any such National Park which has not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such rights, shall be made in accordance with the provisions of this Act.

[¹¹(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of Sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wildlife (Protection) Amendment Act, 1991, any reserved forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary, before the date of such commencement shall be deemed to be a sanctuary declared under section 26A.]

- 1. Sec.59 The words “in chapter VII” substituted by Act 44 of 1991, sec.41.
- 2. Sec.60(3) Inserted by Act 44 of 1991, sec.42.
- 3. Sec 60A Inserted by Act 44 of 199 1, sec.43.
- 4. Sec.61(l) “add any entry to any schedule” substituted by Act 44 of 1991, sec.44.
- 5. Sec 61(2) “The Central Government may, if it is of the opinion that it is expedient so to do, any notification, transfer any entry from Sch.II, Sch. III, Sch.IV or Sch.V to Sch.I and may also transfer any entry from Part I of sch, II or Sch III, IV or Sch, V to any other schedule,” omitted by Act 44 of 1991 , sec. 44.
- 6. Sec.61(3) The words “or sub-section (2)” omitted by Act 44.of 1991, sec.44.
- 7. Sec.61(4) “If any alteration of any schedule made by the State Government under sub-section (2) is repugnant to any alteration made therein by the Central Government under sub-section (1), then the alteration made by the Central Government, whether made before or after the notification made by the State Government, shall prevail and the alteration made by the State Government shall, to the extend of the repugnancy, be void.
- 8. Provided that any such lateration made by the State Government, if it has been made with the previous consent of the Central Government, shall prevail in that State.
- 9. Provided further that nothing in the foregoing proviso shall prevent the Central Government from modifying or cancelling, at any time, the lateration made by the State Government.” Omitted by Act 44 of 1991
- 10. Sec.62. The words “subject to the provisions of Sec.61 the State Government” substituted by Act 44 of 1991, sec. 45.
- 11. Sec.63(l) Substituted by Act 44 of 1991, sec.46.
- 12. Sec.64(2)(ee) Inserted by Act 44 of 199 1, sec.47.
- 13. Sec.66 (4) Inserted by Act 44 of 199 1, sw.48.

SCHEDULE 1
(Sections 2, 8, 9, 11, 40, 41, 48, 51, 61 & 62)

PART 1
MAMMALS

- ¹[1. Andaman Wild pig (*Sus sorofa andamanensis*)]
- ²[1-A. Bharal (*Ovisnahura*)]
- ²[1-B. Binturong (*Arctictis Binturong*)]
2. Black Buck (*Antelope cervicapra*)
- ²[2-A. ***]
3. Brow-antlered Deer or Thamin (*Cervus eldi*)
- ³[3-A. Himalayan Brown bear (*Ursus Arctos*)]
- ³[3-B. Capped Langur (*Presbytis pileatus*)]
4. Caracal (*Felis caracal*)
- ²[4-A. Catecean specials]
5. Cheetah (*Acinonyx jubatus*)
- ⁴[5- A. Chinese Pangolin (*Mainis pentadactyla*)]
- ¹[5-B. Chinkara or India Gazelle (*Gazella gazella bennetti*)]
6. Clouded Leopard (*Neofelis nebulosa*)
- ²[6-A. Crab-eating Macaque (*Macaca irus umbrosa*)]
- ²[6-B. Desert Cat (*Felis libyca*)]
- ³[6- C Desert fox (*Vulpes bucapus*)]
7. Dugong (*Dugong dugon*)
- ²[7-A Ermine (*Mustele erminea*)]
8. Fishing Cat (*Felis viverrina*)
- ¹[8- A Four-horned antelope (*Tetraceros quadricomis*)]
- ²[8-B. ***]
- ³[8-C ***]
- ³[8- D. Gangetic dolphin (*Platanista gangetica*)]
- ³[8- E. Gaur or Indian bison (*Bos gaurus*)]
9. Golden Cat (*Felis temmincki*)
10. Golden Langur (*Presbytis geei*)
- ³[10-A. Giant squirrel (*Ratufa macroura*)]
- [10-B. Himalayan Ibex (*Capra ibex*)]
- ¹ [10-C. Himalayan Tahr (*Hemitragus jemlahicus*)]
11. Hispid Hare (*Caprolagus hispidus*)
- ³[11-A. Hog badgar (*Arconyx collaris*)]
12. Hoolock (*Hyloba tes hoolock*)

-
- 1 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 5-10-1977.
 - 2 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
 - 3 Vide Notification No. S.O. 859(E), dt. 24-11-1986.
 - 4 Vide Notification No. F] 11012/31 FRY(WL), dt. 29-8-1977.

- ¹[12-A. ***]
- ²[12-B. Indian Elephant (*Elephas maximus*)]
13. Indian Lion (*Panlhera leo persica*)
14. Indian Wild Ass (*Equus hemionus khur*)
- ³[15. Indian Wolf (*Canis lupas pallipes*)]

16. Kashmir Stag (*Cervus elaphus hanglu*)
- ²[16-A. Leaf Monkey (*Presbytis phayrei*)]
- ¹[16-B. Leopard or Panther (*Panthera pardus*)]
17. Leopard Cat (*Felis bengalensis*)
18. Lesser or Red Panda (*Ailurus fulgens*)
19. Lion-tailed Macaque (*Macaca silenus*)
20. Loris (*Loris tardigradus*)
- ²[20-A. Little Indian Porpoise (*Neomeris phocaenoides*)]
21. Lynx (*Felis lynx isabellinus*)
22. Malabar Civet (*Viverra megaspila*)
- ¹[22-A. Malay or Sun Bear (*Helarctos malayanus*)]
23. Marbled Cat (*Felis marmorata*)
24. Markhor (*Capra falconeri*)
- ⁴[24-A. Mouse Deer (*Tragulus meminna*)]
25. Musk Deer (*Moschus moschiferus*)
- ²[25-A. Nilgiri Lungur (*Presbytis johni*)]
- ²[25B. Nilgiri Tahr (*Hemitragus hylocrius*)]
26. Nyan or Great Tibetan Sheep (*Ovis ammon hodgsoni*)
27. Pallas's Cat (*Felis manul*)
28. Pangolin (*Manis crassicaudata*)
29. Pygmy Hog (*Sus salvanius*)
- ²[29-A. Ratel (*Mellivora capensis*)]
30. Rhinoceros (*Rhinoceros unicornis*)
31. Rusty spotted Cat (*Felis rubiginosa*)
- [31-A. Serow (*Capricornis sumatraensis*)]
- ²[31-B. Clawless Otter (*Aonyx cinerea*)]
- ²[31-C. Sloth Bear (*Melursus ursinus*)]
32. Slow Loris (*Nycticebus couceang*)
- [32-A. Small Travencore Flying Squirrel (*Petinomys fuscicapillus*)]
33. Snow Leopard (*Panthera uncia*)

-
1. Vide Notification No. Fl-28/78 FRY (WL). dt. 9-9-1980.
 2. Vide Notification No. S.O. 859(E), dt. 24-11-1986.
 3. Vide Notification No. FJ11012/31/76 FRY (WL), dt. 29-8-1977.
 4. Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

- ¹[33-A. Snubfin Dolphin (*Oreaella brevicastris*)]
34. Spotted Linsang (*Prionodon pardicolor*)
35. Swamp Deer (All sub-species of *Cervus d uvauceli*)
36. Takin or Mishmi Takin (*Budorcas taxicolor*)
- ²[36A. Tibetan Antelope or Chiru (*Panthelops hodgsoni*)]
- ¹[36B. Tibetan Fox (*Vulpes ferrilatus*)]
37. Tibetan Gazelle (*Procapra picticaudata*)
38. Tibetan Wild Ass (*Equus beminus kiang*)
39. Tiger (*Panthera tigris*)
40. Urial or Shapu (*Ovis vignei*)
41. Wild Buffalo (*Bubalus bubalis*)
- ²[41-A. Wild Yak (*Bos grunniens*)]
- ¹[41-B. Tibetan Wolf (*Canis lupus chanco*)]
- ³[42. Wroughton's free tailed bat (*Otomops wroughtoni*)]
43. Salim Ali's fruit bat (*Latidens salimalii*)

PART II
AMPHIBIANS AND REPTILES

- [1. Agra Monitor Lizard [*Varanus griseus* (Daudin)]]
⁴[1 A. ***]
- [IB. Audithia Turtle (*Pelochelys bibroni*)]
- [IC. Barred, Oval, or Yellow Monitor Lizard (*Varanus flavescens*)]
- [ID. Crocodiles (including the Estuarine or salt water crocodile) (*Crocodilus porosus* and *Crocodilus palustris*)]
- ¹[IE. Terrapin (*Batagur basika*)]
- IF. Eastern Hill Terrapin (*Melanochelys tricarinata*)
2. Gharial (*Gravialis gangeticus*)
- ⁵[3. Ganges Soft-shelled Turtle (*Trionyx gangeticus*)]
- ¹[3A. Golden Gecko (*Calodactylus aureus*)]
4. Green Sea Turtle (*Chelonia mydas*)
5. Hawksbill Turtle (*Eretmochelys imbricata*)
- ¹[6. ***]
7. Indian Egg-eating Snake (*Elachistodon westermanni*)
8. Indian Soft-shelled Turtle (*Lissemys punctata punctata*)
- 9-A. Kerala Forest Terrapin (*Hoesemys sylratica*)
10. Large Bengal Monitor Lizard (*Varanus bengalensis*)
11. Leather Turtle (*Dermochelys coriacea*)
12. Logger Head Turtle (*Caretta caretta*)
13. Olive Back Logger Head Turtle (*Lepidochelys olivacea*)
14. Peacock-marked Soft-shelled Turtle (*Trionyx hurum*)

-
1. Vide Notification No. SO 859(E), dt. 24-11-1986.
 2. Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.
 3. Inserted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.
 4. Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
 5. Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 29-8-1977.

- ¹[14-A. Pythons (Genus *Python*)]
- ⁵[14-B. Sail terrapin (*Kachuga kachuga*)]
- 14-C. Spotted black Terrapin (*Geoclemys hamiltoni*)
- ²[15. ***]
- ²[16. ***]
- ²[17. ***]
- ³[17-A. Water Lizard (*Varanus salvator*)]

⁴[*PART IIA*
FISHES

1. Whale Shark (*Rhincodon typus*)]
- ⁵[2. Shark and Ray
 - (i) Anoxypristis cuspidata
 - (ii) Carcharhinus hemiodon
 - (iii) Glyphis gangeticus
 - (iv) Glyphis glyphis
 - (v) Himantura fluviatilis
 - (vi) Pristis microdon
 - (vii) Pristis zijsron
 - (viii) Rhynchobatus djiddensis
 - (ix) Urogymus asperrimus.]

PART III

BIRDS

- ⁶[1. Andaman Teal (*Anas gibberifrons allagularis*)]
1-A. Assam Bamboo Partridge (*Bambusicola fytchii*)
³[1 -B. Bazas (*Aviceda jeordone* and *Aviceda leuphotes*)]
[1-C. Bengal Florican (*Eupodotis bengalensis*)]
1-D. Black-necked Crane (*Grus nigricollis*)
1-E. Blood Pheasants (*Ithaginis cruentus tibetanus*, *Ithaginis Cruentus kuseri*)
²[1F. ***]
2. Cheer Pheasant (*Catreus wallichii*)
²[2A. Eastern White Stork (*Ciconia ciconia boyciana*)]
³[2B. Forest-spotted Owlet (*Athene blewitti*)] * [2C. Frogmouths (Genus *batrachostomus*)]
3. Great Indian Bustard (*Choriotis nigriceps*)
4. Great Indian Hornbill (*Buceros bicornis*)
²[4A. Hawks (*Accipitridae*)]
³[4B. Hooded Crane (*Grus monacha*)]
³[4C. Hornbills (*Ptilolaemus tickelli austeni*, *Aceros nipalensis*, *Rhyticeros undulatus ticehursti*)]
³[4D. Houbara Bustard (*Chlamydotis undulata*)]
³[4E. Humes Bar-backed Pheasant (*Syrnaticus humiae*)]
³[4F. Indian Pied Hornbill (*Anthracoceros malabaricus*)]
5. Jerdon's Courser (*Cursorius bitorquatus*)
6. Lammergeier (*Gypaetus barbatus*)

- 1 Vide Notification No. SO 859(E), dt. 24-11-1986.
2 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
3 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 29-8-1977.
4 Inserted vide Notification No. 1-2/2001-WL-1, dt. 28-5-2001.
5 Substituted vide Notification No. 1-4/95-WL, dt. 5-12-2001, w.e.f. 6-12-2001.
6 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.

7. Large Falcons (*Falco peregrinus*, *Falco biarmicus* and *Falco chicuera*)
³[7A Large Whistling Teal (*Anatidae*)]
¹[7B. Lesser Florican (*Sypheotides indica*)]
¹[7 C. Monal Pheasants (*Lophophorus impeyanus*, *Lophophorus Sclateri*)]
8. Mountain Quail (*Ophrysia superciliosa*)
9. Narcondam Hornbill [*Rhyticeros (undulatus) narcondami*]
¹[9-A. ***]
10. Nicobar Megapode (*Megapodius freycinet*)
[10-A Nicobar Pigeon (*Caloenas nicobarica pelewensis*)]
²[10-B. Osprey or Fish-eating Eagle (*Pandion haliaetus*)]
²[10-C. Peacock Pheasants (*Polyplectron bicalcaratum*)]
11. Peafowl (*Pavo cristatus*)
12. Pink-headed Duck (*Rhodonessa caryophyllacea*)
13. Sclater's Monal (*Lophophorus sclateri*)
14. Siberian White Crane (*Grus leucogeranus*)
³[14-A. ***]
²[14-B. Tibetan Snow-Cock (*Tetraogallus tibetanus*)]

15. Tragopan Pheasants (*Tragopan melanocephalus*, *Tragopan blythii*, *Tragopan satyra*, *tragopan temminckii*)
16. White-bellied Sea Eagle (*Haliaeetus leucogaster*)
17. White-eared Pheasant (*Crossoptilon crossoptilon*)
- ¹[17-A. White Spoonbill (*Platalea leucorodia*)]
18. White-winged Wood Duck (*Cairina scutulata*)
- ⁴[19. Swiftlets (*Collocalia unicolor* and *Collacalia fusiphaga*)
20. Hill myna (*Gracula religiosa intermedia*, *Gracula religiosa peninsularis*, *Gracula religiosa indica* and *Gracula religiosa amanesis*)
21. Tibetan ear pheasant (*Crossoptilon harmani*)
- 22- Kalij pheasant (*Lophurs leucomelana*)
23. Lord Derby's parakeet (*Psittacula derbyana*)
24. Vultures (*Gyps indicus*, *Gyps bengalensis*, *Gyps tenuirostris*)
25. White bellied hereon (*Ardea insignis*)]

PART IV

CRUSTACEA AND INSECTS

¹[1.] Butterflies and Moths

Family Amathusildae

Discophora deo deo

Discophora sondaica muscina

Faunis faunula faunuloides

Common English name

Duffer, banded

Duffer, common

Pallid fauna

1. Re-numbered vide Notification No. SO 859(E), dt. 24-11-1986.
2. Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 29-8-1977.
3. Vide Notification No. FI-28/78 FRY (WL), dt. 9-9-1980.
4. Inserted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.

Family Danaidae

Danaus gautama gautamodies

Euploea crameri nicevillei

Euploea midamus roepstorfti

Tigers

Crow, spotted Black

Crow, Blue-spotted

Family Lycaenidae

Allotinus drumila

Allotinus fabius penormis

Amblopala avidiena

Amblypodia ace arata

Amblypodia alea constanceae

Amblypodia ammonariel

Amblypodia arvina ardea

Amblypodia asopia

Amblypodia comica

Amblypodia opalima

Amblypodia zeta

Darkie, crenulate/Great

Angled darkie

Hairstreak, Chinese

Leaf Blue

Rosy Oakblue

Malayan Bush blue

Purple Brown tailless Oakblue

Plain tailless Oakblue

Comic Oakblue

Opal Oakblue

Andaman tailless Oakblue

Biduanda Melisa Cyana

Biduanda melisa cyana

Callophrys leechii

Castalius rosimon alarbus

Charana cephes

Chliria othona

Deudoryx epijarbas amatius

Everes moorei

Gerydus biggsii

Blue posy

Hairstreak, Ferruginous

Pierrot, common

Mandar in Blue, Cachar

Tit, orchid

Cornelian, scarce

Cupid, Moore's

Bigg's Brownie

Gerydus symethus diopeithes
Heliophorus hybrida
Horaga albimacula
Jamides ferrari
Liphyra brassolis
Listeria dudgenni
Logania Watsoniana subfasciata
Lycaenopsis binghami
Lycaenopsis haraldus ananga
prominens
Lycaenopsis quadriplaga dohertiya
Nacaduba noreia hampsoni
Polyommatus oritulus leela
Pratapa icetas mishmia
Simiskina phalena harterti
 Spark, Pale
Spindasis elwesi
Spindasis rukmini
Strymon mackwoodi
Tajuria ister
Tajuria luculentus nela
Tajuria yajna yajna
Thecla ataxus zulla
Thecla bleti mendera
Thecla letha
Thecla paona
Thecla pavo
Virchola similis

Family Nymphalidae

Apatura ulupi ulupi
Argynnis hegemon
Callinaga buddha
Charaxes durnfordi nicholi
Cirrochroa fasciata
Diagora nicevillei
Dillia morgiana
Dolichopygia bisaltide andamana
Eriopygia moorei sandakanas
Eriopygia schreieri
Eulaceura manipurensis
Euthalia durga splendens
Euthaliaiaiva
Euthalia Khama Curvifascia
Euthalia tellehinia
Helcyra hemina
Hypolimnas missipus
Limenitis austenia purpurascens
Limenitis zulema
Melitaea shandura
Neptis antilope
Neptis aspasia
Neptis columella kankana
Neptis cydippe kirbariensis
Neptis ebasa ebasa
Neptis jumbah binghami
Neptis manasa
Neptis nycteus

Great Brownie
 Sapphires
 Onyxes
 Caeruleans
 Butterfly, Moth
 Lister's hairstreak
 Mottle, Wasten's
 Hedge Blue
 Hedge Blue, Felder's *Lycaenopsis puspa*
 Common hedge Blue
 Naga hedge Blue
 Lineblue, White-tipped
 Greenish mountain Blue
 Royal, drak Blue
 Brilliant, Broadlanded *Sinthusa Virgo*

Silverline, Elwes's
 Silverline, Khaki
 Hairstreak, Mackwood's
 Royal, uncertain
 Royal, Chinese
 Royal, Chestnut and Black
 Wonderful hairstreak
 Indian Purple hairstreak
 Watson's hairstreak
 Paona hairstreak
 Peacock hairstreak
 Guava Blues

Emperor, Tawny
 Silver-washed fritillary
 Freak
 Rajah, Chestnut
 Yeomen
 Siren, Scarce
 Emperor, Golden
 Autumn leaf
 Mayanan Nawab
 Blue Nawab
 Emperor, Tytler's
 Barons/Connis/Duchesses
 Duke, Grand
 Duke, Naga
 Baron, Blue
 Emperor, White
 Eggfly, Danaid
 Commodore, Grey
 Admirals
 Fritillaries/Silverstripes
 Sailer, variegated
 Sailer, Great Hockeystick
 Sailer, Short-banded
 Sailer, Chinese yellow
 Sailer/Lascar
 Sailer, chestnut-streaked
 Sailer, Pale Hockeystick
 Sailer, Hockeystick

Neptis poona
 Neptis sankara nar
 Panthoporia jina jina
 Panthoporia reta moorei
 Prothoc franckii regalis
 Sasakia funebris
 Sophisa chandra
 Courtier, Eastern

Lascar, tytler's
 Sailer, Broad-banded
 Bhutan sergeant
 Malay staff sergeant
 Begum, Blue
 Empress

62 WILD LIFE (PROTECTION) ACT, 1972

SCHEDULE

Symbrenthia silana
 Vanessa antiopa yedunula

Jester, Scarce
 Admirables

Family Papilionidae

Chilasa clytea clytea of commixtus
 Papilio elephenor
 Papilio liomedon
 Parnassiusaecogeminifer
 Parnassius delphius
 Parnassius hannyngtoni
 Parnassius imperator augustus
 Parnassius stoliekanuss
 Polydorus coon sambilana
 Polydorus cerassipes
 Polydorus hector
 Polydorus neville
 Polydorus plutonius pembertoni
 Polydorus polla

Common mime
 Spangle, yellow-crested
 Swallowtail, Malabar Banded
 Apollo
 Banded apollo
 Hannyngton's apollo
 Imperial apollo
 Ladakh Banded apollo
 Common clubtail
 Black windmill
 Crimson rose
 Nevill's windmill
 Chinese windmill
 Deniceylle's windmill

Family Pieridae

Aporia harrietae harrietae
 Baltia butleri sikkima
 Colias colias thrasibulus
 Colias dubi
 Delias samaca
 Pieris krueperi devta

Black veins
 White butterfly
 Clouded yellows
 Dwarf clouded yellow
 Jezebel, pale
 Butterfly cabbage/White II

Family Satyriidae

Coelitis mothis adamsoni
 Cyllogenes janetae
 Elymnias peali
 Elymnias penanga chilensis
 Erebia annada annada
 Erebia nara singha nara singha
 Lethe, distans
 Lethe dura gammiel
 Lethe europa tamuna
 Lethe gemina gafuri
 Lethe guluhihal guluhihal
 Lethe margaritae
 Lethe ocellata lyncus
 Lethe ramadeva
 Lethe satyabati
 Mycalesis orseis nautilus
 Pararge menava maeroides
 Yothima doherryi persimilis

Cat's eye, Scarce
 Evening Brown, Scarce
 Palmfly, Peal's
 Palmfly, Painted
 Argus, ringed
 Argus, Mottled
 Forester, Scarce Red
 Lilacfork, Scarce
 Bamboo tree brown
 Tayler's tree brown
 Forester, Dull
 Tree brown, Bhutan
 Mystic, dismal
 Silverstripe, Single
 Forester, pallid
 Bushbrown, Purple
 Wall dark
 Five ring, Great

WILD LIFE (PROTECTION) ACT, 1972 63
SCHEDULE

¹[1-A. Coconut or Robber Crab (*Bigrus latro*)]

¹[2. Dragon Fly (*Epioplebia laidlawi*)]

² [PART IVA

COELENTERATES

1. Reef Building Coral (All Scleractinians)
2. Black Coral (All Antipatharians)
3. Organ Pipe Coral (*Tubipora musica*)
4. Fire Coral (All *Millipora* Species)
5. Sea Fan (All Gorgonians)]

³ [PART IVB

MOLLUSCA

1. *Cassis cornuta*
2. *Charonia tritonis*
3. *Conus milneedwardsi*
4. *Cypraecassis rufa*
5. *Hippopus hippopus*
6. *Nautilus pompilius*
7. *Tridacna maxima*
8. *Tridacna squamosa*
9. *Tudicla spirallus*.

PART IV-C

ECHINODERMATA

Sea Cucumber (All *Holothurians*).]

SCHEDULE II

(Sections 2, 8, 9, 11, 40, 41, 43, 48, 51, 61, and 62)

PART I

1. ***]

⁴[1-A. Assamese macaque (*Macaca assamensis*)]

⁵[2. Bengal Porcupine (*Atherurus mecrourus assamensis*)]

3. ***]

⁴[3-A. Bonnet macaque (*Macaca radiata*)]

⁵[3-B. ***]

⁶[3-C Cetatean spp. (other than those listed in Sch. I and Sch. II, Part II)]

[4. ***]

[4-A. Common langur (*Presbytis entellus*)]

1. Inserted vide Notification No. FI-28-/78 FRY(WL), dt. 9-9-1980.

2. Inserted by Notification No. 1-4/95-WL-1, dt. 11-7-2001.

3. Substituted vide Notification No. 1-4/95-WL-1, dt. 5-12-2001 & corrected vide corrigendum Noti. No. 1-4/95/WL-1, dt. 19-2-2002.

4. Vide Notification No. F) 11012/31/76 FRY(WL),dt. 29-8-1977.

5. Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

6. Vide Notification No. SO 859(E), dt. 24-11-1986.

[5 ***]

²[6 ***]

7. Ferrest Badgers (*Melogale moschata*, *Melogale personata*)

- 2[8. ***]
 2[9. ***]
 2[10. ***]
 11. Himalayan Crestless Porocupine (*Hystrix hodgsoni*)
 [11-A. Himalayan Newtor Salamander (*Tyletrotitron verrucosus*)]
 4[12. ***]
 4[13. ***]
 4[14. ***]
 4[15. ***]
 16. Pig-tailed macaque (*Macaca nemestrina*)
 3[17. ***]
 3[17 A. Rhesus macaque (*Macaca mulatta*)
 4[18. ***]
 19. Stump-tailed macaque (*Macaca speciosa*)
 4[20. ***]
 21. ***]
 22. Wild dog or dhole (*Cuon alpinus*)
 4[23. ***]
 3[24. Chameleon (*Chameleon calcaratus*)]
 25. Spiny-tailed Lizard or Sanda (*Uromastix hardwickii*)

PART II

4 [1. Beetles]

Family Amathusidae

Aemona amathusia amathusia
Amathusia phildippus andamanicus
Amathuxida amythaon amythaon
Discophora deo deodoides

Discophora lepida lepida
Discophora timora andamanensi
Enispe cycnus
Faunis sumeus assama
Sticopthalma nourmahal
Thauria aliris amplifascia

1. Vide Notification No. FI-28-/78 FRY(WL), dt. 9-9-1980.
 2. Substituted vide Notification No. 1-4/95-WL-1, dt. 5-12-2001 & corrected vide corrigendum Noti.No. 1-4/95/WL-1, dt. 19-9-2002.
 3. Vide Notification No. FJ 11012/31/76 FRYfWL, dt. 29-8-1977.
 4. Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

Family Carabidae

Agonotrechus andrewesi
Amara brucei
Amara eleganfula
Brachinus atripennis
Brososoma gracile
Brosous bipillifer
Broterovicollis
Calathus amaroides
Callistominus belli
Chalenius championi
Chlaenius kanarae
Chalenius masoni
Chlaenius nilgiricus

Family Chrysomelidae

Acrocrypta rotundata
Bimala indica
Clitea indica
Gopala pita
Griva cyanipennis

Nisotra cardoni
Nistora madurensis
Nistora nigripennis
Nistora semicoreulea
Nisotra striatipennis
Nonarthra patkaia
Psylliodes plana
Psylliodes shira
Sebaethe cervina
Sebaethe patkaia
Sphaeroderma brevicorne

Family Cucujidae

Carinophlocus raffrayi
Cucujus bicolor
Cucujus grouvelle
Cucujus imperialis
Heterojinussemilaetaneus
Laemophloeus belli
Laemophloeus incertus
Pediacus refipes

Family Danaidae

Euploea melanaleuca
Euploea midamus rogenhofer

Family Erycinidae

Abisara kausambi
Dodona adonira
Dodona dipoea
Dodona egeon
Libythea lepita

Family HesperIIDae

Baoris phidippina
Bebasa sena
Halpe homolea

Family Inopeplidae

Inopeplus albonotalus

Family Lycaenidae

Allotinus subviolaceus manychus
Amblypodia aenea
Amblypodia agaba aurelia
Amblypodia agrata
Amblypodia alesia
Amblypodia apidanus ahamus
Amblypodia areste areste
Amblypodia bazaloides
Amblypodia camdeo
Amblypodia ellisi
Amblypodia fulla ignara
Amblypodia genesa watsoni
Amblypodia paraganesa zephyreeta
Amblypodia paralea
Amblypodia silhetensis
Amblypodia suffusa suffusa
Amblypodia yendava
Apharitis lilacinus
Araotes lapithis
Artipe eryx
Bindahara phocides
Bothrinia chennellia
Castalius roxus manluena
Catapoecilma delicatum
Catapoecilma elegans myositina
Charana jalindra
Cheritrella truncipennis
Chliaria kina
Deudoryx hypargyria gaetulia
Enchrysops cnejus
Everes kala
Helipphorus androcles moorei
Horage onyx Horage viola
Hypolycaena nilgirica
Hypolycaena theclodies nicobarica
Iraota rochana boswelliana
Jamides alectokandulana
Jamides celeodus pura
Jamides coeruler
Jamides kankena
Lampides boeticus

Lilacea albocaerulea
Lilacea atroguttata
Lilacea lilacea
Lilacea melaena
Lilacea minima
Logania massalia
Lycaenesthes lycaenina
Mahathala ameria
Mahathala atkinsoni
Magisba malaya presbyter
Nacaduba aluta coelestis
Nacaduba ancyra aberrans
Nacaduba dubiosa fulva
Nacaduba helicon
Nacaduba hermus major
Nacaduba pactolus
Neucheritra febronia
Niphanda cymbia
Orthomiella pontis
Pithecopus fulgens
Polymmatatus devanica devancia
Polymmatatus metallica metallica
Polymmatatus orbitulus jaloka
Polymmatatus yeonghusbandi
Poritia erycinoides elsiei
Poritia hewitsoni
Poritia plsurata geta
Pratapa bhates
Pratapa blanka
Pratapa deva
Pratapa icetas
Rapala buxaria
Rapala chandrana chandrana
Rapala nasaka
Rapala refulgens
Rapala rubida
Rapala scintilla
Rapala sphinx sphinx
Rapala varuna
Spindasis elima elima
Spindasis lohita
Spindasis nipalicus
Suasa lisides
Surendra todara
Tajuria albiplaga
Tajuria cippus cippus
Tajuria culta
Tajuria diaeus
Tajuria illurgioides
Tajuria illurgis
Tajuria jangala andamanica
Tajuria melastigma
Tajuria sebonga
Tajuria thyia
Tajuria yajna istroides
Tarucus callinara
Tarucus dharta

Thaduka malticaudata kanara
 Thecla ataxus ataxus
 Theclabitel
 Thecla icana
 Thecla jakamensis
 Thecla kabreea
 Thecla khasia
 Thecla kirbariensis
 Thecla suroia
 Thecla syla assamica
 Thecla vittata
 Thecla ziba
 Thecla zoa
 Thecla zsta
 Una usta
 Yasoda tripunctata

Family Nymphalidae

Adolias cyanipardus
 Adolias dirtea
 Adolias khasiana
 Apatura chevana
 Apatura parvata
 Apatura sordida
 Apatura ulupi florenciae
 Argynnis adippe pallida
 Argynnis altissima
 Argynnis clara clara
 Argynnis pales horla
 Atella alciope
 Calinaga buddha brahman
 Charaxes aristogiton
 Charaxes fabius sulphureus
 Charaxes karruba
 Charaxes marmax
 Charaxes polyxena heman
 Cheroonesia rahria rahrioides
 Cyrestis cloces
 Diagora persimilis
 Doleschallia bisaltide malabarica
 Eriboea athames andamanicus
 Eriboea delphis
 Eriboea dolen
 Eriboea harcoea lissainei
 Euripus consimilis
 Equipus halitherses
 Euthalia anosia
 Euthalia cocytus
 Euthalia duda
 Euthalia durga durga
 Euthalia evalina landabilis
 Euthalia franciae
 Euthalia garuda acontius
 Euthalia lepidea
 Euthalia merta eriphyle
 Euthalia nara nara
 Euthalia patala taoana
 Euthalia teuta

Horona marathus andamana
 Hypolimnas missipus
 Hypolimnas polynice birmana
 Kallima albofasciata
 Kallima alompra
 Kallima philarchus horsfieldii
 Limenitis austenia austenia
 Limenitis damava
 Limenitis dudu
 Melitaea robertsi lutko
 Neptis aurelia
 Neptis anjana nashona
 Neptis aurelia
 Neptis magadh khasiana
 Neptis nandina hamsoni
 Nethis narayana
 Neptis radha radha
 Neptis soma
 Neptis zaida
 Neurosigma doublodayi doubledayi
 Pantoporia ksura ksura
 Pantoporia kanwa phorkys
 Pantoporia larymna siamensis
 Pantoporia pravara acutipennis
 Pantoporia ranga
 Parthenos sylvia
 Penthema lisarda
 Symbrenthia niphanda
 Vanesa egea agnicula
 Vanesa lalbum
 Vanesa polychloros fervida
 Vanesa prarsoides dohertyi
 Vanesa urticae rizama

Family Papilionidae

Bhutanitis liderdalei liderdalei
 Chilasa epycides epycides
 Chilasa paradoxa telearchus
 Chilasa slateri slateri
 Graphium aristeus anticrates
 Graphium arycles arycles
 Graphium eurypylus macronius
 Graphium evemon albociliates
 Graphium gyas gyas
 Graphium megarus megarus
 Papilio bootus
 Papilio buddha
 Papilio fuscus andamanicus
 Papilio machaon verityi
 Papilio mayo
 Parnassius charltonius charltonius
 Parnassius epaphus hillensis
 Parassius jacquemonti jacquemonti
 Polydorus latreillei kabrua
 Polydorus plutonius tytleri
 Teinopalpus imerialis imperialis

Family Pieridae

Aporia nabellica
Appias albina darada
Appias indra shiva
Appias lyncida latifasciata
Appias wardi
Baltia butleri butleri
Cepora nadian remba
Cepora nerissa dapha
Colias ecocandiea hinducucica
Colias eogene
Colias ladakensis
Colias stoliczkana miranda
Delias lativitta
Dercas lycorias
Euchloe charlonia lucilla
Eurema andersoni ormistoni
Metaporia agathon
Pieris deota
Pontia chloridice alipina
Saletara panda Chrysaea
Valeria avatar avatar

Family Satyridae

Anlocera brahminus
Cyllogenes suradeva
Elymnias malelas rnilamba
Elymnias vasudeva
Erebia annada suroia
Erebia hygriva
Erebia kalinda kalinda
Erebia mani marti
Erebia seanda opima
Erites falcipennis
Hipparchis hoydenreichi shandura
Lethe atkinsoni
Lethe baladeva
Lethe brisanda
Lethe goalpara goalpara
Lethe insana insana

Lethe jalaurida
Lethe kaubra
Lethe latiaris latiaris
Lethe moelleri moelleri
Lethe naga naga
Lethe nicetella
Lethe pulaha
Lethe scanda
Lethe serbonis
Lethe siderca
Lethe sincrix
Lethe tristigmata
Lethe violaceopicta kanjupkula
Lethe visrava
Lethe yama
Maniola davendra davendra
Melanitis zitenius
Myscalesis adamsoni
Mycalesis anaxias
Mycalesis quotama chamka
Mycalesis heri
Mycalesis lepcha bethami
Mycalesis malsarida
Mycalesis mestra
Mycalesis misenus
Mycaleis mystes
Mycalesis suavolens
Neorina hilda
Neorina patria westwoodii
Oeneis buddha quaurhwalica
Parantirrhoea marshali
Pararge eversmanni cash mirensis
Pararge maerula maefula
Ragadia crislda crito
Rhpicera sttriens kabrua
Ypthima bolanica
Ypthima lycus lycus
Ypthima mathora mathora
Ypthima similis affectata
Zipotis saitis

- ¹[1-A. Civets (all species of Viverridae except Malabar civet)]
- ¹[1-B. Common fox (*Vulpes bengalensis*)]
- ¹[1-C. Flying squirrels (all species of the genera *Bulopetes*, *Petaurista*, *Pelomys* and *Eupetaurus*)]
- ¹[1-D. Giant squirrels (*Ratufa macroura* *Ratufa indica*, and *Ratufa bicolor*)]
- ¹[2. Himalayan brown bear (*Ursus arctos*)]
- ²[2A. Himalayan black bear (*Selenarctos thibetanus*)]
- ¹[2B. Jackal (*Canis aureus*)]
- ¹[2C. Jungle cat (*Felis chaus*)]
- ¹[2D. Marmots (*Marmota bobak himalayana*, *Marmota caudata*)]
- ¹[2E. Martens (*Martes foria intermedia*, *Martes flovigule*, *Martes gwatkinsii*)]
- ¹[3. ***]
4. Otters (*Luthra*, *L. perspicillata*)
- ³[4-A. Pole cats (*Vormela peregusna*, *Mustila poturius*)
- 4-B. Red fox (*Vulpes vulpes*, *vulpes montana*, *vulpes griffithi*, *vulpes pusilla*)

- ¹[5. Sloth bear (*Melursus ursinus*)]
- ¹[5-A. Sperm whale (*Physeter macrocephalus*)]
- [6. ***]
- ¹[7. Weasells (*Mustela Sibirica*, *Mustela Kathian*, *Mustela Altaica*)]
- ¹[8. Checkered keelback snake (*Xenochrophis piscatar*)]
9. Dhaman or rat snake (*Plyas mucosus*)
10. Dog-faced water snake (*Carbrus rhynchops*)
11. Indian cobras (all sub-species belonging to genus *Naja*)
12. King cobra (*Ophiophagus hannah*)
13. Oliveaceous keelback (*Artaetium schistosum*)
14. Russel's viper (*Vipera ruselli*)
15. Varanus species (excluding yellow monitor lizard)
- ⁴[16. Mongooses (All species of genus *Herpestes*)
17. Grey jungle fowl (*Gallus sonnerati*)

-
1. Vide Notification No. SO 859(E), dt. 24-11 -1986.
 2. Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.
 3. Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.
 4. Inserted vide Noti. No. 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.

SCHEDULE III

*(Sections 2, 8, [***] 9, 11 and 611*

- ²[1. ***]
2. Barking deer or muntjac (*Muntiacus muntjak*)
- ³[3. ***]
- ¹[4. ***]
5. Chital (*Axix axis*)
- [6. ***]
7. Gorals (*Nemorhaedus goral*, *Nemorhaedus hodgsoni*)
- ¹[8. ***]
- ⁴[9. ***]
- ¹[10. ***]
11. Hegdeer (*Axis porcinus*)
12. Hyena (*Hyaena hyaena*)
13. ***]
14. Nilgai (*Boselaphus tragocamelus*)
15. ***]
16. Sambar (*Cervus unicolor*)
17. ***]
18. ***]
19. Wild pig (*Sus scrofa*)
- ⁴[20. Sponges (all calcareans)]

-
1. Omitted by Act 44 of 1991, w.e.l. 2-10-1991.
 2. Omitted Notification No. SO 859(E), dt. 24-11-1986.
 3. Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.
 4. Inserted vide Noti. No. 1-4/95/WL-1, dt. 11-7-2001.
 5. Omitted by Act 44 of 1991, w.e.f. 2-10-1991.
 6. Vide Notification No. SO 859(E), dt. 24-11-1986.
 7. Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.
 8. Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

WILD LIFE (PROTECTION) ACT, 1972

SCHEDULE IV

(Sections 2, 8, 9, 11 and 61)

- ⁶[1. ***]
- ⁷[1-A. ***]
- ²[2. ***]
- ³[3. ***]
- ³[3-A. Five-striped plam squirrel (*Funambulus pennanti*)]
- 4. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)
- ⁸[4- A. Hedge hog (*Hemiechinus auritus*)]
- ²[4- B. ***]
- ²[4- C. ***]
- ²[4- D. ***]
- ²[4- E. Indian porcupine (*Hystrix indica*)]
- ²[5. ***]

- 1. Omitted by Act 44 of 1991, w.e.l. 2-10-1991.
- 2. Omitted Notification No. SO 859(E), dt. 24-11-1986.
- 3. Vide Notification No. Fl-28/78 FRY(WL), dt, 9-9-1980.
- 4. Inserted vide Noti. No. 1-4/95/WL-1,dt. 11-7-2001.
- 5. Omitted by Act 44 of 1991, w.e.f. 2-10-1991.
- 6. Vide Notification No. SO 859(E), dt. 24-11-1986.
- 7. Vide Notification No. Fl 28/78 FRY(WL), dt, 9-9-1980.
- 8. Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

- ¹[6. ***]
- ²[6-A ***]
- ³[6- B. ***]
- ³[7. ***]
- ⁴[7- A. Pole cats (*Vormela peregusna*, *Mustela putorius*)]
- [7-B. ***]
- 8. ***]
- ³[8-A. ***]
- ¹[9. ***]
- ¹[9-A. ***]
- 10. ***]
- 11. Birds ⁴[(other than those which appear in other Schedules)]:
 - 1. Avadavat(*Estrildinae*)
 - 2. Avocet (*Recurvirostridae*)
 - 3. Babblers (*Timaliinae*)
 - 4. Barbets (*Capitonidae*)
 - 5. Barnowls (*Tytonknae*)
 - 6. Bitterns (*Ardeidae*)
 - 7. Brown-headed gull (*Larus brunnicephalus*)
 - 8. Bulbuls (*Pycnonotidae*)
 - 9. Buntings (*Emberizidae*)
 - 10. Bustorda (*Otididae*)
 - 11. Bustard-*Qualis* (*Turnicidae*)
 - 12. Chloroppsis (*Irenidae*)
 - 13. Comb duck (*Sarkidiornis melanotes*)
 - 14. Coots (*Rallidae*)
 - 15. Cormorants (*Phalacrocoracidie*)

16. Cranes (Gruidae)
17. Cuckoos (Cuculidae) 17-A. Curlews (Scolopacinae)
18. Darters (Phalacrocoracidae)
19. Doves including the Emerald Dove (Columbidae)
20. Drongos (Dicruridae)
21. Ducks (Anatidae)
22. Egrets (Ardeidae)
23. Fairy Blue Birds (Irenidae)
24. Falcons (Falconidae), excepting the Shaheen and Peregrine falcons (*Falco peregrinus*), the shaker or chorrug, shanghar and laggar falcons (*F. biarmicus*), and the redheaded merlin (*F. chicquera*)
25. Finches including the chaffinch (Fringillidae)
26. Falmingos (Phoenicopteridae)

-
1. Omitted vide Notification No. SO 859(E), dt. 24-11-1986.
 2. Omitted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.
 3. Omitted vide Notification No. FJ 11012/31/76 FRY(WL),dt. 5-10-1977.
 4. Inserted vide Notification No. FI-28/78-FRY(WL), dt. 9-9-1980, w.e.f. 2-10-1980.

27. Flowerpeckers (Dicaeidae)
28. Flycatchers (Muscicapidae)
29. Geese (Anatidae)
30. Goldfinch and allies (Carduelinae)
31. Grebes (Pooicipididae)
32. Gerons (Ardeidae)
33. Ibises (Thereskiornithidae)
34. Iorars (Irenidae)
35. Jays (Corvidae)
36. Jacanas Gacanidae)
- 36-A. Junglefowl (Phasianidae)
37. Kingfishers (Alcedinidae)
38. Larks (Alcedinidae)
39. Lorikeets (Psittacidae)
40. Magpies including the Hunting magpie (Corvidae)
41. Mannikins (Estrildinae)
42. Megapodes(Megapodidae)
43. Minivest (Campephagidae)
44. Munias (Estrildinae)
45. Mynas (Sturnidae)
46. Nightijara (Caprimalgidae)
47. Orioles (Oriolidae)
48. Owls (Strigidae)
49. Oystercatchers (Haematopodidae)
50. Parakeets (Psittacidae)
51. Partridges (Phasianidae)
52. Pelicans (Pelecanidae)
53. Pheasants (Phasianidae)
54. Pigeons (Columbidae) except the Blue Rock Pigeon (*Columba livia*)
55. Pipits (Motacillidae)
- 55-A. Pittas (Pittidae)
56. Plovers (Charadriinae)
57. Quails (Rhasianidae)
58. Rails (Rallidae)
59. Rollers or Blue Jays (Coraciidae)

60. Sandgrouses (Pteroclididae)
61. Sandpipers (Scolopacinae)
62. Snipes (Scolopacinae)
63. Spurfowls (Phasianidae)
64. Starlings (Sturnidae)
65. Stone Curlew (Burhinidae)
66. Storks (Ciconiidae)
67. Stilts (Recurvirostridae)
68. Sunbirds (Nectariniidae)
69. Swans (Anatidae)
70. Teals (Anatidae)
71. Thrushes (Turdidae)
72. Tits (Paridae)
73. Tree pies (Corvidae)
74. Trogons (Trogonidae)
75. Vultures (Accipitridae)
76. Waxbills (Estrildidae)
77. Weaver Birds or Bayas (Ploceidae)
78. White-eyes (Zosteropidae)
79. Woodpeckers (Picidae)
80. Wrens (Troglodytidae)

¹[12. Snakes ²[other than those species listed in Sch. II; Pt. II; and Sch.II, Pt. II]:

- (i) Amblycephalidae
- (ii) Amilidae
- (iii) Boidae
- (iv) Colubridae
- (v) Dasypetidae (Egg-eating snakes)
- (vi) Elapidae (Cobras; Kraits, and Coral Snakes)
- (vii) Glaconidae
- (viii) Hydrophidae (Fresh water and sea snakes)
- (ix) Typhiidae
- (x) Leptotyphlopidae
- (xi) Typhlopidae
- (xii) Uropeltidae
- (xiii) Viperidae
- (xiv) Xenopeltidae]

³[13. Fresh Water Frogs (Rana spp.)]

¹[14. Three-keeled Turtle (Geoemydas tricarinata)] ¹[15. Tortoise (Testudinidae, Testudinidae)]

¹[16. Viviparous toads (Nectophrynoides sp.)]

¹[17. Voles]

¹[18. Butterflies and Moths]

Family Danainae

Euploca core simulatrix

Euploca crassa

Euploca diocletianus ramsayi

Euploca muleiber

Family Hesperilidae

Baoris farri

Hasora vitta

Hyarotis adrastus

Oriens concinna

1 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

2 Vide Notification No. SO 859(E). dt. 24-11-1986.

3 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

Pelopidas assamensis
Pelopidas sinensis
Polytrema discreta
Polytrema rubricans
Thoressa horioi

Family Lycaenidae

Tarucus ananda
Family Nymphalidae
Euthalia lubentina

Family Pieridae

Aporia agathon ariaca
Appias libythea
Appiad nero galba
Prioneris sita

*[19. Mollusca

(i) Cypraea lamacina	(ix) Lambis millepeda
(ii) Cypraea mappa	(x) Lambis scorpious
(iii) Cypraea talpa	(xi) Lambis truncata
(iv) Fasciolaria trapezium	(xii) Placenta placenta
(v) Harpulina arausiaca	(xiii) Strombus plicatus siboldi
(vi) Lambis chiragra	(xiv) Trochus niloticus
(vii) Lambis chiragra arthritica	(xv) Turbo marmoratus]
(viii) Lambis crocea	

WILD LIFE (PROTECTION) ACT, 1972

SCHEDULE V

(Sections 2, 8, 61 and 62) 1.

1. Common crow
- ²[2. ***]
3. Fruit bats
- ²[4. ***]
5. Mice
6. Rats
7. ***]

-
- 1 Inserted vide Noti. No. 1-4/95, dt. 5-12-2001 & corrected vide corrigendum Noti. No. 1- 4/95/WL-1, dt. 19-2-2002.
 - 2 Vide Notification No. FJ 11012/31 /76 FRY (WL), dt. 5-10-1977.

WILD LIFE (PROTECTION) ACT, 1972

¹[SCHEDULE VI

(Section 2)

1. Beddomes' cycad (Cycas beddomei)
2. Blue Vanda (Vanda soerulec)
3. Kuth (Saussurea lappa)
4. Ladies slipper orchids (Paphiopedilum spp.)
5. Pitcher plant (Nepenthes khasiana)
6. Red Vanda (Ranantthera inschootiana)]

-
- 1 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20th January, 2003/Pausa 30, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 17th January, 2003, and is hereby published for general information:—

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2002
No. 16 of 2003

[17th January, 2003.]

An Act further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:

Short Title and Commencement

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2002.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of Long Title

53 of 1972

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

"An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.

Amendment of section 2

3. In section 2 of the principal Act,—

(a) for clause (1), the following clause shall be substituted, namely:—

(1) "animal" includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs;

(b) for clause (4), the following clause shall be substituted, namely:—

(4) "Board" means a State Board for Wild Life constituted under subsection (1) of section 6;

(c) clause (8) shall be omitted;

(d) for clause (9), the following clause shall be substituted, namely:—

(9) "Collector" means the chief officer-in-charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18B in this behalf;

(e) for clause (11), the following clause shall be substituted, namely:—

(11) "dealer" in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;

(f) for clause (12A), the following clauses shall be substituted, namely:—

16 of 1927

(12A) "Forest officer" means the Forest officer appointed under clause (2) of section 2 of the Indian

Forest Act, 1927 or under any other Act for the time being in force in a State;

16 of 1927

(12B) "forest produce" shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927;

(g) in clause (16), for sub-clauses (a) and (b), the following sub-clauses shall be substituted, namely:

(a) *killing or poisoning of any wild animal or captive animal and every attempt to do so;*

(b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;

(h) for clause (18A), the following clause shall be substituted namely:-

(18A) "livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;

(i) for clauses (19) and (20), the following clauses shall be substituted, namely:-

(19) "manufacturer" means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be;

(20) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) "National Board" means the National Board for Wild Life constituted under section 5A;

(j) after clause (24), the following clause shall be inserted, namely:-

(24A) "protected area means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;

(k) for clauses (25B) and (26), the following clauses shall be substituted, namely:-

(25B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927, or declared as such under any other State Act;

(26) "sanctuary" means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;

(l) clause (28) shall be omitted;

(m) for clause (30), the following clause shall be substituted, namely:-

(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;

(n) in clause (31), for sub-clause (b), the following sub-clause shall be substituted, namely:-

"(b) antler, bone, carapace, shell-, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;"

(o) for clause (36), the following clause shall be substituted, namely:-

(36) "wild animal" means any animal specified in Schedules I to IV and found wild in nature;

(p) for clause (37), the following clause shall be substituted, namely:-

(37) "wild life" includes any animal, aquatic or land vegetation which forms part of any habitat;

(q) in clause (39), for the words "but does not include a circus and an establishment", the words "and includes a circus and rescue centres but does not include an establishment" shall be substituted.

Amendment of Section 3

4. In section 3 of the principal Act, -

(i) in sub-section (1), clause (b) shall be omitted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:-

(3) The officers and other employees appointed under this section shall be required to assist the Director.

Amendment of Section 4

5. In section 4 of the principal Act, in sub-section (1), for clause (bb), the following clause shall be substituted, namely:-

"(bb) Honorary Wild Life Wardens;"

Insertion of New Sections 5A to 5C

6. After section 5 of the principal Act, the following sections shall be inserted, namely:-

Constitution of the National Board for Wild Life

5A. (1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002, constitute the National Board for Wild Life consisting of the following members, namely:-

- (a) the Prime Minister as Chairperson;
- (b) the Minister in-charge of Forests and Wild Life as Vice-Chairperson;
- (c) three members of Parliament of whom two shall be from the House of the People and one from the Council of States;
- (d) Member, Planning Commission in-charge of Forests and Wild Life;
- (e) five persons to represent non-governmental organisations to be nominated by the Central Government;
- (f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;
- (g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (h) the Chief of the Army Staff,
- (i) the Secretary to the Government of India in-charge of the Ministry of Defence;
- (j) the Secretary to the Government of India in-charge of the Ministry of information and Broadcasting;
- (k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;
- (l) the Secretary to the Government of India, Ministry of Tribal Welfare;
- (m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (n) the Director-General of Tourism, Government of India;
- (o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;
- (p) the Director, Wild Life Institute of India, Dehradun;
- (q) the Director, Zoological Survey of India;
- (r) the Director, Botanical Survey of India;
- (s) the Director, Indian Veterinary Research Institute;
- (t) the Member-Secretary, Central Zoo Authority;
- (u) the Director, National Institute of Oceanography;
- (v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;
- (w) the Director of Wild Life preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members *ex officio*, the manner of filling vacancies referred to in clauses (e), (l) and (v) of subsection (1), and the procedure to be followed in the discharge of their functions by the members of the National Board shall be such, as may be prescribed.

(3) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

(4) Notwithstanding anything contained in any other law for the time being in force, the office of the member of the National Board shall not be deemed to be an office of profit.

Standing Committee of the National Board

5B. (1) The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.

(2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.

(3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

Functions of the National Board

5C. (1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit:

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for –

(a) framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;

(b) making recommendations on the setting up of and management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;

(c) carrying out or causing to be carried but impact assessment of various projects and activities on wild life or its habitat;

(d) reviewing from time to time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and

(e) preparing and publishing a status report at least once in two years on wild life in the country."

Substitution of new section for section 6

7. For section 6 of the principal Act, the following section shall be substituted, namely:-

Constitution of State Board for Wild Life

6. (1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 constitute a State Board for Wild Life consisting of the following members, namely:-

(a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be – Chairperson;

(b) the Minister in-charge of Forests and Wild Life – Vice-Chairperson;

(c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;

(d) three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;

(e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;

(f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;

(g) the Officer in-charge of the State Forest Department;

(h) the Secretary to the State Government, Department of Tribal Welfare;

(i) the Managing Director, State Tourism Development Corporation;

(j) an officer of-the State Police Department not below the rank of Inspector General;

(k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;

(l) the Director, Department of Animal Husbandry of the State;

- (m) the Director, Department of Fisheries of the State;
- (n) an officer to be nominated by the Director, Wild We Preservation;
- (o) a representative of the Wild Life Institute of India, Dehradun;
- (p) a representative of the Botanical Survey of India;
- (q) a representative of the Zoological Survey of India;
- (r) the Chief Wild Life Warden, who shall be the Member-Secretary.

(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clauses (d) and (e) of sub section (1) and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex officio* shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed."

Amendment of Section 8

8. In section 8 of the principal Act,–

(i) for the words 'qhe Wild Life Advisory Board", the words "State Board for Wild Life" shall be substituted;

(ii) for clause (a), the following clause shall be substituted, namely:–

"(a) in the selection and management of areas to be declared as protected areas;"

Amendment of Section 11

9. In section 11 of the principal Act, in sub-section (1),–

(i) in clause (a), the following provisos and *Explanation* there under shall be inserted, namely:–

"Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation–For the purposes of clause (a), the process or capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal.

(ii) in clause (b), for the words "such animal or cause such animal to be hunted", the words "such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted" shall be substituted.

Substitution of Heading of Chapter IV

10. In Chapter IV of the principal Act, for the heading "SANCTUARIES, NATIONAL PARK AND CLOSED AREAS", the following heading shall be substituted, namely:–

"PROTECTED AREAS"

Insertion of new sections 18A and 18B

11. After section 18 of the principal Act, the following sections shall be inserted, namely:–

Protection to Sanctuaries

18A. (1) When the State Government declares its intention under sub-section of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the-provisions of sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), the State Government shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected in terms of their rights as per the Government records.

Appointment of Collector

18B. The State Government shall appoint, an officer to act as Collector under the Act, within ninety days of coming into force of the Wild Life (Protection) Amendment Act, 2002, or within thirty days of the issue of notification under section 18, to inquire into and determine the

existence, nature and extent of rights of any person in or over the land comprised within the limits of the sanctuary which may be notified under sub section (1) of section 18.

Amendment of Section 21

12. In section 21 of the principal Act, after the words "the Collector shall", the words "within a period of sixty days," shall be inserted.

Insertion of New Section 25A

13. After section 25 of the principal Act, the following section shall be inserted, namely:-

Time-limit for Completion Acquisition Proceedings

"25A. (1) The Collector shall, as far as possible, complete the proceedings under sections 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under section 18.

(2) The notification shall not lapse if, for any reasons, the proceedings are-not completed within a period of two years."

Amendment of Section 26

14. In section 26A of the principal Act for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board."

Substitution of New Section for Section 29

15. For section 29 of the principal Act, the following section shall be substituted, namely:-

Destruction etc., in a Sanctuary Prohibited without a Permit

"29. No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Explanation- For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section."

Amendment of Section 33

16. In section 33 of the principal Act after clause (a), the following proviso shall be inserted, namely:-

"Provided that no construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board;"

Insertion of New Section 33B

17. After section 33A of the principal Act, the following section shall be inserted, namely:-

"33B. (1) The State Government shall constitute an Advisory Committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wild life conservation, one representative each from departments dealing with Home and Veterinary matters. Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

(2) The Committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

(3) The Committee shall regulate its own procedure including quorum."

Insertion of New Section 34A

18. After section 34 of the principal Act, the following section shall be inserted, namely:-

Power to remove Encroachment

"34A. (1) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Conservator of Forests may,-

(a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;

(b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.

(2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act."

Amendment of section 35

19. In section 35 of the principal Act,-

(i) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:-

"(5) No alteration of the boundaries of a National Park by the State Government shall be made except on a recommendation of the National Board.

(6) No person shall destroy, exploit or remove any Wild Life including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the National Park, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wild life from the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a National Park, the same may be used for meeting the personal *bona fide* needs of the people living in and around the National Park and shall not be used for any commercial purpose."

(ii) after sub-section (8), the following *Explanation* shall be inserted, namely:-

"*Explanation.*-For the purposes of this section, in case of an area, whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under sections 19 to 26 (both inclusive) and the provisions of sub-sections (3) and (4) of this section shall not apply."

Insertion of New Sections 36A to 36D

20. After section 36 of the principal Act, the following sections shall be inserted, namely:-

Declaration and Management of a Conservation Reserve

36A. (1) The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat:

Provided that where the conservation reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before making such declaration.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary

Conservation Reserve Management Committee

36B. (1) The State Government shall constitute a conservation reserve management committee to advise the Chief Wild Life Warden to conserve, manage and maintain the conservation reserve.

- (2) The committee shall consist of a representative of the forest or Wild Life Department, who shall be the Member-Secretary of the Committee, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisations working in the field of wild life conservation and one representative each from the Department of Agriculture and Animal Husbandry.

- (3) The Committee shall regulate its own procedure including the quorum.

Declaration and Management of Community Reserve

36C. (1) The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.

- (2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

- (3) After the issue of notification under sub-section (1), no change in the land use pattern shall be made within the community reserve, except in accordance with a resolution passed by the management, committee and approval of the same by the State Government.

Community Reserve Management Committee

36D. (1) The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for conserving, maintaining and managing the community reserve.

- (2) The committee shall consist of five representatives nominated by the Village Panchayat or where such Panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located.

- (3) The committee shall be the competent authority to prepare and implement the management plan for the community reserve and to take steps to ensure the protection of wild life and its habitat in the reserve.

- (4) The committee shall elect a Chairman who shall also be the Honorary Wild Life Warden on the community reserve,

- (5) The committee shall regulate its own procedure including the quorum."

Omission of Section 37

21. Section 37 of the principal Act shall be omitted.

Amendment of Section 38B

22. In section 38B of the principal Act, In sub-section (1) after the words "every member", the words "other than the Member-Secretary" shall be inserted.

Amendment of Section 38H.

23. In section 38H of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) On and after the commencement of the Wild Life (Protection) Amendment Act, 2002 a zoo shall not be established without obtaining the prior approval of the Authority."

Substitution of New Section for Section 38-1.

24. For section 38-1 of the principal Act, the following section shall be substituted, namely:—

Acquisition of Animals by a Zoo

"38-1. (1) Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedules I and 11 except with the previous permission of the Authority.

- (2) No zoo shall acquire, sell or transfer any wild or captive animal except from or to a recognised zoo."

Amendment of Section 40

25. In section 40 of principal Act,–

(i) in sub-section (1), for the words "or any uncured trophy", the words "or animal article, trophy or uncured trophy" shall be substituted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:–

"(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance.

(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40:

Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant."

(iii) in sub-section (4), for the words "any animal article", the words "any animal or animal article" shall be substituted.

Insertion of New Section 40A

26. After section 40 of the principal Act, the following section shall be inserted, namely:–

Immunity in Certain Cases

"40A. (1) Notwithstanding anything contained in sub-sections (2) and (4) of section 40 of this Act, the Central Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animal, specified in Schedule I or Part II of Schedule II in his control, custody or possession, in respect of which no declaration had been made under sub-section (1) or sub-section (4) of section 40, in such form, in such manner and within such time as may be prescribed.

(2) Any action taken or purported to be taken for violation of section 40 of this Act at any time before the commencement of the Wild Life (Protection) Amendment Act, 2002 shall not be proceeded with and all pending proceedings shall stand abated.

(3) Any captive animal, animal article, trophy or uncured trophy declared under sub-section (1), shall be dealt with in such manner and subject to such conditions as may be prescribed.

Amendment of Section 42

27. In section 42 of the principal Act, the following proviso shall be added, namely:–

"Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief Wild Life Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal.

Substitution of New Section for Section 43

28. For section 43 of the principal Act, the following section shall be substituted, namely–

Regulation of Transfer of Animal, etc.

43. (1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) Nothing in this section shall apply–

(a) to tail feather of peacock and the animal article or trophies made therefrom;

(b) to transfer of captive animals between recognised zoos subject to the provisions of section 38-1, and transfer amongst zoos and public museums."

Amendment of Section 50

29. In section 50 of the principal Act.

(i) in sub-section (3A), for the words "Wild Life Warden," the words "an of section 50. Assistant Conservator of Forests" shall be substituted;

(ii) in sub-section (4) the words under intimation to the Chief Wild Life Warden or the-officer authorised by him in this regard" shall be inserted at the end;

(iii) for sub-section (6), the following sub-section shall be substituted, namely:-

"(6) Where any meat, uncured trophy, specified plant or part or derivative thereof is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the disposal of the same in such manner as may be prescribed."

(iv) in sub-section (8), for the words "Wild Life Warden", the words "an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf- shall be substituted.

Amendment of Section 51

30. In section 51 of the principal Act,-

(i) in sub-section (1), for the first and second provisos, the following provisos shall be substituted, namely:-

"Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty five thousand rupees."

(ii) in sub-section (1A), for the words "one year", the words "three years" and for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted.

Insertion of New Section 51A

31. After section 51 of the principal Act, the following section shall be inserted, new section namely:-

Certain Condition to Apply while Granting Bail

2 of 1974

"51A. When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule If or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 no such person who had been previously convicted of an offence under this Act shall, be released on bail unless-

(a) the Public Prosecutor has been given an opportunity of opposing the release on bail, and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail."

Substitution of New Section for Section 54

32. For section 54 of the principal Act, the following section shall be substituted, namely:–

Power of Compound Offences

"54, (1) The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of a State Government in the similar manner, empower the Chief Wild Life Warden or any officer of a rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of twenty-five thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in section 51, shall be compounded."

Amendment of Section 55

33. In section 55 of the principal Act,–

(i) after clause (a), the following clause shall be inserted, namely:–

"(aa) the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or";

(ii) in clause (b), after the words "State Government", the words "subject to such conditions as may be specified by that Government" shall be inserted;

(iii) after clause (b), the following clause shall be inserted, namely:–

"(bb) the officer- in-charge of the zoo in respect of violation of provisions of section 38J; or ".

Insertion of New Chapter VI A

34. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:–

CHAPTER VI A

FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING AND TRADE

Application

58A. The provisions of this Chapter shall apply only to the following persons, namely:–

(a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;

(b) every associate of a person referred to in clause (a);

(c) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

Definition

58B. In this Chapter, unless the context otherwise requires,–

(a) "Appellate Tribunal" means the Appellate Tribunal for Forfeited Property constituted under section 58N;

(b) "associate" in relation to a person whose property is liable to be forfeited under this Chapter, includes–

(i) any individual who had been or is managing the affairs or keeping the accounts of such person;

1 of 1956

(ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act 1956 of which such person had been or is a member, partner or director;

(iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;

(iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);

(v) the trustee of any trust, where—

(1) the trust has been created by such person; or

(2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date;

(vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;

(d) "competent authority" means an officer authorised under section 58D;

(e) "concealment" means the concealment or disguise of the nature, source disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;

(f) "freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property by an, order issued under section 58F;

(g) "identifying" includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of wild life and its products;

(h) "illegally acquired property" in relation to any person to whom this Chapter applies, means—

(i) any property acquired by such person, wholly or partly out of or by means of any income earnings or assets derived or obtained from or attributable to illegal hunting and trade of wild life and its products and derivatives;

(ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property, and includes—

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;

(i) "property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of wild life and its products;

(j) "relative" means—

(1) spouse of the person;

(2) brother or sister of the person;

- (3) brother or sister of the spouse of the person;
- (4) any lineal ascendant or descendant of the person,
- (5) any lineal ascendant or descendant of the spouse of the person;
- (6) spouse of a person referred to in sub-clause (2), sub-clause (3), sub-clause (4) or sub-clause (5);
- (7) any lineal descendant of a person referred to in sub-clause (2) or sub-clause (3);
- (k) "tracing" means determining the nature, source, disposition, movement, title or ownership of property;
- (l) "trust" includes any other legal obligation.

Prohibition of Holding Illegally Acquired Property

58C. (1) From the date of commencement of this Chapter, it shall not be lawful for any person to whom this Chapter applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds such property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government concerned in accordance with the provisions of this Chapter:

Provided that no property shall be forfeited under this Chapter if such property was acquired by a person to whom this Act applies before a period of six years from the date on which he was charged for-an offence relating to illegal hunting and trade of wild life and its products.

Competent Authority

58D. The State Government may, by order published in the Official Gazette, authorise any officer not below the rank of Chief Conservator of Forests to perform the functions of the competent authority under this Chapter in respect of such persons or classes of persons as the State Government may, direct.

Identifying Illegally Acquired Property

58E. An officer not below the rank of Deputy Inspector General of Police duly authorised by the Central Government or as the case may be, the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with which directions or guidelines as the competent authority may make or issue in this behalf.

Seizure or Freezing of Illegally Acquired Property

58F. (1) Where any officer conducting an inquiry or investigation under section 58E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

Provided that a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation.- For the purposes of this section, "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes-

- (a) the creation of a trust in property;
- (b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;
- (c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and
- (d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

Management of Properties Seized or Forfeited under this Chapter

58G. (1) The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of Conservator of Forests) as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 58F or under section 58-1 in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures as the State Government may direct, to dispose of the property which is forfeited to the State Government.

Notice of Forfeiture of Property

58H. (1) If having regard to the value of the properties held by any person to whom this Chapter applies, either by himself or through any, other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from any officer making an investigation under section 58E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this, Chapter and in support of his case indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

Forfeiture of Property in Certain Cases

58-I (1) The competent authority may, after considering the explanation, if any, to the show cause notice Issued under section 58H, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any other person, to such other person, also a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person, such other person also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section *ex parte* on the basis of evidence available before it.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1) within a period of ninety days.

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Chapter stand forfeited to the State Government free from all encumbrances.

(4) In case the person affected establishes that the property specified in the notice issued under section 58H is not an illegally acquired property and therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stand forfeited to the State Government under this, Chapter, the company shall, notwithstanding anything contained in the Companies Act, 1956 or the article of association of the company, forthwith register the State Government as the transferee of such shares.

Burden of Proof

58J. In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 59H is not illegally acquired property shall be on the person affected.

File in Lieu of Forfeiture

58K. Where the competent authority makes, a declaration that any property stands forfeited to the State Government under section 58-1 and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 58-1 and thereupon such property shall stand released.

Procedure in relation to certain Trust Properties

58L. In the case of any person referred to in sub-clause (vi) of clause (b) of section 58B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other asset out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 58H and all the other provisions of this Chapter shall apply accordingly.

Explanation.—For the purposes of this section "illegally acquired property" in relation to any property held in trust, includes—

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

Certain Transfers to be Null and Void

58M. Where after the making of an order under sub-section (1) of section 58F or the issue of a notice under section 58k or under section 58L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited to the State Government under section 584, then, the transfer of such property shall be deemed to be null and void.

Constitution of Appellate Tribunal

58N. (1) The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being officers of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 58F, section 58-I, sub-section (i) of section 58K or section 58L.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Appeals

58-O. (1) Any person aggrieved by an order of the competent authority made under section 58F, section 58-1, sub-section (1) of section 58K or section 58L may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.

(3) The Appellate Tribunal may regulate its own procedure.

(4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

Notice or Order not to be invalid for Error in Description

58P. No notice issued or served, no declaration made, and no order passed under this Chapter shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

Bar of Jurisdiction

58Q. No order passed or declaration made under this Chapter shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

Competent Authority and Appellate Tribunal to have Powers of Civil Court

58R. The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter which may be prescribed

Information to Competent Authority

58S. Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, on points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.

(2) Every officer referred to in section 58T may furnish *suomotuany* information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

Certain Officers to Assist Administrator, Competent Authority and Appellate Tribunal

58T. For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58G, competent authority and the Appellate Tribunal, namely:—

- (a) officers of Police;
- (b) officers of the State Forest Departments;
- (c) officers of the Central Economic Intelligence Bureau;
- (d) officers of the Directorate of Revenue Intelligence;
- (e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.

Power to Take Possession

58U. (1) Where any property has been declared to be forfeited to the State Power to take Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 58K within the time allowed therefor under subsection (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 58G or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in sub-section (1) requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

Rectification of Mistakes

58V. With a view to rectifying any mistake apparent from record, the competent authority or the Appellate Tribunal, as the case maybe, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of a clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard.

Findings under other Laws not Conclusive for Proceedings under this Chapter

58W. No finding of any officer or, authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.

Service of Notices and Orders

58X. Any notice or order issued or made under this Chapter shall be served,—

- (a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;
- (b) if the notice or order cannot be served in the manner provided in clause (a), then, by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

Punishment for Acquiring Property in relation to which Proceedings have been taken under this Chapter

58Y. Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term Which may extend to five years and with fine which may extend to fifty thousand rupees.'.

Amendment of Section 60A

35. In section 60A of the principal Act,–

(i) in sub-section (1), for the words "twenty per cent of such fine", the words "fifty per cent. of such fine" shall be substituted;

(ii) in sub-section (2), for the words "twenty per cent of such money", the words "fifty per cent of such money" shall be substituted.

Insertion of New Section 60B

36. After section 60A of the principal Act, the following section shall be inserted, namely:–

Reward by State Government

"60B. The State Government may empower the Chief Wild Life Warden to order payment of reward not exceeding ten thousand rupees to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may, be prescribed."

Amendment of Section 63

37. In section 63 of the principal Act, in sub-section (1), the following clause shall be inserted, namely:–

"(ai) the term of office of members other than those who are members *ex officio*; the manner of filling vacancies, the procedure to be followed by the National Board under sub-section (2) and allowances of those members under sub-section, (3) of section 5A;".

Amendment of Section 64

38. In section 64 of the principal Act, in sub-section (2),–

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:– "
(a) the term of office of members other than those who are members, *ex officio*, the manner of filling vacancies and the procedure to be followed by the Board under sub-section (2) of section 6;

(b) allowances referred to in sub-section (3) of section 6;

(ii) after clause (d), the following clause shall be inserted, namely:–

"(dd) the conditions subject to which the officers will be authorised to file cases in the court;"

(iii) after clause (g), the following clauses shall be inserted, namely:–

(ga) the manner and conditions subject to which the Administrator shall receive and manage the property under sub-section (2) of section 58G;

(gb) the terms and conditions of service of the Chairman and other members under sub-section (3) of section 58N;

(gc) the fund from which and the manner in which payment of reward under section 60B shall be made;"

K.N. CHATURVEDI,
Additional Secy. to the Govt. of India.

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006
(ACT No. 39 OF 2006)

AN ACT further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

- 1) This Act may be called the Wild Life (Protection) Amendment Act, 2006.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2.— After Chapter IVA of the Wild Life (Protection) Act, 1972 (53 of 1972) (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:—

CHAPTER IVB
NATIONAL TIGER CONSERVATION AUTHORITY

38K. In this Chapter,—

- (a) “National Tiger Conservation Authority” means the Tiger Conservation Authority constituted under section 38L;
 - (b) “Steering Committee” means the Committee constituted under section 38U;
 - (c) “Tiger Conservation Foundation” means the foundation established under section 38X;
 - (d) “Tiger Reserve State” means a state having tiger reserve;
 - (e) “Tiger Reserve” means the area notified as such under section 38V.
- 38L.(1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.
- (2) The Tiger Conservation Authority shall consist of the following members, namely:—
- (a) the Minister in charge of the Ministry of Environment and Forests— Chairperson;
 - (b) the Minister of State in the Ministry of Environment and Forests—Vice Chairperson;
 - (c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;
 - (d) Eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;
 - (e) Secretary, Ministry of Environment and Forests;
 - (f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;
 - (g) Director, Wild Life Preservation, Ministry of Environment and Forests;
 - (h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;
 - (i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;
 - (j) Secretary, Ministry of Tribal Affairs;
 - (k) Secretary, Ministry of Social Justice and Empowerment;
 - (l) Chairperson, National Commission for the Scheduled Tribes;
 - (m) Chairperson, National Commission for the Scheduled Castes;
 - (n) Secretary, Ministry of Panchayati Raj;
 - (o) Inspector General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary, to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

38M.— (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he— (a) is, or at any time has been, adjudicated as insolvent;

- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or
- (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. —(1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be employee of that Authority.

(2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

38O. (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

- (a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;
- (b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;
- (c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;
- (d) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;
- (e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance,

mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

- (f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;
- (g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;
- (h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;
- (i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan; (j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and
- (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

38P. (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

- (2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority
- (3) The Tiger Conservation Authority shall regulate its own procedure.
- (4) All orders and decisions of the Tiger conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said authority duly authorised by the Member-Secretary in this behalf.

38Q. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto—

- (i) any grants and loans made to the Tiger Conservation Authority by the Central Government;
- (ii) all fees and charges received by the Tiger Conservation Authority under this Act; and
- (iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

38R. (1) The Tiger Conservation Authority shall maintain proper accounts and other relevant record and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

(4) The Accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

38S.—The Tiger conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38T.—The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the nonacceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

38U.—(1) The state Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, copredators and prey animals within the tiger range States.

(2) The Steering Committee shall consists of—

- (a) the Chief Minister—Chairperson;
- (b) the Minister in-charge of Wild Life—Vice-Chairperson;
- (c) Such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;
- (d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;
- (e) two members from the State's Tribal Advisory Council;
- (f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;
- (g) Chief Wild Life Warden of the State shall be the Member- Secretary, to be notified by the State Government, in the Official Gazette.

38V. (1) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tigerreserve.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure—

- (a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;
- (b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;
- (c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation.—For the purposes of this Section, the expression “tiger reserve” includes—

(i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (i) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy; (v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and (vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation authority and the approval of the National Board for Wild Life.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

(2) The Tiger Conservation Foundation shall, *inter alia* have the following objective:—

(a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(b) to promote eco-tourism with the involvement of local stakeholder communities and provide support to safeguard the natural environment in the tiger reserves;

(c) to facilitate the creation of, and or maintenance of, such assets as may be necessary for fulfilling the above said objectives;

- (d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;
- (e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;
- (f) to support research, environmental education and training in the above related fields.

CHAPTER IVC

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

38Y. The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control

Bureau consisting of—

- (a) the Director of Wildlife Preservation—Director *ex-officio*;
- (b) the Inspector General of Police—Additional Director;
- (c) the Deputy Inspector-General of Police—Joint Director;
- (d) the Deputy Inspector-General of Forest—Joint Director;
- (e) the Additional Commissioner (Customs and Central Excise)— Joint Director and;
- (f) Such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

38Z. (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to—

- (i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as to apprehend the criminals and to establish a centralised wildlife crime data bank;
- (ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;
- (iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;
- (iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;
- (v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;
- (vi) advice the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Wildlife Crime Control Bureau shall exercise—

- (i) such powers as may be delegated to it under sub-section (1) of section 5; sub-sections (1) and (8) of section 50 and section 55 of this

Act; and

- (ii) Such other powers as may be prescribed.”

3.— In section 51 of the principal Act, after subsection (1B), the following sub-sections shall be inserted, namely:—

“(IC) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(ID) whoever, abets any offence punishable under sub-section

(IC) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.”

4. In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:—

“(ab) Member-Secretary, Tiger Conservation Authority; or

(ac) Director of the concerned tiger reserve; or”.

5. In section 59 of the principal Act, after the word, figures and letter “Chapter IVA”, the word, figures and letter “Chapter IVB” shall be inserted.

6. In section 60 of the principal Act, in subsection (3), after the word, figures and letter “Chapter IVA”, the word, figures and letter “Chapter IVB” shall be inserted;

7. In section 63 of the principal Act, in subsection (1), after clause (g), the following clauses shall be inserted, namely:—

“(gi) qualification and experience of experts or professionals under clause (d) of sub-section (2) of section 38-I;

(gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(giii) the terms and conditions of service of the officers and other employees of the tiger Conservation Authority under sub-section (2) of section 38N;

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section(1) of section 38R;

(gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(gvi) other powers of the Wildlife Crime Control Bureau under clause (ii) of sub-section (2) of section 38Z.”

K.N CHATURVEDI

Secy to the Govt of India

GOVERNMENT OF HIMACHAL PRADESH FOREST DEPARTMENT
NOTIFICATION

No. 6-9/73--SF. Dated Shimla-171002, the 24-2-75.

In exercise of the powers conferred on him by section 64 of the Wild Life (Protection) Act, 1972 (53 of 1972) the Governor of Himachal Pradesh hereby makes the following rules, namely

PRELIMINARY

1. Short title, extent and commencement.

- (1) These rules may be called the Wild Life (Protection) Himachal Pradesh Rules, 1975.
- (2) They extend to the whole of the State of Himachal Pradesh.
- (3) They shall come into force from the date of the Publication of this notification in the Rajpatra Himachal Pradesh.

2. Definitions

In these rules, unless the context otherwise requires:-

- (a) "Act" means the Wild Life (Protection) Act, 1972 Central Act 53 of 1972).
- (b) "Chairman" means the Chairman of Board.
- (c) "form" means a form appended to these rules.
- (d) "licence tag" shall be a prescribed tag for attaching to the killed animal or bird for such animal or bird for mechanical check of Bag limit.
- (e) "royalty" means an amount of additional fee chargeable in addition to a permit or licence fee for killing or capturing of animal under the Wild Life (Protection) Act, 1972 and rules framed thereunder;
- (f) "section" means a section of the Act;
- (g) "schedule" means a schedule to the Act; and
- (h) all other words expressions used herein not defined in these rules shall have the meanings respectively assigned to them under the Act.'

WILD LIFE ADVISORY BOARD

Term of office

3. The term of office of a member of the Board referred to in clause (g) of subsection (1) of section 6 shall be three years from the date of his appointment.

Resignation

4. A member of the Board may resign his office by writing under his hand addressed to the Chairman.

(2) 'The office of a member of the Board shall -fall vacant from the date on which his resignation is accepted, or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

3. The power to accept the resignation of a member of the board shall vest in the Chairman who, on accepting the resignation, shall report to the Board at its next meeting.

Filling of casual vacancy

5. (1) When a member of the Board referred to in clause (g) of sub-section (1) of sections 6 resigns or dies or is removed from office or becomes incapable of acting, the State Government may, by notification in the Official Gazette, appoint a person to fill the vacancy.

(2) 'A person appointed to fill the casual vacancy under sub-rule (1) shall hold -office only so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred

Removal from the Board

6. The State Government may remove any member from his office
 - (a) If he is of unsound mind and stands so declared by a competent medical court or
 - (b) if he is an undercharged, insolvent, or
 - (c) if he is convicted of a criminal offence involving moral turpitude,or

- (d) if, without the leave of the Chairman, he fails to attend more than three successive meetings of the Board, or
- (e) if he is held guilty by a court of law for contravening any of the provision of the Wild Life (Protection) Act, 1972 or the rules framed thereunder.

Allowances

7. (1) The non-official member of the Board shall get travelling and daily allowance as admissible to grade I officers of the State.

(2) Where concessional tickets, are allowed for return journeys by rail, the travelling allowance shall be restricted to the actual cost of return tickets plus the incidental charges.

(3) (a) A member of the State Legislature who is a member of the Board shall not be paid any fares in respect of journeys by rail or road if he is entitled for free coupons for such journeys.

(b) If a meeting of the Board is held during a session of the Legislature and at the same place where such session is held, a member of the Legislature who is a member of the Board shall not be entitled to any daily allowance.

Secretary to be controlling authority

8. The Secretary of the Board shall be the controlling authority in respect of payment of allowances under this Chapter.

HUNTING OF WILD ANIMALS

A. Special game hunting licence, big game hunting licence and small game hunting licence

Application

9. (1) An application for a special game hunting licence a big game hunting licence or a small game hunting licence shall be made in Form - No. 1:

Provided that no application for a licence shall be entertained from any person eligible for registration under section 34, unless, the applicant has registered his name and address under the said section:

Provided further that no person shall apply for a licence under this Chapter unless he possesses a valid licence for sport in Form. No -111 set out in Schedule III to the Arms Rules, 1962.

(2) (a) An application for a special game hunting license shall be made to the Chief Wild -Life Warden.

(b) An application for a big, game hunting licence or a small game hunting licence may be made to the Chief Wild Life Warden or any other officer authorised by the Chief Wild Life Warden in this behalf (in either case herein after referred to as the issuing officer).

Fee

10. An application for a licence of the category specified in column (1) of Table below when made by a person of the category specified in the corresponding entry in column: (2) shall be accompanied by a treasury receipt or bank challan showing that the fee according to the scale specified in the corresponding entry in column (3) of the said Table had been paid.

TABLE

Name of Licence 1	Category of person 2	Amount 3 Rs.
A. Special game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	50 per week 100 per week
B. Big game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	30 60
C. Small game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	15 per week 30 per week

NOTE:- An additional fee of Re. 1 & Re. 2 per licence tag will be charged from citizen Of India and person other than citizen of India respectively.

Copy of notification No. Fts (F) 7-6/83 dated 26-6-84 from Financial Commissioner-cum-Secretary (Forests) to the Govt. of H.P.

In exercise of the powers conferred in him by Section 64 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Governor, H.P. is pleased to make the following rules, to amend the Wild Life (Protection) H.P. Rules, 1975 published in the Raipatra H.P. of 25th June, 1975 vide H.P. Govt.'s notification number 6-9/76-SF dated the 24th Feb, 1985, namely:-

Short title and Commencement

- (1) (i) These rules may be called the Wild Life (Protection) H.P. (Amendment) Rules, 1984.
(ii) They shall come into force at once.

Amendment of 2nd Proviso of Rule 9 (1).

2. In the second Proviso to rule 9 (1) after the word, 'Sport' and words and 'crop protection', shall be added.

**No. 6-8/73-sv
Government of Himachal Pradesh,
Department of Forests-
Dated Shimla-2, the 12th November, 1975.**

NOTIFICATION

In exercise of the powers conferred by section 64 of the Wild Life (Protection) Act, 1972 (Act 53 of 1972), the Governor, Himachal Pradesh, is pleased to order that the table and note below rule 10 of the Wild Life (Protection) Himachal Pradesh Rules, 1975 framed under 64 of the Wild Life (Protection) Act, 1972 and published vide Notification No. 6-9/73-SF, dated 25th Feb, 1975 in Rajpatra Himachal Pradesh dated 25th June' 1975 shall be substituted by the following table and note, namely :-

TABLE

Name of Licence 1	Category of person 2	Amount 3 Rs.
A. Special game	(i) Citizen of India (ii) Person other than citizen of India.	51 P.M. 100 P.M.
B. Big game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	30 P.M. 60 P.M.
C. Small game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	15 P.M. 30 P.M.

II On Government land outside the shooting Blocks Game Reserves

Name of Licence 1	Category of person 2	Rs. Amount 3 Rs.
A. Small game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	30 per season 60 per season
B. Big game hunting licence	(i) Citizen of India (ii) Person other than citizen of India.	50 per Distt. Per season per Distt. 100 Do

NOTE:-"An additional fee of Re. 1 and Rs. 2 per licence-tag will be charged from citizen of India and person other than citizen of India respectively".

Sd/-
P. K. M. A. to
Secretary (Forests) to the
Govt. of Himachal Pradesh.

B. Wild animal trapping licence

Application

11. An application for a wild animal trapping licence shall be made to the Chief Wild Life Warden in Form No. 2.

Fee

12. An application for a wild animal trapping licence shall be accompanied by a treasury receipt or Bank Challan showing that the fee according to the following scale had been paid namely :-

- (a) Monthly licence fee of Rs. 10. if made by a citizen of India; or monthly licence fee of Rs. 20 if made by a person other than a citizen of India
- (b) yearly licence fee of Rs. 100 if made by a citizen of India, or an yearly licence fee of Rs. 200 if made by a person other than a citizen of India.'

C. Grant of licence

Grant of licence

13. (1) On receipt of an application for a licence under this chapter, the issuing officer, may after such inquiry as lie may deem fit, grant or reject the application.

(2) Where an application is rejected the licence fee shall be refunded expeditiously to the applicant.

(3) Where the issuing officer decided to grant the licence applied for, he shall required the, applicant to submit within such as he may specify the necessary treasury receipts or Bank challans showing the payment of deposit and royalty if any, as specified in rule 14 and rule 15.

(4) On receipt of the treasury receipts or Bank Challans showing the payment of deposit and royalty if any, the issuing officer shall grant the licence, applied for in the appropriate form specified in sub-rule (5).

- (5) (a) A special game hunting licence shall be granted in Form No. 3;
- (b) a big game hunting licence shall be granted in Form No. 4;
- (c) a small game hunting licence shall be granted in Form, No. 6,
- (d) a wild animal trapping licence shall be granted in Form No. 5.

(6) The licence issuing officer shall also maintain a licence/Tag Register having following particulars

- (a) Name and address of licence
- (b) hunting licence No.
- (c) kind of Tag & No'. & date of issue
- (d) validity of Tag
- (e) area for which issued

Deposit

14. (1) A person to whom a licence may be granted under this Chapter, shall when required by the issuing officer, pay the deposit as specied below:-

Name of Licence 1	Category of person 2	Amount 3 Rs.
A. Special game hunting license	(i) Citizen of India (ii) Non-citizen	100 1000
B. Big game hunting licence	(i) Citizen of India (ii) Non-citizen	100 1000
C. Small game hunting licence	(i) Citizen of India (ii) Non-citizen	10 100
D. Wild animal trapping license	(i)Citizen (ii) Non-citizen	10 100

Royalty

15. The person shall in respect of the following animals as specified, in column (1) of the table below when required by the issuing officer, pay royalty at the rates specified in the corresponding entry in column (2) of the said Table. '

TABLE

Name of animal	<u>Amount of royalty</u>	
	(a) Citizen of India	b) A person other than citizen of India
	Rs.	Rs.
1. Brown Bear	150	300
2. Black Bear	100	200
3. Leopard and Panther	500	1000
4. Wild Yak	500	1000
5. Himalayan Ibex	300	600
6. Bharal	300	600
7. Thar	300	600
8. Serrow	300	600
9. Sambhar	150	300
10. Spotted Deer	100	200
11. Hog deer	100	200
12. Blue Bull	100	200
13. Barking deer	100	200
14. Wild Pig	50	100
15. Monkeys	5	10
16. Goral	100	200
17. Neelgai	150	300
18. Chiru or Tibetan Amtalope	300	600

Period of Licence

16. (1) A licence granted under this Chapter shall be valid for the period specified therein which shall not exceed one year.

(2) The licence and tag shall also indicate, the area in which the licensed should hunt.

General conditions governing the grant of licence

17. (1) The special game hunting licence and the big game hunting licence shall specify

- the no. of animals of any species.
- the sex.
- the minimum size of each specimen that could be hunted.
- the no of tag issued with the licence, and
- the specific terms and conditions on which ,the licence is being issued.

(2) The small game hunting licence shall also specify the maximum number of each species that could be hunted in the course of a day.

(3) The licensee may hunt both the sexes of a species unless he is prohibited by any condition to the contrary specified in the licence.

(4) The wild animal trapping licence shall specify the method that would be permitted for the capture of the wild animal specified there in and conditions under which the wild animal could be trapped, and shall be subject to the restrictions imposed by section 17.

(5) A holder of a special game hunting licence, a big game hunting licence or a small game hunting licence shall not sell or barter to any person any animal shot by him or any meat or uncured trophy derived there from.

(6) (a) Any person who is entitled to hunt a dangerous animal under a special game hunting licence or a big game hunting, licence and who wounds.

(b) On his failure to do so, he shall forthwith inform in writing the issuing officer and the Divisional Forest officer of the area in which such occurrence had taken place, giving reasons why the wounded animal could not be tracked and killed and he shall also inform the Gram panchayat at of the adjoining area of the existence of the wounded animal in the neighbourhood.

(7) For the purposes of a special game hunting licence and a big game hunting licence, an animal which has been wounded and lost shall be deemed to have been hunted under the licence, and the licensee shall fore-feit the right to hunt another specimen in the place of the one wounded and lost.

(8) (a) The trapping of wild animals specified in Schedule If and Schedule III shall not be permitted unless the Chief Wild Life Warden, is satisfied for reasons to be accorded in writing that such trapping is necessary under the provisions of sub-section (i) of section 11 or of section 12.

(b) A holder of the wild animal trapping licence unless specifically permitted to do so shall not trap such animal in shooting blocks referred to in rule 21 and Government forests

(9) (a) A licence under this Chapter shall intimate in advance the Divisional Forest Officer concerned his desire to organise drives in any reserve forest, giving the date and the place where he desired to have such drives.

(b) If the Divisional Forest Officer is of opinion that such drives should not be allowed, he may, for reasons to be recorded in writing, prohibit such drive and communicate the same to the holder of the license.

(10) Any machan or pit constructed for purpose of hunting shall immediately be dismantled or filled on the completion of hunting.

(11) Any trophies of, any animal which had been killed or, captured in contravention of the conditions of the licence, including specimens smaller than the minimum dimensions specified shall be deemed to be Government property under section 39.

(12), While hunting or trapping any wild animal a licensee shall carry with him his licence and shall on, demand, produce for inspection such licence before any staff of the Forest Department of the State, or an officer appointed under sub-section (1) of section 4.

(13) A licence granted under this Chapter shall not be transferable.

(14) A licensee under this Chapter shall maintain a record in Form No.7 of the animals killed, captured or wounded by him and such record shall be surrendered to the issuing officer as required by section 10.

(15) Any licence granted under this Chapter shall not be valid during the period of closed time declared under sub-section (I) of section 16.

Licensee to abide by rules.

18. A licensed under this Chapter shall abide by these rules and the conditions specified in the licence.

Forfeiture of deposits

19. (1) If the holder of the licence contravenes the provisions of rule 17, he shall forfeit the whole or part of the deposit made, by him.

(2) Where the issuing officer cancels or suspends under section 13 a licence granted under this Chapter, he may, for reasons to Re-recorded in writing, order the forfeiture of the whole or part of the deposit made by the licensee.

Refund of deposit and royalty

20. (1) On the expiry of the period specified in the licence and receipt of the return in Form No. 7 from the licensee, the issuing officer shall, after, satisfying himself that' the holder of the licence had not committed any breach of the conditions of the licence refund expeditiously the deposit.

(2) Where the issuing officer is satisfied that an animal in respect of which royalty had been paid had not been killed, captured or wounded, he shall refund expeditiously .to the licensee the amount paid as royalty.

C. Shooting Blocks.

Determination of shooting blocks

21. (1) The Chief Wild Life Warden may divide the area within his jurisdiction other than a sanctuary, National Park or game reserve, into shooting blocks.

(2) Where shooting blocks exist at the commencement of these rules, or where shooting blocks have been determined under sub-rule (1), the Chief Wild Life warden shall determine every year:-

(a) which of the shooting blocks are to be thrown open for hunting.

(b) the number of animals of of different species mentioned. in Schedule 11, III and IV which could be hunted in a shooting block referred to in clause (a).

Application for reservation of shooting blocks

22. (1) An application for reservation of a shooting block shall reach the office of the Chief Wild Life Warden not earlier than ninety days and not later than thirty days before the month for which reservation of the shooting block is required.

(2) No applicant shall apply for a; reservation of a shooting block unless he possesses, a valid hunting licence issued under this Chapter.

(3) Each application shall be accompanied by particulars of the hunting licence possessed by the applicant.

Application under rule 22 how to be dealt with

23. (1) On receipt of an applications under rule 22, the Chief Wild Life Warden shall, after making such inquiry as he may deem fit, either allot the shooting blocks or reject the application.

(2) Where there are more applications than one for reservation of the same shooting block for the same period, the shooting block shall be allotted to the applicant whose application has been received earlier.

Provided that an applicant shall not get more than one shooting block at any one time.

(3). Where there are more applications than one received on the same day, the matter shall be decided by drawal of lots.

(4) The Chief Wild Life Warden shall communicate to the applicant the order passed on the application either within five days of passing the order or of the drawal of lots, as the case may be.

Chief Wild Life Warden to maintain register

24. The Chief Wild Life Warden shall maintain in his office a register which all applications made under rule 22 shall be entered and the register shall contain the following particulars, namely

- (a) the date of application;
- (b) the date of receipt in his office;
- (c) the particulars of the hunting licence, possessed by the applicant:-
- (d) whether the application has been granted or rejected.

Fee

25. (1) A person to whom a shooting block has been allotted shall within fifteen days of receipt of the order of allotment, deposit such fee as may be required by the rules made under the Forest Act, 1927 (Central Act 16 of 1927), and produce the receipt before the Chief Wild Life Warden as proof of having deposited the, requisite fee.

(2) Where a person fails to deposit the fee as required under sub-rule (1), the reservation shall be cancelled and the shooting block may be allotted to the person next in order of priority.

SANCTUARIES AND NATIONAL PARKS.

Claim to be made upon proclamation by Collector

26. Where the Collector publishes a proclamation under section 21, any right mentioned in section 19 may prefer before such Collector, within two months from the date of such proclamation, a written claim in form No. 8.

Notice to the claimant

27. On receipt of the claim made under rule 26, the Collector shall serve a notice upon the claimant requiring him to appear at such place and on such date as may be specified in such notice either in person or through an agent authorised by him in this behalf and to produce evidence, oral or documentary, in support of the claim.

Entry in sanctuary or National Park for purposes of section 28 (1) (b) (d) and (e)

28. (1) Every person desiring to enter a sanctuary or National Park for purpose of Photography as tourism or transaction of lawful business with any residing therein, shall obtain a permit which, shall be issued at the gate of the sanctuary or National Park in Form No. 9.

(2) A permit issued under sub-rule (1) shall not be, valid for a period exceeding five day.

(3) (a) The entrance fee in the case of citizen of India shall be as under :-

- (i) Photography-Rs, 2 per day.
- (ii) Tourism-Rs. 2 per day.
- (iii) Transaction of lawful business with any person residing in the sanctuary-Re. 1 per day.

- (b) The entrance fee in the case of a person other than a citizen of India shall be as under
- (i) Photography Rs. 4 per day.
 - (ii) Tourism-Rs. 4 per .day.
 - (iii) Transaction of lawful business with any person residing in the sanctuary-Rs. 2 per day,

(c) A student shall be admitted in payment of half the rate of fee mentioned in clause (a), or clause (b), as the case may be.

(d) No fee shall be payable in. respect of a child below five years age.

(e) An additional fee of Rs.5 for every light vehicle and rupees 10 for every heavy vehicle shall be levied.

4. The fee for operating a camera of the type mentioned in column (I) of the Table below by a person of the category specified in the corresponding entry in column (2) shall be paid at the rate specified in the corresponding entry in column (3) of the Said Table;

TABLE		
Type of Camera 1	Category of person 2	Amount 3 Rs.
A. Still Camera	(i) Citizen of India	Rs. 5 for first 3 days and Rs. 2 for every additional day after 3 days
	(ii) Person other than citizen of India.	Rs. 10 for first 3 days and Rs. 20 for every additional day.
B. Cine Camera	(i) Citizen of India	Rs. 20 for the first 3 days and Rs. 30 for every additional day.
	(ii) Person other than citizen of India.	Rs. 40 for first 3 days and Rs. 50 for every additional days.

Provided that the rates of shooting silent or sound feature films shall be as may be fixed by the State Government in consultation with the Chief Wild Life Warden.

(5) All the fees mentioned in sub-rule (3) & shall be chargeable in advance.

Entry in a sanctuary or National Park for purpose's section 28 (1) (a) cited (c)

29. (1) Every person desiring to enter a sanctuary or National Park for purpose of investigation or study of Wild life and purpose ancillary or incidental thereto or scientific research shall obtain a permit from the Chief Wild Life Warden or the officer in charge of the sanctuary or National Park, Which shall be issued in Form No. 9.

(2) The fee payable by a person or a party not exceeding five, for conducting investigation or study of Wild Life and purposes ancillary or incidental thereto in a sanctuary or National Park shall be Rs. 2 per day in case of a citizen of India and Rs. 4 per day for a person other than citizen of India.

(3) The fee payable by a person or a party not exceeding five, for conducting scientific research in a sanctuary or National Park shall be Rs. 5 per day in case of a citizen of India and Rs. 10 per day in case of a person other than a citizen of India.

(4) The fee payable under sub-rule (2) and (3) shall be paid in advance.

General conditions governing the issue of a permit

30. (1) A permit issued under this Chapter shall specify all or and of the following particulars, namely:-

- (a) Purpose of entry;
- (b) duration of visit;
- (c) places where camping is permitted;
- (d) areas permitted to be visited or used;
- (e) engagement of guides;
- (f) any other condition that may be deemed necessary.

(2) A permit issued under this Chapter shall not entitle any person to a free accommodation in any Government building situated in a sanctuary or National Park.

(3) (a) Any member of the Forest Department or any officer appointed under sub-section (1) of section 4 may require any person to stop within the limit of the sanctuary or National Park,

as the case may be, or at the entrance gate for purposes of checking and may demand the permit granted under this Chapter to be produced for inspection.

(b) Every person so required to stop under clause (a) shall stop within when called upon to do so and shall produce the permit for inspection.

Cancellation of permit

31. Where any person, commits any breach of any of the conditions specified in a permit, the Chief Wild Life Warden or the officer in charge of a sanctuary or National Park may, after recording his reasons in writing cancel any permit.

Power to exempt

32. Where the State Government considers it necessary of expedient so to do in the public interest, it may, by order exempt any person or class of person is from the payment of the fee payable under this Chapter.

Registration of persons holding fire arms

33. (1) Within three months from the declaration of an area is a sanctuary or National Park existing at the commencement of these rules within three months of such commencement, every person residing,, within ten kilometers of such sanctuary or National Park and holding a licence granted under the Arms Act, 1959 (Central Act 54 of, 1959), are exempted from the provisions of that Act and possessing arms, shall apply in Form No. 10 to the officer in charge, of the Sanctuary or National Park for the registration of his name.

(2) The application under sub-rule (I) shall be accompanied by a treasury receipt or Bank Challan showing that a fee of two rupees has been paid by the applicant.

(3) (a) On receipt of an application under sub- rule (1), the officer-in-charge of the sanctuary or National Park shall, after making such inquiry as he may deem fit, register the name and other particulars of the applicant in Form No. 11.

(b) A separate page in the register shall be allotted to each licensee.

(4) Where a licensee commits any offence under the Act or the rules made there under, the officer-in- charge of the sanctuary or National Park shall, make an enquiry to that effect in the register and where the registering officer is satisfied that the licensee has committed the said offence on occasions more than one he may take such steps as he considers necessary to move the authority concerned for canceling the licence under the Arms Act, 1959, (Central Act 54 of 1959).

(5) Where the licensee transfers his arms to another person by way of sale, gift or otherwise, he shall intimate the officer-in-charge of the sanctuary or National Park, within a period of fifteen days of such transfer

(6) Where the licensee shifts his residence to another place within the said ten kilometers or shifts his residence beyond the said distance he shall within a fortnight or shifting, to the new residence intimate the new address to the officer-in-charge of the sanctuary or National Park.

(7) Where the license dies, his successor or legal representative shall intimate the fact to the officer-in-charge of the sanctuary of National Park.

Trade or commerce in wild animal's, animal articles and trophies

Declarations

34. Notwithstanding any declaration that a person may have made under sub-section (1) of section 40, any person who has in his control, custody or possession, any animal, article or trophy (other than the musk of the musk deer or the horn of a rhinoceros or salted or dried skins derived. from an animal specified in Schedule I or Part II of Schedule II) shall, within thirty days from the commencement of these rules make a declaration in Form No. 12 to the Chief Wild Life Warden or an officer authorised by him in this behalf hereafter referred to as the authorised officer.

Inquiry and preparation of inventories

35. (1) On receipt of a declaration under rule 34, or under subsection (1) of section 40, the Chief Wild Life Warden or the authorised officer shall give a notice to the person making the declaration as to the date and time on which he shall enter upon the premises of such and such notice shall be served on the person making the declaration or sent to him by registered post.

(2) The Chief Wild Life Warden or the authorised officer may, after making, such inquiry as he may deem, fit, inspect the premises and animal articles, trophies and captive animals, specified in Schedule I or Part 11 of Schedule 11.

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF FOREST FARMING AND
ENVIRONMENTAL CONSERVATION
NOTIFICATION**

No. 6-9/73-SF -Dated Shimla-171002 the 11/7/79

In exercise of the powers conferred by section 64 of the Wild Life (Protection) Act, 1972 (Act 53 of 1,972) the Governor, Himachal Pradesh, is pleased to make the following rules further to amend the Wild Life (Protection) Himachal Pradesh Rules, 1975 published in the Rajpatra Himachal Pradesh dated 25-6-1975 vide notification No. 6--9/73-SF dated 24-2-1975 :-

Short Title and Commencement

1. (1) These rules may be called the Wild Life (Protection) Himachal Pradesh (Amendment) Rules, 1979.
- (2) They shall extend to the whole of the State of Himachal Pradesh.
- (3) They shall come into force at once.

AMENDMENT

Amendment to Rule 34

2. (1) The words or sub-section (4) shall be added after the words sub-section, (1) and before the words of section 40 in rule 34 of the Wild Life (Protection) Himachal Pradesh Rules, 1975, hereinafter referred to as the said rules.

(2) The sign after the words of Schedule II shall be removed and a sign shall be inserted after the words of a rhinoceros in rule 34 of the said- rules.

Amendment to Rule 35

3. The words or sub-section (4) be added after the words sub-section (1) and before the words of section 40 in rule 35 of the said rules.

Amendment to Rule 36

4. The words or the authorised officer appearing after the words The Chief Wild Life Warden shall be deleted from rule 36 of the said Rules.

By order.

Secretary (Forests)
to the Government of
Himachal Pradesh.

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF FOREST FARMING
AND ENVIRONMENTAL CONSERVATION
NOTIFICATION**

No. Fts (F) 7-6/82 dated the 12-7-84

In exercise of the powers vested in him under section 64 of the Wild Life (Protection) Act, 1972 (53 -of 1972), the Governor, Himachal Pradesh is pleased to make the following rules to amend the Wild Life (Protection,) Himachal Pradesh Rules, 1975 notified vide notification number 6-9,/73,SF dated 24-2-19,75 and published in the official gazette on 25-6-75 :-

AMENDMENTS

Short title, extent and commencement

1. (1) The rule may be called the Wild Life (protection) Himachal Pradesh (Amendment) Rules, 1984.

(2) They shall extend to the whole of the state of Himachal Pradesh.

(3) They shall come into force from the date of publication of the Rajpatra Himachal Pradesh. Amendment of rule 34

2. For the words "thirty days from the commencement of these rules" occurring in rule 34 of the Wild Life (Protection)Himachal Pradesh Rules 1975, the words "One year from the publication of the Wild Life (P) Himachal Pradesh (Amendment) Rules, 1984" shall be substituted.

By order

Sd/-

B. C. Negi

Financial Commissioner (Development) -cum- Secretary (Forests) to the Government of H.P.

(3) The Chief Wild life Warden or the authorised officer shall make, an inventory in Form No. 13 of such animals or objects found upon the premises.

(4) The Chief Wild Life Warden or the authorised officer shall affix upon the objects referred to in sub- rule (3), identification marks as far as possible in indelible ink.

Certificate of ownership

36. The Chief Wild Life Warden or the authorised officer may, for the purposes of section 40, issue a Certificate of ownership in Form No. 14 to a person who, in his opinion, is in lawful possession of any animal, animal article trophy or uncured trophy.

Application for licence to Commence or Carry on business as a manufacturer of or dealer in any animal article etc.

37. (1) Every person desiring:-

(a) to commence or carry on the business as

(i) a manufacturer of or dealer in an animal article, or

(ii) a taxidermist, or

(iii) a dealer in trophy or uncured trophy, or

(iv) a dealer in captive animals, or

(v) a dealer in meat; or

(b) to cook or serve meat in any eating house shall made an application in Form No. 15 to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

(2) An application for obtaining a licence to cook or serve meat in any eating house shall specify the species of animal whose meat he desires to cook or serve.

Grant of licence

38 (1) On receipt of an application under rule 37, the Chief Wild Life Warden, or the authorised officer shall, after making such inquiry as he may deem fit, either grant the licence or reject the application.

(2) Where an application is reelected, the fee paid there on shall be refunded expeditiously to the applicant.

(3) In granting a licence under sub-rule (1), the Chief Wild Life Warden or the authorised officer shall have due regard to

(a) the past record of the applicant as a dealer in the business which he desires to carry on,

(b) whether the person has been convicted of any offence under the provisions of the Act or the rules made there under or under any of the provisions of the Act repealed by section 66;

(c) the need for granting a licence keeping in view the abundance or otherwise, of Wild Life existing in the State.

(4) A licence.

(a) to commence or carry on the business as

(i) a manufacturer of or dealer in an animal article or a dealer in trophy or uncured trophy shall be granted in Form No. 16;

(ii) a taxidermist shall be granted in Form No. 17;

(iii) a dealer in captive animals shall be granted in Form No. 18;

(iv) a dealer in meat shall be granted in Form No. 19-,'

(b) to cook or serve meat in any eating house shall be granted in Form No. 20.

Renewal of licences

39. (1) A licensee may apply in Form No. 21 for renewal of the licence within thirty days before the date of expiry of the licence.

(2) The Chief Wild Life Warden or the authorised officer may, subject to the provision of sub-section (7) of section 44, renew the licence in Form No. 16, Form No. 17, Form No. 18, Form No. 19 or Form No. 20 as may be appropriate and specify therein the period upto to which the licence is renewed.

Fee

40. Every application for grant of licence or renewal there of shall be accompanied by a treasury receipt, or bank challan showing the fee according to the, following scale had been paid, namely: -

(a) to commence or carry on the business as

- (i) a manufacturer of or dealer in any animal article shall be 50 rupees;
- (ii) a taxidermist shall be 50 rupees;
- (iii) a dealer in trophy or uncured trophy shall be 50 rupees;
- (iv) a dealer in captive animals shall be 50 rupees;
- (v) a dealer in meat shall be 50 rupees;
- (b) to cook or serve meat in any eating house shall be rupees 50.

Conditions governing the grant of licence

41. Every licence granted under this Chapter shall specify the terms, subject, to which a business or profession shall be carried on and shall also be subject to the provisions, of the Act and the rules made there under.

Issue of bill or cash memo

42. (1) Every licence, other than a taxidermist, shall, at the time of sale, issue bill or cash memo to the purchaser and such fee or cash memo shall contain the following particulars

- (a) name of the licensee,
- (b) name, address and place of business, of the licensee,
- (c) licence number,
- (d) description of article sold,
- (e) sale price there or,
- (f) date of sale,
- (g) signature of the licensee,

(2) Every taxidermist shall at the time of returning the trophy, or uncured trophy issue a voucher to the owner thereof and such voucher shall contain the following particulars, namely:-

- (a) date of issue of voucher,
- (b) name address and place of the licensee,
- (c) licence number,
- (d) description including name of species,
- (e) price realised,
- (f) name and address of the person to whom the voucher is issued,
- (g) signature of the licensee.

Bill cash memo or voucher have to be maintained

43. (1) Every bill, cash memo or voucher as the case may be, referred to in rule 42, shall be in triplicate and serially numbered.

(2) The duplicate and triplicate copy of every bill cash memo or voucher shall be retained by the licensee and the original copy:-

- (a) in the case of a bill or cash memo, shall be given to the purchaser; and
- (b) in the case of a voucher, shall be given to the owner of the trophy.

(3) Every book containing blank, vouchers shall be presented to the Chief Wild Life Warden or the authorised officer after affixing his initials or stamp on such book before, it is brought into use.

(4) The duplicate copy of every bill, cash memo or voucher shall be sent along with the monthly return referred to in rule 45.

Maintenance of registers

44. (1) A licensed dealer in captive animals, animal article trophies or uncured trophies or meat derived there from shall maintain a register in Form No. 22.

(2) A licensee who is a taxidermist or a manufacturer of animal articles shall maintain a register in Form No. 23.

(3) A licensee authorised to cook or serve meat in any eating house shall maintain a register in Form No. 24.

(4) The licensee shall ensure that the register required to be maintained by him under this rule has been brought up to date before, closing the business for the day.

Submission of returns

45. (1) Every licensee shall submit a monthly return to:-

- (a) the Chief Wild Life Warden or the authorised officer; and
- (b) the Director of Wild Life Preservation or the officer authorised by him in this behalf, a true copy of entries made by him in; the relevant register,

referred to in rule 44 during the course of a month, duly certified and signed by the licensee as true copy of such entries.

- (2) The returns under sub-rule (1) shall be submitted by the tenth of the month following the month to which the return relates.

MISCELLANEOUS

Disposal of meat or uncured seized under section 50.

46. The Chief Wild Life Warden or the officer authorised by the Chief Wild life Warden may arrange for the sale in public auction of any meat uncured trophy seized under the provisions of section 50 and the proceeds shall be credited to the head of the account allotted by the Government from time to time in a Government treasury or Bank.

Crediting of fee deposits and royalty

47. (1) The fees payable under any of the provisions Of these rules except rules 25 - 28 and, 29 shall be credited to the account allotted for the purpose by the Government from time to, time in a Government treasury or Bank.

(2) A deposit or royalty payable under any of the provisions of these rules shall be credited to the head of account allotted by the Government from time to time in a Government treasury or Bank.

Power to compound offences

48. For the purposes of section, the following offices shall be empowered to accept payment of a sum of money by way of compensation of an offence against the Act, and to release on a payment of the value there of any property seized within the area of his jurisdiction namely :-

- (a) Chief Wild Life Warden;
- (b) Wild Life Warden-,
- (c) A Forest Officer of a rank not inferior to that of the Deputy Conservator of Forests.

Cognizance of offences

49. The following, officers shall be authorised make complaints under section 55, namely : -

- (a) the Chief Wild Life Warden;
- (b) the Wild Life Warden;

Repeal and savings.

50. As from the commencement of these rules

- (a) the rules regarding hunting, shooting, setting, setting of traps or snares in Reserved and Protected Forest of Himachal Pradesh 1958;
- (b) the rules under the Punjab Wild Birds and Wild Animals Act, 1933 (if of 1933) as applied to Himachal Pradesh as it comprised immediately before 1st November. 1966 vide notification No. Ft. 85-1/48, dated 15th September, 1949, and
- (c) the Punjab Wild Life Preservation Rules 1961, under the Punjab Wild Life Preservation Act 1959 (Punjab Act No. 14 of 1959) as in force in the areas added to H.P. under section 5 of the, Punjab Re-organisation Act 1966 (31 of 1966);

shall stand repealed :

Provided that such repeal shall not

- (i) affect the previous operation of the rules so repealed or anything duly done or suffered thereunder; '
- (ii) affect any right privilege, obligation or any liability acquired, accrued or incurred under the rules so repealed;
- (iii) affect any investigation Legal Proceeding, or remedy in respect of any such right, privilege, obligation or liability

Provided further that subject to the proceeding proviso, anything done or any action taken under the rules so repealed, shall in so far as it is not inconsistent with the provisions of these rules be deemed to have been done or taken under corresponding provisions of these rules and shall continue in force accordingly, until it is superseded by anything done or any action taken under these, rules.

P. K. Mattoo
Secretary (Fts.) to the
Govt. of Himachal Pradesh

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF FOREST FARMING &
ENVIRONMENTAL CONSERVATION.**

NOTIFICATION

No. 11-77/76-SF dated Shimla-2, 26-3-1977

In exercise of the powers conferred on him, by section 64 of Wild Life (Protection) Act, 1972 (53 of 1972), the Governor of the Himachal Pradesh is pleased to make the following rules to amend the Wild life, (Protection) Himachal Pradesh Rules, 1975 published in the Rajpatra, Himachal Pradesh dated 25-6-1975 vide H.P. Govt. Notification No. 6-9/76-SF-, dated 24-2-1975

Short Title, Rules and Commencement

1. (i) These rules may be called the Wild Life (P) Himachal Rules, 1977.
(ii) They shall come in force at once.
2. After existing, rule 49 of the Wild Life (Protection)-Himachal Pradesh Rules, 1975, the following rules 49-A shall be added, namely:-

"49-(A)-Rewards. (1) Any person or persons giving such bonafide information as shall lead to conviction under these rules shall be entitled to reward the amount of which may, at the discretion of the Chief Wild Life Warden, extend to the full amount of the fine inflicted by the Court or up to the limit of half the compensation receiving the above rewards.

EXPLANATION: The Govt. employees who give such information shall not be debarred from receiving the above awards.

(2) The reward can be paid either in cash or recognition in the form of prizes certificates or increments in pay as an incentive to private citizens and the Govt. officials, as the case may be.

(3) The grant of reward need not be linked with the completion or successful conclusion of the, prosecution cases or the compounding of the offence. The Chief Wild Life Warden or the, Conservator of Forests, of the area concerned will have the discretion to pay reward at any time on assessing the value of information given or assistance or rendered.

(4) If after payment of reward the conviction is reversed on appeal the amount paid way in reward shall not be recovered from the person to whom it has been paid, unless it shall appear that they have acted fraudulently in the case.

**Sd/-
R. C. Gupta
Secretary (Forests) to the
Govt. of H.P. Shimla-2**

FORM NO. 1

[See rule 9 (1)]

Form of application for special game/big game/small game, hunting licence

To,

The Chief Wild Life Warden/Authorised Officer,

.....

.....

Sir,

I.....resident of in the District
.....apply for special game/big game/small game. hunting licence
to hunt under the provisions of Wild Live (Protection) Act, 1972 and the rules made there under.
I enclose the treasury receipt or Bank Challan for Rs..... Rupees in words
..... only) being the monthly/yearly fee for the licence.

I have read the Act and the rules made thereunder and I undertake to abide by the same.

I am not required /am required to get my name registered under section 34 of the wild
life (Protection) Act, 1972,

and the registration has been done by the officer in charge of the
Sanctuary/National Park.

I possess an arms licence, for sport in Form III set out in Schedule III to the Arms Rules,
1962. The arms licence is herewith enclosed for verification and return.

I wish to use the following weapons for hunting special game/big game/small game

(1)

(2)

(3)

The licence is required for the Forest Division in the District of
..... for the whole State.

Yours faithfully,

(Signature of the Applicant)

(Strike out whichever is not Applicable)

FORM NO. 2

(See rule II)

Form of application for wild animal trapping licence

To

The Chief Wild Life Warden,

.....

.....

Please affix
Photograph
here

Sir,

I..... resident of in the District apply for a Wild Animal Trapping licence to trap the following animals in the district for the period of commencing from

Name of Animals	Method of trapping	No. of each species	Purpose of capture	Area For which licence is required
1	2	3	4	5
(1)				
(2)				
(3)				

(2) I have pasted one recent passport size photograph at the space provided in this application form and one copy is security tagged for passing on the licence.

(3) I enclose the treasury receipt or Bank Challan for Rs(in words only being the monthly/yearly fee for the licence.

4. I have read the Wild life (Protection) Act, 1972 and the rules made there under and under take to abide by the same.

Yours faithfully,

(Signature of the applicant)

(Strike out whichever is not applicable)

FORM No. 3
[See rule 13(5)]
SPECIAL GAME HUNTING LICENCE
OFFICE OF THE CHIEF WILD LIFE WARDEN

1. Licence No
2. Date of Issue
3. Name of licensee
4. Profession
5. Address
6. The licence shall be applicable to the shooting block/Forest Division/ District/ State
7. Details of weapons permitted to be used for hunting.....
8. Period for which valid:

From.....To.....

9. Licence fee paid	Deposit made	Royalty paid
Rs.....	Rs.....	Rs.....

10. Subject to the provisions of the Wild Life (Protection) Act 1972, and the rules made thereunder, the following may be hunted during the period of the licence by the licensee:

Animal	Maximum number to be hunted	Sex	Minimum size of horns tusk or body	Royalty, if any paid
1.	2.	3.	4.	5.

NOTE 1. This Licence does not entitle the Licensee to hunt in areas notified as game reserves under section 36 of the Act, except when permitted to do so by the Chief Wild Life Warden and where permission has been granted, any entry shall be made to that effect in this Licensee, whereupon this licence shall be deemed to have been issue under section 36 of the Act.

NOTE 2. The licence shall be subject to the closed time declared under section 16 of the Act.

NOTE 3. While hunting, the licensee shall strictly adhere to the provisions of section 17 of the Act and rule 17 of the Wild Life (Protection) (Himachal Pradesh) Rules, 1975.

NOTE 4. This licensee shall be surrendered to the issuing authority within 15 days of its expiry together with the Statement Form No. 7 of animal hunting by him.

Section 17 of Wild Life (Protection) Act, 1972, Restrictions on hunting's

17. (1) No person shall:-

17. (I) (a) hunt any wild animals, from or by means of a wheeled or a mechanically propelled vehicle on water or land, or by aircraft;

(b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;

(c) hunt any wild with chemicals, explosives, nets pitfalls, poisons poisoned-weapons snares or traps, except in so far a, they relate to the capture of wild animals under a Wild Animal Trapping licence;

(d) hunt any special game or big game other than with rifle, unless specially authorised by the licence to hunt with a shot gun using single slug bullets;

(e) for the purpose of hunting, set fire to any vegetation;

(f) use any artificial light for the purpose of hunting, except when specially authorised to do so under a licence in the case of carnivore over a kill;

(g) hunt any wild animal during the hours of night, that is to say, between sunset and sunrise, except when specially authorised to do so under a licence in the case of carnivore over a kill

(h) hunt any wild animal on a salt-lick or water hole or other drinking place or on path or approach to the same, except sandgrouse and water-birds;

(i) hunt any wild animal on any Land not owned by Government without, the consent of the owner or his agent or the lawful occupiers or such land;

(j) notwithstanding that he holds a license for the purpose, hunt any wild animal during the closed time referred to in section 16;

(k) hunt, with the help of dogs, any wild animal except water birds, chakor, partridge or quali.

17. (2) the provisions of sub-section (1) shall not apply to vermin.

Rule :-17 of Wild Life (Protection) (Himachal Pradesh) Rules, 1975-General conditions governing the grant of licence except sub-rule 4, 8 (a) and 8(b)

17. (1) The special game hunting licence and the big game hunting licence shall specify:-

(a) the number of animals of any species,

(b) the sex, and

(c) the minimum size of each specimen that could be hunted.

(2) The small game hunting licence shall also specify the minimum, number of each species that could be hunted in the course of a day.

(3) The license may hunt both the sexes of a species unless he is prohibited by any condition to the contrary specified in the licence.

(4) A holder of special game hunting licence, a big game hunting licence or a small game hunting licence shall not sell or barter to any person any animal shoot by him or any meat uncured trophy derived there from.

NOTE 5. The permit/licensee and licence Tag issued under these rules shall be non-transferable.

NOTE 6. Mere drawing of valid hunting licence or permit shall not permit, the holder of such licence or permit to hunt, shoot, capture or kill unless licence tag is drawn for animals/birds from the authorized officer concerned Where licence is interested to hunt,. Shoot, kill or capture will life.

NOTE7. The licensee shall carry the licence Tag while hunting wild life and upon killing of any animal / bird permitted on such Tag shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the Licence Tag must be immediately attached to the horns or antlers or ear of the animal and with the legs of the Bird, so permitted to the shot and kept attached during the open season and for days thereafter. The other part of the Tag shall be immediately sent to the licence Tag Issuing Officer after it has been counter signed,

(Strike out whichever is not applicable).

Chief Wild Life Warden

(6) (a) Any person who is entitled to hunt a dangerous animal under a special game hunting licence or a big game hunting licence and who wounds such animal shall do his utmost to kill the same.

(b) On his failure to do so, he shall forthwith inform in writing the issuing officer and the Divisional Forest Officer of the area in which such occurrence had taken place, giving reasons why the wounded animal could not be tracked and killed and he shall also inform the Gram Panchayat of the adjoining area of the existence of the wounded animal in the neighborhood.

(7) For the purpose of a special game hunting licence and a big game hunting licence. an animal which has been wounded and lost shall be deemed to have been hunted under the licence, and the licensee shall forfeit the right to hunt another specimen in the place of the one wounded and lost.

(9) (a) A licensee under this Chapter shall intimate in advance the Divisional Forest Officer concerned his desire to organize drives in any reserve forest, giving the date and the place where he desires to have such drives.

(b) If the Divisional Forest Officer is of opinion that such drive could not be allowed, he may, for reasons to be recorded in writing, prohibit such drive and communicate the same to the holder of the licence,

(10) Any machan or pit constructed for purpose of hunting shall immediately be dismantled or filled on the completion of hunting.

(11) All trophies which had been killed or captured in contravention of the conditions of the licence, including specimens smaller than the minimum dimensions specified, shall be deemed to be Government property under section 39.

(12) While hunting or trapping any wild animal a license shall carry with him his licence and shall, on demand, produce for inspection such licence before any staff of the Forest Department of the State, or an officer appointed under sub-section (1) of section 4.

(13) A licence granted under this chapter shall not be transferable.

(14) A licence under this Chapter shall maintain a record in Form No. 7 of the animal skilled captured or wounded by him and such record shall be surrendered to the issuing officer as required by section 10.

(15) Any license granted under this chapter shall not be valid during the period of closed time declared under sub-section (1) of section 16.

FORM NO. 4

[See rule 13(5)]

Big game hunting licence

Office of the

.....

.....

.....

Licence No

1. Date of issue

2. Name of licensee

4. Profession

5. Address

6. The licence shall be applicable to the shooting block/Forest Division/District/State.....

7. Details of weapons permitted to be used for hunting.....

8. Period for which valid from. to.....

Licence fee paid

Deposit made

Royalty paid

Rs.....

Rs.....

Rs.....

Subject to the provisions of the Wild Life (Protection) Act, 1972 **and** the rules made thereunder, the following may be hunted during the period of the license.

Animal	Maximum number to be hunted	Sex	Minimum size of horns tusk or body	Royalty, if any paid
1.	2.	3.	4.	5.

NOTE 1. This licence does not entitle the licensee to hunt in areas notified as game reserves under section 36 of the Act, except whom permitted to do so by the Chief Wild Life Warden where as permission has been so granted. an entry shall be made to that effect in this licence, where upon this licence shall be deemed to have been issued under section 36 of the Act.

NOTE 2. The licence shall be subject to the closed time declared under section 16 of the Act.

NOTE 3. While hunting, the licensee shall strictly adhere to the provisions of section 17 of the Act and rule 17 of the Wild Life (Protection) (H.P. Rules, 1975).

NOTE 4. This licence shall be surrendered to the issuing authority within 15 days of its expiry together with the statement in Form No. 7 of animals hunted by him.

NOTE 5. The permit/licence and licence Tag issued under these rules shall be NON TRANSFERABLE.

Section 17 of Wild Life (Protection) Act, 1972, Restrictions on hunting.

17. (1) No person shall

17 (1) (a) hunt any wild animal, from or by means of, a wheeled or a mechanically propelled vehicle on water or land, or by aircraft

(b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal

(c) hunt any wild with chemicals, explosives, nets, pitfalls, poisons, poisoned-weapons, snares or traps, except in so far as they relate to the capture of wild animals under a Wild Life. Animal Trapping Licence

(d) hunt any special game or big game other than with rifle unless specially authorised by the licence to hunt with a shotgun using single slug bullets,;

(e) for the purpose of hunting set fire to any vegetation use any artificial light for the purpose of hunting except when specially authorised to do so under a licence in the case of carnivore over a kill

(f) use any artificial light for the purpose of hunting except when specially authorized to do so under a license in the case of carnivore over a kill;

(g) hunt any wild animal during the hours of night, that is to say, between sunset and sunrise, except when specially authorised to do so under a licence in the care of carnivore over a kill

(h) hunt any wild animal on a salt lick or water hole or other drinking place or approach to the same, except sandgrouse and water birds

(i) hunt any wild animal on any land not owned by Government without the consent of the owner or his agent or the lawful occupier or such and

(j) notwithstanding that he holds a licence for the purpose, hunt any, wild animal during the closed time referred to in section 16

(k) hunt, with the help of dogs, and wild animal except water bird s, chakor, partridge or quali

17. (a) The provisions of subsection (1) shall not apply to vermin.

Rule 17 of the Wild Life (Protection) (Himachal Pradesh) Rules, 1975-General conditions governing the grant of licence except sub-rule 4, 8 (a) and 8 (b)

17. (1) The special game hunting licence and the big game hunting-licence shall specify:-

(a) the number of animals of any species,

(b) the sex, and

(c) the minimum size of each specimen that could be hunted.

(2) The small game hunting licence shall also specify the minimum number of each species that could be hunted in the course of a day.

(3) The licensee may hunt both the sexes of a species unless he is prohibited by any condition to the contrary specified in the licence.

(4) A holder of special game hunting licence, a big game hunting licence or a small game hunting licence shall not sell or barter to any person any animal shoot by him or any meat uncured trophy derived therefrom.

NOTE 6. More drawing of valid hunting licence or permit shall not permit the holder of such licence or permit to hunt, shoot, capture or kill unless licence tag is drawn for

animals/birds from the authorised officer concerned where licensee is interested to hunt, shoot, kill or capture wild life.

NOTE 7. The licensee shall carry the licence Tag while hunting wild life and upon killing of any animal bird permitted on such Tag shall immediately fallout both parts of the tag and punch out clearly the date of the kill. One part of the licence Tag must be immediately attached to the horns or antlers or ear of the animal and with the legs of the Bird, so permitted to be shot and kept attached during the open season and for 10 days there after. The other part of Tag shall be immediately sent to the licence Tag issuing Officer after it has been countersigned.'

Issuing Officer,

(Strike out whichever is not applicable)

(6) (a) Any person who is entitled to hunt a dangerous animal under a special game hunting licence or a big game hunting licence and who wounds such animal shall do his utmost to kill the same.

(b) On his failure to do so, he shall forthwith inform in writing the issuing officer and the Divisional Forest Officer of the area in which such occurrence had taken place giving reasons why the wounded animal could not be tracked and killed and he shall also inform the Gram Panchayat of the adjoining area of the existence of the wounded animal in the neighbourhood;

(7) For the purposes of a special game hunting licence and a big game hunting licence, an animal which has been wounded and lost shall be deemed to have been hunted under the licence, and the licensee shall forfeit the right to hunt another specimen in the place of the one wounded and lost;

(9) (a) A licensee under this Chapter shall intimate in advance the Divisional Forest Officer concerned his desire to organise drives in any reserve forest, giving the date and the place where he desires to have such drives.

(b) If the Divisional Forest Officer is of opinion that such drive could not be allowed, he may, for reasons to be recorded in writing, prohibit such drive and communicate the same to the holder of licence.

(10) Any machan or pit constructed for purpose of hunting shall immediately be dismantled or filled on the completion of hunting.

(11) All trophies which had been killed or captured in contravention of the conditions of the licence, including specimens smaller than the minimum dimensions specified, shall be deemed to be Government property under section 39.

(12) While hunting or trapping any wild animal a licensee shall carry with him licence and shall, on demand, produce for inspection such licence before any staff of the Forest Department of the State, or an officer appointed under subsection (1) of Section 4.

(13) A licence granted under this chapter shall not be transferable.

(14) A licensee under this Chapter shall maintain a record in Form No. 7 of the animals killed, captured or wounded by him and such record shall be surrendered to the issuing officer as required by section 10.

(15) Any licence granted under this chapter shall not be valid during the period of closed time declared under sub-section (1) of section 16.

FORM NO. 5
[See Rule 13(5)]
Small game hunting licence

Office of the
.....
.....

1. Licence No

2. Date of issue

3. Name of licence

4. Profession

5. Address

6. The licence shall be applicable to the shooting block/Forest Division/District State

7. Details of weapons permitted to be used for hunting.

8. Period for which valid From To

9. Licence fee paid Deposit made Royalty paid
 Rs Rs Rs

Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder the following may be hunted during the period of the licence by the licensee:

Animal	Maximum number to be hunted	Sex	Minimum size of horns tusk or body

1.

2.

3.

4.

(1)

(2)

(3)

NOTE 1. This licence does not entitle the licensee to hunt in areas notified as game reserves under section 37 of the Act, except when permitted to do so by the Chief Wild Life Warden. Where a permission has been granted, an entry shall be made to that effect in this licence whereupon this licence shall be deemed to have been issued under section 36 of the Act.

- NOTE 2. The licence shall be subject to the closed time declared under section 16 of the Act.
- NOTE 3. While hunting, the licensee shall strictly adhere to the provisions of section 17 of the Act and rule 17 of the Wild Life (Protection) (H.P.) Rules, 1975.
- NOTE 4. This licence shall be surrendered to the issuing authority within 15 days of its expiry together with the statement in Form No. 7 of animals hunted by him.
- NOTE 5. The permit/license and licence Tag shall be non-transferable.
- NOTE 6. More drawing of valid hunting licence or permit shall not permit the holder of such licence or permit to hunt, shoot, capture or kill unless tag is drawn for animals/birds from the authorised officer concerned where licensee is interested to hunt, shoot, kill or capture wild life.
- NOTE 7. The licensee shall carry the licence Tag while hunting wild life and upon killing of any animal/bird permitted on such Tag shall immediately fill out both parts of the Tag and punch out clearly the date of the kill. One part of the licence Tag must be immediately attached to the bird, so permitted to be shot and kept attached during the open session and for 10 days thereafter. The other part of the Tag shall be immediately sent to the licence Tag issuing officer after it has been countersigned.

Issuing Officer.

(Strike out whichever is not applicable)

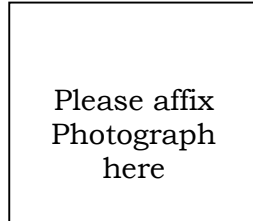
- (6) (a) Any person who is entitled to hunt a dangerous animal under a special game hunting or a big game hunting licence and who wounds such animals shall do his utmost to kill the same.
- (b) On his failure to do so, he shall forthwith inform in writing the issuing officer and the Divisional Forest Officer of the area in which such occurrence had taken place, giving reasons why the wounded animal could not be tracked and killed and he shall also inform the Gram Panchayat of the adjoining area of the existence of the wounded animal in the neighbourhood;
- (7) For the purposes of a special game hunting licence and a big game hunting licence an animal which has been wounded and lost shall be deemed to have been hunted under the licence and the licensee shall forfeit the right to hunt another specimen in the place of the one wounded and lost.
- (9) (a) A licensee under this Chapter shall intimate in advance the Divisional Forest Officer concerned his desire to organise drives in any reserve forest, giving the date and the place where the desires to have such drives.
- (b) If the Divisional Forest Officer is of opinion that such drive could not be allowed, he may, for reasons to be recorded in writing, prohibit such drive and communicate the same to the holder of the licence.
- (10) Any machan or pit constructed for purpose of hunting shall immediately be dismantled or filled on the completion of hunting.
- (11) All trophies which had been killed or captured in contravention of the conditions of the licence, including specimens smaller than the minimum dimensions specified, shall be deemed to be Government property under section 39.
- (12) While hunting or trapping any wild animal a licensee shall carry with him his licence and shall, on demand, produce for inspection such licence before any staff of the Forest Department of the State, or an officer appointed under sub-section (1) of section 4.
- (13) A licence granted under this chapter shall not be transferable.
- (14) A licensee under this Chapter shall maintain a record in Form No.7 of the animals killed, captured or wounded by him and such record shall be surrendered to the issuing officer as required by section 10.
- (15) Any licence granted under this chapter shall not be valid during the period of closed time declared under sub-section (1) of section 16.

FORM NO.6
[See rule 13(5)]
Wild Animal Trapping Licence

Licence No of 19..... dated. day of.

Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder, permission is hereby granted to Shri resident of District..... to capture the animals specified below during the period commencing from and ending with

1. Area in which trapping is permitted



2. (i) Name of animal
- (ii) No. to be trapped
- (iii) Sex
- (iv) Minimum size
- (v) Royalty, if any, paid

3. Method of trapping and conditions under which the trapping should be carried out is given overleaf.

4. This licence shall be subject to the closed time declared under section 16 of the Wild Life (Protection) Act, 1972.

5. The licensee shall, while trapping, strictly adhere to the provisions of section 17 of the Act and rule 17 of the Wild Life (Protection) (Himachal Pradesh) Rules, 1975.

6. This licence shall be surrendered to the issuing authority within 15 days of its expiry or before leaving the area specified in the licence whichever is earlier, together with the statement in Form -No. 7 of animals captured by him.

Chief Wild Life Warden

DETAILED CONDITIONS

1. A licensee may use any kind of net, noose or snare, but he shall not use more than one contrivance of either kind at one and the same time.
2. A licensee may not engage or employ non licensee to assist him with gear.
3. The premises should be on high ground and not damp and close to any marshy place.
4. The Wild animal on arrival at the premises of a licensee or exporter shall be got examined by a veterinary Surgeon and a certificate regarding their fitness or otherwise obtained.
5. Separate container for water and food should exist in each cage.
6. Every batch on arrival should be kept in separate cage and the cages should be kept at a distance from one another.
7. A record of all fresh arrivals, disposals on account of exports deaths etc., during the day and balance at the end of the day should be kept on a register.
8. The exporter should secure the services of any private veterinary Surgeon or in the alternative should make arrangements to secure the services of a Veterinary Assistant Surgeon in Govt. services or in the service of local Body and arrange for its conveyance to and from the hospital where necessary.
9. All sick animals should be isolated and should be kept at a distance of at least ten yards from other animals.
10. A record should be kept of each animal and a register maintained giving details of the disease and treatment and also the dates on which the disease was detected and was cured.
11. Capturing of wild animals within radius of 500 yards from the premises or boundaries of any sacred or religious places like tanks, ghats etc or any such place shall be prohibited.
12. A licensee shall submit his two photographs passport size, one for affixing on the licence and the other on. the application for his identity.

FORM No.7

[See rule 17(14) and D/C (20).]

Form of record of animals killed, captured or wounded

Record of game killed, captured or wounded by under licence No
.....

Special game/big game/small game/wild animal trapping licence.

1. Species
2. No. shot or trapped
3. Place and date of shooting or trapping.....
4. 4. Sex
5. Size of horns or tusks or other dimensions
6. Details of animals lost after wounding

I hereby declare that the information given above is correct and that no other animal listed in Schedule II Schedule III/Schedule IV to the Wild Life (Protection) Act, 1972 was killed, captured or wounded by me in the State of during the period specified in the licence.

Licence holder's signature.

NOTE ' In the case of killing, capturing or wounding of any animal specified in Schedule 11 or Schedule III to the Act, the above mentioned particulars will have to be submitted to the issuing authority with 15 days from the date of such killing, capturing or wounding before the area specified in the hunting or trapping licence whichever is earlier [see section 10(2) of the Wild Life Protection) Act, 1972.]

Claim Form

The Collector of

I son of

resident of hereby declare that I have the right
specified in the Table below in or over the land comprised within the sanctuary
..... referred-to in proclamation No
..... dated the

TABLE

Nature of rights claimed in the sanctuary	Extent of such rights in the sanctuary	If the rights are shared as a co-proprietor etc. details thereof	Period from which such rights are enjoyed	Amount and particulars of compensation claimed.
1.	2.	3.	4.	5.

(2. I hereby declare that the property is free from all encumbrance of that the property is under encumbrances (Specify the details).....
.....
.....)

3. I enclose here with documents proving the nature and extent of my right and the date from which such right is being enjoyed.

4. The rents or profits received on account of such right for the three years immediately preceding the date of application are set forth below :-

TABLE

Year	Amount
19:..	
19:	
19:	
5.	In the case of casement right, the annual value rupees
Place	

Signature of the applicant.

[Strike out whichever is not applicable.]

FORM NO. 9
[See rule 28(1) & 29 (1)]

Form of permit to enter in wild Life Sanctuary/National Park (Non-transferable).

(to be returned to the permit issuing authority within 15 days of the expiry of the permit together with an inventory of the business transacted or research made etc.)

Permit No Dated day of subject to
the provisions of rule No. 28 to 33 of the wild Life (Protection) Himachal Pradesh Rules, 1975
permission is hereby granted to Shri
.....
(name)

.....
.....
(address)

for a period of from the date of
to the day of from the date of
to enter/reside in the Wild Life Sanctuary/National Park Division
..... District Himachal Pradesh State for

- a) Investigation or study of Wild Life and purposes ancillary or incidental thereto.
- b) Photography.
- c) Scientific research.
- d) Tourism.
- e) Transaction of lawful business with any person residing in the sanctuary.

Issuing Officer.

(Strike out whichever is not applicable.)

FORM NO. 10

[See rule 33 (1)]

Form of application for registration under section 34 of the Wild-Life, (Protection) Act, 1972.

To

Officer in-charge of

Sanctuary/National Park,

.....

Sir,

I resident of village

District live within ten kilometers of
sanctuary/National Park and apply for the registration of my name and address in accordance
with the provisions of the Wild

Life (Protection) Act, 1972.

2. The particulars of the arms possessed by me are as under. I am exempted from the
provisions of the Arms Act, 1959 (Central Act, 54 of 1959).

S.No. of license and date of issue	Brief description of each weapon with details e.g. distinguishing marks, register No. etc	Quantity and description of each kind of ammunition entitled to possess	Whether license is for sport/self protection or display	Date on which license expires	Remarks (name & address of retainer if specified in the license)
1	2	3	4	5	6

3. I enclose treasury receipt/Bank Challan No

for Rs (in words) being the
registration fee.

4. The arms licence is sent herewith for verification, endorsement and return,

Full address of

applicant, place and date :

Yours faithfully,

Signature of the applicant.

(Strike out whichever is not applicable)

FORM NO.11**[See rule 33 (3)]****Register of persons possessing arms**

Name of registered person :

Profession :

Village District

(residing within ten kilometers of sanctuary/National Park,

Sr. No.	No. of license and date of issue whether license is for sport, self protection or display	Arms and ammunition the license is entitled to		The area for which license is valid	Name and address of retainers if any
		Particulars of arms	Quantity of ammunition		
1	2	3	4	5	6

Date on which license expires	Particulars of any offence committed under Wild Life (Protection) Act, 1972 of the rules made thereunder, date place, punishment, if any etc.	Particulars of any second or subsequent offence committed	Particulars of any transfer of arms by the licensee	Particulars of change of residence	Remarks
7.	8.	9.	10.	11.	12

FORM NO. 12

(See rule 34)

Form of declaration of trophy etc.

To

The Chief Wild Life Warden/Authorised Officer,

.....

.....

Sir,

I.....resident. of in the District
of declare that i have in my control , custody or
possession the following

Animals article/ trophy derived from animals specified in Schedule I and Part II Wild Life (Protection Act, 1972)	Num-ber	Description including name of animal from which derived	Dimen-sions	How obtained	Premises where kept.
1	2	3	4	5	6

-
1. Animal article.
 2. Trophy.

Yours faithfully,

Signature of the applicant.

Place:

Date :

FORM NO. 13**[See rule 37 (3)]****Inventory of stocks**

Shri S/o resident of has declared in Form No. 12 on as being in control, custody or possession of animals specified in Schedule I or Part 11 or Schedule 11 to the Wild life (Protection) Act, 1972 and /or of animals article/trophies/uncured trophies derived therefrom as listed below :

2. On visiting the premises on and making personal inquire the stock specified below were found to be in the control.

Animal Article)	Stock Declared	Stocks found in control custody or possession after verification	Particulars of identification marks	Remarks
1	2	3	4	5

- I (i) Description including name of animal from which derived.
(ii) Number.
(iii) Dimensions or weight.
(iv) Premises where kept.

II CAPATIVE ANIMALS

- (i) Species and sex.
(ii) Number.
(iii) Adult or juvenile.
(iv) Premises where kept.

III TROPHIES

- (i) Description including species of animals.
(ii) Number.
(iii) Dimensions or weight.
(iv) Premises where kept.

The above verification was done in the presence of the following members of the household whose signatures are appended below

Signature of the Chief Wild Life
Warden Authorised Officer.

1. Name and signature of the member of household.
Date:

2.

3. Date

(Strike out whichever is not applicable)

FORM NO. 14

(See rule 36)

Office of the

.....

.....

Name

Address

It is hereby certified that Shri has under his control, custody or possession the following animals, animal articles, trophies, uncured trophies, specified in Schedule I or Part 11 of Schedule 11, to the Wild Life (Protection) Act, 1972.

Item including species from which derived	Dimension and description and sex if possible	Number	Place where kept	Identification marks affixed
1	2	3	4	5

1. Animals.

2. Animals articles.

3. Trophies.

4. Uncured trophies.

Date :

The Chief Wild Life Warden/
Authorised Officer

Seal :

FORM NO. 15

(See rule 37)

To

Chief Wild Life Warden/ Authorised Officer.

Form of application for obtaining licence as manufacture, taxidermist, dealer etc.

1. Name of applicant
2. Profession
3. Address
4. If the licence is to be issued in the name of a company, applicant's relationship with that company.....
5. Name of business/shop/and address
6. Name and address of shareholder/ partner.....

(1)

(2)

(3)

(4)

7. Location

8. Licence is required to

(a) commence or carry on the business as:-

- i. a manufacture of or dealer in any animal article,
- ii. a taxidermist.
- iii. a dealer in trophy or uncured trophy.
- iv. a dealer in captive animals,
- v. a dealer in meat,

(b) to cook or serve meat in the eating house.

9. Number and date of previous licence, if any

(to be surrendered with the application)

10. If stocks has been duly declared under section 44(2) of the Wild Life (Protection) Act, 1972, date of declaration

11. Species of animals in which trade/taxidermy is proposed to be carried/including approximate number of each species, number of animal articles to be manufactured, and number of trophies and description of uncured trophies in which trade will be carried on

12. The name of licensee (with particulars of licence number) from whom the applicant will acquire stocks

13. Herewith enclosed a treasury receipt/Bank Challan showing payment of fees of Rs for one year to commence or carry on the business as I have read the Wild Life (Protection) Act, 1972 and the rules made there-under and undertake to abide the same.

Place

Signature of the applicants

Date

(Strike out whichever is not applicable.)

FORM NO. 16

[See rule 38 (3) and 39 (2)]

Form of licence for dealing in and manufacture of animals articles or uncured trophies.

Licence No Date the day of 19.....

Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder,

Shri Son of

..... proprietor/ manager of business/shop by the

name situated at street :.....

in the town in district is hereby authorised to deal in animal

articles, trophies or uncured trophies and/or manufacture animal articles for a period of one

year commencing in the day of 19 and ending with the day

of 19

2. The licensee shall also abide by the conditions laid down below.

(a) the licensee shall only deal in animal articles/trophies/uncured trophies derived from the following species of animals

(1)

(2)

(3)

(b) the licensee shall only make animal articles specified in column (1) of the table below from trophies or uncured trophies derived from species of animals specified in the corresponding entry in column (2) of the said table.

TABLE

Animal article (1)	Species of animals (2)

(c) the licensee shall purchase, receive or acquire an animal article/trophy/uncured trophy only from a dealer or from a person licensed or as the case may be, authorised to sell or otherwise transfer the same under the Act or the rules made thereunder.

(d) the licensee shall not purchase, receive or acquire or transport an animal article/trophy/uncured trophy in violation of the provisions of section 43 or section 48 of the Act;

(e) the licensee shall carry on his business only during business hours and at premises. The place of business may be changed only with the prior permission of the authority that has issued this licence. All animal articles, trophies and uncured trophies shall be stored only at premises.

(f) this licence shall be displayed at a conspicuous place of the premises in which the business of the licensee is carried on and shall be produced for inspection demand being made by an officer appointed under sub-section (1) of section 4, or specified in sub-section (1) of section 50, of the Act.

3. The licensee has paid annual fee of Rs.

4. The licensee shall display, at a place of prominence, on the place of business a list of all animals, birds, reptiles etc. included in Part A of Export Trade (Control) Order, 1968.

Signature of the Issuing Authority.

Date -

(Strike out whichever is not applicable)

The licence is renewed and shall be valid upto-

(a)

Signature of the Issuing Authority.

Date -

(b)

Signature of the Issuing Authority.

Date

FORM NO. 17

[See rule 38 (3) and 39 (2)]

Form of Licence for taxidermy

Licence No Dated the day of 19

Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder, Shri son of proprietor/ Manager of business/shop by the name..... situated at street..... in the town in district is hereby authorised to do taxidermy for a period of one year commencing on the day of 19 and ending with the day of 19.....

2. The licensee shall also abide by the conditions laid down below:

(a) he shall do taxidermy only of trophies,/uncured trophies of the following species of animals:

- (1)
- (2)
- (3)
- (4)
- (5)

(b) the licensee shall purchase, receive, or acquire a trophy/uncured trophy only from a dealer or from a person licensed or as the case may be, authorised to sell or otherwise transfer or hunt the same under the Act or the rules made thereunder;

(c) the licensee shall not purchase, receive, acquire or transport a trophy/uncured trophy in violation of the provisions of section 43 of section 48 of the Act;

(d) the licensee shall do taxidermy only during business hours and at premises. The place of business may be changed only with prior permission of the authority that has issued this licence and where the place of business has been changed, the particulars of the new premises shall be entered in this license. All trophies/uncured trophies shall be stored only at premises

(e) this licence shall be displayed at a conspicuous place of the premises in which the business of the licensee is carried on and shall be produced for inspection on demand being made by an officer appointed, under sub-section (1) of section (4), or specified in sub-section (1) of section 50 of the Act.

3. The licensee has paid the annual fee of Rs

4. The licensee shall display, at a place of permission on the place of business, a list of animals, birds, reptiles etc. whose export from the country has been banned and which are included in Part A of the Export Trade (Control) order, 1968.

Signature of the Issuing Authority Date :

Signature of the Issuing Authority.

Date

(Strike out whichever is not applicable.)

(a)

Signature of the Issuing Authority.

Date

(b)

Signature of the Issuing Authority.

Date

FORM NO. 18

[See rule 38 (3) and 39 (2)]

Form of licence for dealing in captive animal

Licence No Dated the day of 19

Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder,
Shri. son of proprietor
manager of business/shop by the name situated at street
..... in the town in district hereby authorised
to deal in captive animals for a period of one year commencing on the day of
..... 19 and ending with the day of
..... 19

2. The licensee shall also abide by the conditions laid down below

(a) the licensee shall deal only in captive animals specified below

Species	Minimum size	sex

(b) the licensee shall purchase, receive, or acquire any of the captive animal aforesaid only from a dealer or from a person licensed or as the case may be, authorised to capture and sell that animal under the Act or the rules made thereunder:

(c) the licensee shall not purchase, receive, acquire or transport any of the captive animals aforesaid in violation of the provisions of section 43 or section 48 of the Act;

(d) the licensee shall carry on his business only during business hours and at premises. The place of business may be changed only with the prior permission of the authority that has issued this licence and where the place of business has been changed, the particulars of the new premises shall be kept only at premises;

(e) this licence shall be displayed at a conspicuous place of the premises in which the business of the licence is carried on and shall be produced for inspection on demand being made by an officer appointed under sub-section (1) of section 4, or specified in sub-section (1) of section 50 of the Act,

3. The licensee has paid the annual fee of Rs

4. The licensee shall display, at a place of prominence on the place of business, a list of animals, birds, reptile etc. whose export from the country has been banned and which are included in Part A of the Export Trade (Control) Order, 1968.

Signature of the Issuing Authority.

Date

(Strike out whichever is not applicable.)

The licence is renewed and shall be valid up to:-

(a)

Signature of the Issuing Authority.

Date

(b)

Signature of the Issuing Authority.

Date

FORM NO. 19

[See rules 38 (3) and 39 (2)]

Form of licence for dealing in meat

Licence No. Dated the day of 19, ...

Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder
Shri

son of Proprietor/manager of business/shop by the name
..... in district is here by authorised to deal in meat for
a period of -one year commencing on the day of 19
..... and ending with day of 19

2. The licensee shall also abide by the conditions laid down below:-

(a) the licensee is authorised to deal in meat derived only from the following animals

Species

Minimum size

(1)

(2)

(3)

(4)

(5)

(b) the licensee shall purchase, receive or acquire meat derived from any of the animals
aforesaid only from a dealer or from a person licensed or, as the case may be, authorised to
capture and sell, or otherwise transfer such wild animals under the Act of the rules made
thereunder -

(c) the licensee shall not purchase, receive, acquire or transport meat in violation of the
provisions of section 43 or section 48 of the Act

(d) the licensee shall carry on his business only during business hours and at
premises. The place of business may be changed only with the prior permission of the authority
that has issued this licence and where the place of business has been changed, the particulars
of the new premises shall be entered in this licence. All meat shall be stored only at
premises;

(e) this licence shall be displayed at a conspicuous place of the premises in which the
business of the licensee is carried on and shall be produced for inspection on demand being
made by an officer appointed under sub- section (1) of section (4) or specified in sub-section (1)
of section 50, of the Act.

3. The licensee has paid the annual fee of Rs

Signature of Issuing Authority

Date

The licence is renewed and shall be valid up to:

(a)

Signature of Issuing Authority

Date:

(b)

Signature of Issuing Authority

Date

(Strike out whatever is not applicable)

FORM NO. 20

[See rules 38 (3) and 39(2)]

Form of licence to cook or serve meat in eating house

Licence No Dated the day of 19 Subject to the provisions of the Wild Life (Protection) Act, 1972 and the rules made thereunder Shri

S/o Shri proprietor/manager of business/shop by the name situated at street in the town in district is hereby authorised to cook and/or serve meat for a period of one year commencing on day of 19 and ending with the day of 19.....

2. The licensee shall also abide by the conditions laid down below :

(a) the licensee shall cook and/or serve meat derived only from the following species of animals:

(1)

(2)

(3)

(4)

(5)

(b) the licensee shall purchase, receive or acquire meat only from a dealer authorised to sold such meat under a licence granted to him in Form No. 19.

(c) the licensee shall not purchase, receive, acquire or transport meat in violation of the provisions of section 43 of section 48 of the Act.

(d) the licensee shall cook and/or serve meat only at premises The place of business may be changed only with the prior permission of the authority that has issued the licence and where the place of business has been changed, the particulars of the new premises shall be entered in licence. All meat shall be stored only at premises.

(e) The licence shall be displayed at a conspicuous place of the premises in which the business of the licensee is carried on and shall be produced for inspection on demand being made by an officer appointed under sub-section (1) of section (4) or specified in sub-section (1) of section 50 of the Act.

2. The licensee has paid the annual fee of Rs

Signature of the issuing authority
Date:.....

The licence is renewed and shall be valid upto.

(a).....

Signature of the issuing authority
Date:.....

(b)

Signature of the Issuing Authority.
Date

FORM NO. 21
(See rule 39 (1))

To

The

.....

I, ...

(Full name and address of the applicant in block letters)

..... hereby apply
for renewal of Licence No dated the
.....

2 The necessary receipt/Bank Challan for annual fee of Rs. is enclosed herewith.

Signature of the applicant.

Date

FORM NO. 22

[(See rule 44 (1))]

Form of register to be maintained by dealers in captive animal article (trophy/uncured trophy/meat).

Date	Description of captive animal, animal article, trophy, or meat together with name of species dimensions and sex where possible	Date of acquisition	From whom obtained (name and address of suppliers)	Nature and kind of license held by supplier	Name of certificate of ownership if any:
1	2	3	4	5	6
Date of disposal	Manner of disposal	Name and address of purchaser	Bill or Cash memo	Details of permission for inter-state movement if required	
7.	8.	9.	10.	11.	

FORM NO. 23**[See rule 44 (2)]****Form of register to be maintained by taxidermist / manufacturer of animal articles**

Date	Description of trophy uncured trophy received together with name of species dimensions and sex where possible	Date of receipt	From whom obtained (name and address of sender or supplier)	Nature and kind of license held by sender or supplier	No. of certificate of ownership if any:	Description of trophy animal, article, that is to be prepared or manufactured
1	2	3	4	5	6	7
Number to be made or prepared	Date on which the trophies/manufactured articles are to be ready	Date of dispatch of delivery	Name and address of receiver	Details of bill / cash memo voucher	Details of permission for interstate movement if required	
8.	9.	10.	11.	12	13	

FORM NO. 24

[See rule 44(3)]

Form of register to be maintained by licensee cooking and/or serving meat in a eating-house

Date	Name of species of animal whose meat has been purchased or received	No. of animals received in whole or in part	Date of purchase of receipt	Name and address of supplier
1	2	3	4	5

Particulars of daily scale

Particulars of license of supplier	Date	Name of species or animals whose meat is sold	Total number sold	Particulars of cash memo or bill
6.	7.	8.	9.	10.

**THE WILDLIFE (PROTECTION) LICENSING
(ADDITIONAL MATTERS FOR CONSIDERATION)
RULES, 1983
G.S.R. 328 (E), dated 13th April, 1983¹**

In exercise of the powers conferred by Clause (a) of sub-section (1) of sec. 63, read with Clause (b) of sub-section (4) of sec. 44 of Wildlife (Protection) Act, 1972 (53 of 1972) the Central Government hereby makes the following rules, namely

1. Short title, extent, and commencement

- (1) These rules may be called the Wildlife (Protection) Licensing (Additional Matters for Consideration) Rules, 1983
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the official Gazette.

2. Definition

In these Rules, unless the context otherwise requires, "Act" means the Wildlife (Protection) Act, 1972 (53 of 1972).

3. Additional matters for consideration for grant of licence under sec. 44 of the Act.

For the purposes of granting a licence referred to in sub-section (1) of Sec 44 of the Act, the Chief Wildlife Warden or the authorised officer, as the case may be, shall in addition to the matters specified in Clause (b) of sub-section (4) of that section, have regard to the following other matters, namely :

- i. capacity of the applicant to handle the business concerned with reference to facilities, equipment, and suitability of the premises for such business;
- ii. the source and the manner in which the supplies for the business concerned would be obtained;
- iii. number of licences for the relevant business already in existence in the area concerned;
- iv. implications which the grant of such licence would have on the hunting or trade of the wild animals concerned.
- v. Provided that no such shall be granted if the said implications relate to any wild animal specified in Sch.I or part 11 of Sch.II to the Act, except with the previous consultation of the Central Government.

¹ Published in the Gazette of India, Extraordinary. N. 11 Sec. 3(i) dated 13th April 1983.

**WILDLIFE (SPECIFIED PLANTS - CONDITIONS FOR
POSSESSION BY LICENSEE) RULES, 1995**

G.S.R. 349 (E). - In exercise of powers /conferred by Clause (a) of Subsection (1) of Section 63 of Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. Short title, Extent and Commencement.- (1) These Rules may be called Wildlife (Specified Plants - Conditions for possession by licensee) Rules, 1995.

(2) These Rules shall come into force from the date of commencement of provisions of Chapter IIIA of the Wild Life (Protection) Act, 1972.

2. Definition-In these Rules, unless the context otherwise requires, "Act" means the Wild Life (Protection) Act, 1972 (53 of 1972).

3. Conditions and other matters subject to which the licensee may keep any specified plants in his custody or possession. (1) No licensee shall acquire or receive or keep in his control, custody or possession any specified plant or part or derivative thereof in respect of which a declaration under Section 17E of Act has not been made.

(2) No licensee shall acquire, purchase or receive any specified plant or part or derivative thereof from any person other than a licensed dealer in specified plants or a cultivator having a license for cultivation of specified plants under the Act.

(3) Licensee shall keep the stock of specified plants so purchased by him only in the premises approved by the Chief Wildlife Warden of the State

[No. 1-2/91-WLI]*

SARWESHWAR JHA, Jt. Secy.

* Published in the Gazette of India, Extraordinary, Part 11, Sec. 3 (i) Dt. 18.4.1995.

WILDLIFE (SPECIFIED PLANT STOCK DECLARATION)
CENTRAL RULES, 1995

G.S.R. 350(E). - *In exercise of the powers conferred by Clause (h) of Section 63 read with Section 17E of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:*

1. Short title and commencement.- (1) These rules may be called the Wildlife (Specified Plant Stock Declaration) Central Rules, 1995.

(2) These rules shall come into force from the date of commencement of provisions of Chapter IIIA of the Wild Life (Protection) Act, 1972.

2. Declaration, of stocks by a cultivator or dealer in specified plants, parts and derivatives thereof, - Every cultivator of specified plants and the dealer in specified plants and derivatives thereof shall, within 30 days from the commencement of provisions of Chapter IIA of Wild Life (Protection) Act, 1972, declare his stocks of specified plants, parts and derivatives thereof, as the case may be, as on the date of such declaration to the Chief Wildlife Warden in the form given below:

Form of Declaration

(See Section 17E and Sub-section 2 of Section 44)

To

The Chief Wildlife Warden,

State of /Union Territory of

1. Full name and address of the cultivator or dealer in specified plants, parts and derivatives thereof making the declaration.

2. Actual stock held on the date of declaration:

Name of the specified plant (including scientific name)	Known Uses	Description of stock	Quantity held in stock Kgs number	Premises where stock are kept	Date of procurement	Source & specific Area of procurement	Documentary proof, if any
1	2	3	4	5	6	7	8

3. Remarks, if any

I do hereby declare that the information given above is true to the best of my knowledge and belief.

Place :
Date :

Signature of the person
making the declaration

[No. 1-2/92-WLI]*
SARWESHWAR JHA, Jt. Secy.

* Published in the Gazette of India, Extraordinary, Part 11, Sec. 3 (i) Dt. 18.4.1995.

THE WILDLIFE (TRANSACTION AND TAXIDERMY) RULES, 1973

G.S.R. 198(E), dated the 9th April, 1973

In exercise of the powers conferred by Clause (b) of sub-section (1) of Sec.63 of the Wildlife (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules.

(1) Short title, extent, commencement

- (1) These rules may be called the Wildlife (Transactions and Taxidermy) Rules, 1973.
- (2) They extend to the whole of the State of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh and Uttar Pradesh.
- (3) They shall come into force on the 9th April 1973.

2. Definition:-

In these rules, unless the context other-wise requires

- (a) "Act" means the Wildlife (Protection) Act, 1972 (53 of 1972);
- (b) "Form" means a Form appended to these rules;
- (c) "Licensee" means a licensee under Chapter V of the Act;
- (d) "Officer" means the Chief Wildlife Warden or any other officer whom the State Government may, for the purposes of these rules, by notification in the official Gazette, appoint;
- (e) "specified animal" means any animal which is specified in Sch.I or Part II of Sch.II to the Act and which is
 - (i) captured or kept or bred in captivity, or
 - (ii) found wild in nature.

3. Acquiring, receiving, or keeping specified animal, etc. in control, custody, or possession or put under process of taxidermy or make articles, etc.

- (1) No person shall
 - (i) acquire, receive, keep in his control, custody or possession , any specified animal or any animal articles, trophy, uncured trophy, or meat derived therefrom, or
 - (ii) put under a process of taxidermy or make animal articles containing part of whole of such animal, except with the previous permission of the officer.
- (2) Every application for such permission shall be made in Form 1.
- (3) On receipt of an application made under sub-rule (2), the officer may, after making such inquiry as he may think fit and within a period of fifteen days from the date of receipt of the application, either grant or refuse to grant the permission;

Provided that no such permission shall be granted unless the officer is satisfied that the specified animal or animal article, trophy, uncured trophy, or meat, referred to in sub-rule (1) has been lawfully acquired.

(4) Where the officer refuses to grant the permission, he shall record the reason for so doing and a copy of the reason so recorded shall be communicated to the licensee applying for the permission.

- (5) Every permission granted under sub-rule (3) shall be in Form II.

4. Submission of report of stocks

- (1) Every licensee to whom permission has been granted under sub-rule (3), of Rule 3 shall submit, to the officer who has granted the said permission, report regarding the stocks of

specified animal or animal article, trophy, uncured trophy, or meat, referred to in sub-rule (1) of Rule 3, in Form III within a period of [thirty days] of the acquisition, receipt or keeping of the same in his control, custody or possession.

(2) The officer, after receiving such report, may arrange to affix identification marks on such stocks.

5. Sale of specified animal, etc.

(1) No licensed dealer shall sell or offer for sale any specified animal or any animal article, trophy, or uncured trophy derived therefrom, except to a person authorised to purchase by a permission granted by the officer and where the sale is effected the purchaser shall surrender the permission to the licensed dealer.

(2) Every application for permission to purchase shall be made in Form IV.

(3) On receipt of an application made under sub-rule (2), the officer may, after making such inquiry as he may think fit, and within a period of ten days from the date of receipt of the application, either grant or refuse to grant the permission.

(4) Where the officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the person applying for the permission.

(5) Every permission granted under sub-rule (3) shall be valid up to a period of one month from the date of issue of the same.

(6) Every permission granted under sub-rule (3) shall be valid up to a period of one month from the date of issue of the same.

(7) Every licensed dealer shall, at the time of each sale, issue a voucher in relation to the specified animal or animal article, trophy, or uncured trophy referred to in sub-rule (1), to the person authorised to purchase.

(8) Each voucher shall contain the following particulars, namely

- (a) date of issue of the voucher;
- (b) the amount of price realised or to be realised;
- (c) name and address of the licensed dealer issuing the voucher;
- (d) name and address of person to whom the voucher is issued;
- (e) permission number of the person authorised to purchase;
- (f) description of the specified animal/animal article /trophy /uncured trophy derived therefrom and number;
- (g) whether such specified animal/animal article/trophy /uncured trophy was/were required to be declared under Sec.44 of the Wildlife (Protection) Act, 1972 (53 of 1972), and if so, whether it/they has /have been declared;
- (h) signature of the licensed dealer issuing the voucher;
- (i) signature of the person to whom the voucher is issued

6. Taxidermy or making animal article

(1) Every licensed taxidermist or licensed manufacturer shall, at the time of returning the trophy or animal article, issue a voucher to the owner of the said trophy or animal article.

(2) Each voucher shall contain the following particulars, namely

- (a) date of issue of voucher;
- (b) charges realised or to be realised;
- (c) name and address of the licensed taxidermist/manufacturer issuing the voucher;
- (d) description of the trophy/animal article and number.
- (e) name and address of the person to whom the voucher is issued;

- (f) whether uncured trophy/ trophy/animal article was required to be declared under Sec.40. or Sec. 44 of the Wildlife (Protection) Act, 1972 (53 of 1972), and if so whether it/they has/have been declared;
- (g) signature of the licensed taxidermist / manufacturer issuing the voucher.

7. Maintenance of vouchers

- (1) The voucher referred to in Rules 5 or 6 shall be in triplicate and serially numbered.
- (2) The duplicate and the triplicate copy of the voucher shall be retained by the licensed dealer" licensed taxidermist, or licensed manufacturer, and the original copy of the voucher shall be given to the person referred to in sub-rule (7) of Rule 5 or sub-rule (1) of Rule 6.
- (3) Every book containing blank vouchers shall be presented to the officer for affixing his initials to stamps on such book before it is brought into use.
- (4) (a) Every licensed dealer, licensed taxidermist, or licensed manufacturer shall send in monthly batches, not later than the seventh day of every month, the duplicate copies of vouchers retained by him, to the officer.
- (b) Every permission surrendered to a licensed dealer at the time of sale shall also be enclosed along with the duplicate copies aforesaid.

8. Transport of specified animal etc.

- (1) No licensee shall transport from one place to another within the State any specified animal, animal articles, trophy, or uncured trophy derived therefrom, except with the previous permission of the officer.
- (2) Every application for such permission shall be made in Form VI.
- (3) On receipt of an application made under sub-rule (2) the officer may, after making such inquiry as he may think fit, and within a period of seven days from the date of receipt of the application, either grant or refuse to grant the permission.

Provided that no such permission shall be granted unless the officer is satisfied that the specified animal, or animal article, trophy or uncured trophy, referred to in sub-rule (1) has been lawfully acquired.

- (4) Where the officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the licensee applying for the permission.
- (5) Every permission granted under sub-rule (3) shall be in Form VII.

9. Appeal

- (1) Any licensee or a person aggrieved by an order made by the Chief Wildlife Warden or any officer granting the permission under sub-rule (3) of Rule 3, sub-rule (3) of Rule 5, of sub-rule (3) of Rule 8, may prefer an appeal
 - (i) if the order is made by an officer other than the Chief Wildlife Warden, to the Chief Wildlife Warden, or
 - (ii) if the order is made by the Chief Wildlife Warden, to the State Government.
- (2) In the case of an order passed in appeal by the Chief Wildlife Warden under Clause (i) of sub-rule (1), a second appeal shall lie to the State Government.
- (3) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against.

Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

FORM I

(See sub-rule (2) of Rule 3)

**APPLICATION FOR PERMISSION TO ACQUIRE, RECEIVE, KEEP SPECIFIED ANIMAL,
ANIMAL, ARTICLE, ETC. OR PUT UNDER PROCESS OF TAXIDERMY OR MAKE ANIMAL
ARTICLE**

To,

The _____

Sir,

I resident of
..... Taluk
District.....and holding License No. granted
under Sec. 44 (4) of the Wildlife (Protection) Act of 1972 (53 of 1972), request that I may be
granted permission to acquire/receive/ keep in any control/custody/possession specified
animal/animal article/trophy/uncured trophy/meat derived from specified animal and /or put
under process of taxidermy/make animal article containing part/whole of such animal.

2. I furnish below the particulars in relation to such specified animal / animal article/trophy
/uncured trophy/meat:

- (1) Species of animal
- (2) Number
- (3) Description (including sex, if possible)
- (4) Source from which to be obtained
 - (i) Address and Licence No. if any
 - (ii) Whether declaration made /permission /licence obtained under Secs. 40,
43 or 44 of the Wildlife (Protection) Act, 1972, and if so the particulars:
- (5) Particulars of certificate of ownership
- (6) Identification mark, if any
- (7) Premises in which-intended to be kept
- (8) Purpose for which to be acquired / received/ kept in control/ custody / possession:
- (9) If to be put under process of taxidermy or to make animal article,
 - (a) No. of trophies /articles to be made
 - (b) Description of such trophies / articles
 - (c) To whom will they be returned
 - (d) Probable date by which they will be returned.

3. I hereby declare that to the best of my knowledge and belief the information furnished
herein is true and complete.

.....
Signature of the applicant

Strike out whichever is not applicable

FORM II
(See sub-rule (2) of Rule 5)

**PERMISSION TO ACQUIRE, RECEIVE, KEEP IN CONTROL, CUSTODY OR POSSESSION
SPECIFIED ANIMAL OR ANIMAL ARTICLE, ETC. OR PUT UNDER PROCESS OF
TAXIDERMY OR MAKE ANIMAL ARTICLE.**

Shri holding Licence No. granted under Sec. 44(4) of the Wildlife (Protection) Act 1972 (53 of 1972) is hereby permitted to acquire/ to keep under his control / custody / possession specified animal / animal article / trophy / uncured trophy / meat derived from specified animal of the following description, or put under process of taxidermy or make animal article containing part or whole of such animal:-

- (1) Species of animal
- (2) Description (including sex, if given in the application)
- (3) Number
- (4) Source from which to be obtained.
- (5) Licence/ Permission No. of the source from which to be obtained
- (6) Particulars of the Certificate of Ownership
- (7) Identification mark, if any
- (8) Premises in which intended to be kept
- (9) Purpose for which permitted to be acquired /received /kept in control custody/possession:
- (10) If permitted to put under process for taxidermy or to make animal article:
 - (a) No. of trophies /articles to be made
 - (b) Description of such trophies /articles
 - (c) To whom they should be returned
 - (d) Probable date by which they would be returned

Issued by me this day of

Signature & Designation

Seal

Place:

Date:

Strike out whichever is not application

FORM III
(See-rule of (1) of Rule 4)

REPORT OF STOCKS

To,

The _____

1. Full name, address, and Licence No. of the Licensee
2. Stock held on the date of report in specified animals;
 - (a) Species and sex
 - (b) Number
 - (c) Adult or juvenile
 - (d) Premises where kept
3. Stock held on the date of report in animal articles
 - (a) Description, including species of animal from which derived
 - (b) Number
 - (c) Dimension or weight
 - (d) Premises where kept
4. Stock held on the date of report in trophies:
 - (a) Description, including species of animal from which derived
 - (b) Number
 - (c) Dimension or weight
 - (d) Premises where kept
5. Stock held on the date of report in uncured trophies
 - (a) Description, including species of animal from which derived
 - (b) Number
 - (c) Dimension or weight
 - (d) Premises where kept
6. Remarks, if any

I do hereby declare that the information given above is true to the best of my knowledge and belief

Signature of the person making declaration

Place :

Date:

Strike out whichever is not applicable

FORM IV

(See Sub-rule (2) of rule 5)

APPLICATION FOR PERMISSION TO PURCHASE SPECIFIED ANIMAL, ETC.

To

The _____

Sir,

I/We, residing at _____ Taluk
_____ District _____ request that I/we may be granted
permission to purchase specified animal/animal article / trophy/uncured trophy derived from
specified animal of the following description, from a Licence:

- (1) Number and description of
 - (a) specified animal
 - (b) animal article
 - (c) trophy
 - (d) uncured trophy
- (2) Purpose for which the purchase is to be made
- (3) I/We hereby declare that to the best of my/our knowledge and belief the information
furnished herein is true and complete.

Signature (s) of the applicant (s)

Place :

Date:

Strike out whichever is not applicable

FORM V

(See Sub-rule (5) of rule 5)

PERMISSION TO PURCHASE SPECIFIED ANIMAL ETC.

S / Shri _____ is/are hereby
permitted to purchase specified animal/animal article/ trophy/uncured trophy derived from
specified animal of the following description, from _____ for the purpose of

- (1) Number and description of
 - (a) specified animal
 - (b) animal article
 - (c) trophy
 - (d) uncured trophy

Issued by me this _____ Day of _____

Signature
Designation

Seal

Place :

Date :

Note : This permission shall be valid up to a period of one month from the date of issue.

Strike out whichever is not applicable

FORM VI
(See sub-rule (2) of Rule 8)
APPLICATION FOR PERMISSION TO TRANSPORT SPECIFIED ANIMAL ETC.

To

The _____

Sir,

I, ... residing at
..... Taluk District
..... holding Licence No granted under Sec.
44(4) of the Wildlife (Protection) Act, 1972 (53 of 1972), request that I may be granted permission
to transport the following:

- (1) Species of specified animal or from which the animal article/cured trophy/uncured trophy is derived _____
- (2) Number _____
- (3) Description (including sex if possible) _____
- (4) Identification mark, if any _____
- (5) Source of procurement and the Licence / Permission No. _____
- (6) Certificate of ownership, if any _____
- (7) Mode of transport _____
- (8) Route _____
- (9) Period required for transport _____
- (10) Destination _____

I hereby declare that to the best of my knowledge and belief the information furnished herein is true and complete

Signature of the Applicant

Place

Date:

Strike out whichever is not applicable

FORM VII
(See sub-rule (5) of Rule 8)

PERMISSION TO TRANSPORT SPECIFIED ANIMAL ETC.

Shri holding Licence No
..... granted under Sec. 44(4) of the Wildlife (Protection) Act, 1972 (53 of
1972), is hereby permitted to transport in the manner prescribed below specified animal/animal
article/cured trophy/uncured trophy derived from specified animal, from
..... to

- (i) Mode of transport
- (ii) Route
- (iii) Period allowed for transport
- (iv) Remarks

Issued by me this day of

Signature
Designation

Seal

Place :

Date :

Strike out whichever is not applicable

**THE WILDLIFE (STOCK DECLARATION)
CENTRAL RULES, 1973**

G.S.R. 29(E) -- In exercise of the powers conferred by Cl. (a) of sub-section (1) of Sec.63 of the Wildlife (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely

1. Short title and commencement

(1) These rules may be called the Wildlife (Stock Declaration) Central Rules, 1973.

(2) They shall come into force 2 in the State of Madhya Pradesh on the 25th January, 1973 and in other States and Union Territories on such date as the Central Government may, by notification appoint, and different dates may be appointed for different States and Union Territories

2. Declaration by manufacturer of, dealer or taxidermist in, animal article, etc.,

Every manufacturer of, or dealer in, animal article or every dealer in captive animals, trophies, or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of Wildlife (Protection) Act, 1972, declare his stock of animal article, captive animal, trophies, and uncured trophies, as the case may be, as on the date of such declaration to the Chief Wildlife Warden in the form given below.

Form of Declaration

(See sub-section (2) of Sec. 44)

To

The Chief Wildlife Warden

State or Union Territory of

1. Full name and address of the manufacturer/dealer/taxidermist making the declaration

2. Actual stock held on the date of declaration in animal articles :

(i) Description including name of animal from which derived

(ii) Number

(iii) Dimensions or weight

(iv) Premises where kept

3. Actual stock held on the date of declaration in captive animals

(i) Species and sex

(ii) Number

(iii) Adult or juvenile

(iv) Premises where kept _____

4. Actual stock held on the date of declaration in trophies

(i) Description including name of animal from which derived _____

(ii) Number _____

(iii) Dimensions or weight _____

(iv) Premises where kept _____

5. Actual stock held on the date of declaration in uncured trophies

(i) Description including name of animal from which derived _____

(ii) Number _____

(iii) Dimensions or weight _____

(iv) Premises where kept _____

6. Remarks, if any

I do hereby declare that the information given above is true to the best of my knowledge and belief.

Signature of the person making the declaration

Place

Date

References

1. Published in the Gazette of India, Extraordinary, Pt. 11 Sec. 3(i) dated 25th January, 1973.
2. The same rules has been extended to the following States as below
 1. Bihar, vide G.S.R. 41(E), published in the Gazette of India, Extraordinary, Pt 11 Sec. 3(i) dated 1st February, 1973.
 2. Haryana, vide G.S.R.64(E), published in the Gazette of India, Extraordinary, Pt 11 Sec. 3(i) dated 12th March, 1973.
 3. Himachal Pradesh, vide G.S.R. 191(E), published in the Gazette of India, Extraordinary, Pt 11 Sec. 3(i) dated 2,nd April, 1973.
 4. Maharashtra, vide G.S.R. 297(E), published in the Gazette of India, Extraordinary, Pt 11 Sec. 3(i) dated 1st June, 1973.
 5. Pondicherry, vide G.S.R. 63(E), published in the Gazette of India, Extraordinary, Pt 11 Sec. 3(i) dated I st March, 1975.

MINISTRY OF ENVIRONMENT & FORESTS

NOTIFICATION

New Delhi, the 18th April, 2003

S.O. 445 (E) In exercise of the powers conferred by sub-sections (1) and (3) of section 40A read with section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. Short title and commencement

- (1) These rules may be called the declaration of Wild Life Stock Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:

In these rules, unless the context otherwise requires, -

- (a) Act means the Wildlife (Protection) Act, 1972 (52 of 1972);
- (b) form means the form annexed to these rules;
- (c) all other words and expressions used in these rules shall have the meanings respectively assigned to them in the Act.

3. Publicity of intent of notification and Assistance in making application:-

- (1) The Chief Wildlife Warden or the officer authorized by the State Government in this regard shall cause to give wide publicity to the intent of this notification in the regional language through electronic or print media or such other means.
- (2) The Chief Wildlife Warden or the officer authorized by the State Government in this regard shall take necessary action to assist the local communities and individuals especially the poor and illiterate in the declaration of their possession, filling up the specified form and any other matter connected therewith and shall make every attempt to ensure that no individual or community associated with animals is deprived of this opportunity.

4. Procedure for filing applications

- (1) An application to the Chief Wildlife Warden or the officer authorized by the State Government in this regard shall be presented in the Form annexed to these rules by the applicant either in person or by an agent or by duly authorized legal practitioner or sent by registered post addressed to the Chief Wild Life Warden or the officer authorized by the State Government in this regard of the concerned State or the Union territory.
- (2) The application under sub rule (1) shall be presented in four complete sets within a period of one hundred and eighty day from the date of publication of these rules.
- (3) The applicant may attach to and present with his application an acknowledgement slip as is given in the form which shall be signed by the official receiving the application on behalf of the Chief Wild Life Warden or the officer authorized by the State Government in this regard in acknowledgement of the receipt of the application.

5. Presentation and scrutiny of applications :-

- (1) The Chief Wildlife Warden or the officer authorized by the State Government in this regard shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.
- (2) If on scrutiny, the application is found to be in order, it shall be duly registered and give serial number.
- (3) If the application, on scrutiny, is found to be defective, the same shall be returned to the applicant within fifteen days for rectifying the defects and resubmitting the corrected application within fifteen days from the date of its receipt.
- (4) If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Chief Wild Life Warden or the officer authorized by the State Government in this regard

- may, by order and for the reasons to be recorded in writing, decline to register the application.
- 6 Place of filing application :-
The applicant shall file application with the Chief Wild Life Warden or the officer authorized by the State Government in this regard.
- 7 Date and Place of hearing to be notified
The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall notify to the parties the date, place and time of hearing of each application, if required.
- 8 Decision on applications
- (1) The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall verify the facts mentioned in the application and make such inquiry as maybe required.
- (2) The Chief Wild Life Warden shall, as far as possible, decide the application within six months of the date of its presentation and communicate the same to the applicant in writing under his own signature by registered post.
- 9 Hearing on application ex-parte
Where on the date fixed for hearing the application, the applicant fails to appear without intimation, the Chief Wild Life Warden or the officer authorized by the State Government in this regard may at their discretion adjourn or decide the application ex-parte.
- 10 Inquiry by the Chief Wild Life Warden or Authorized Officer
- (1) The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall conduct a detailed inquiry and take all actions as provided in section 41 of the Act.
- (2) A copy of the report pertaining to sub-rule (1) f this rule, shall be provided to the applicant.
11. Certificate of ownership
- (1) The Chief Wild Life Warden shall provide a certificate of ownership to the applicant whose claim is found valid.
- (2) The certificate of ownership shall be provided as per the provisions of section 42 of the Act.
- (3) The certificate of ownership shall contain the facsimile of the identification mark and in case of live animals the identification number of the transponder (microchip) implanted shall be mentioned in the certificate.
12. Dealing with declared objects:
Any captive animal, animal article, trophy or uncured trophy declared under sub section (1) of section 40A and in respect of which certificate of ownership has not been granted or obtained, shall be treated as government property.
13. Order to be signed and dated
Every order of the Chief Wild Life Warden shall be in writing and shall be signed and dated by the Chief Wild Life Warden.
14. Communication of order to parties:-
Every order passed on the application shall be communicated to the applicant either in person or by registered post free of cost.

[F.No 1-1-/2003 WL-I]

M.K. Sharma, Director General of Forests and Spl. Secy.

FORM

APPLICATION UNDER SECTION 40A OF WILD LIFE PROTECTION ACT, 1972 FOR CERTIFICATE OF OWNERSHIP

To

The Chief Wildlife Warden or the Authorized Officer

State or Union Territory of

(i) I

(Surname) (First Name) (Middle Name)

son/ daughter of

(Surname) (First Name) (Middle Name)

presenting residing at House

Number Taluk
District.....

State (PIN Code) and having
permanent residence at House No.
Taluk..... District State
..... (PIN Code).....

hereby declare that I am in control, custody or possession of captive animal and / or its offspring
bred in captivity / animal article / trophy / uncured trophy / derived from animal (Strike out
whichever is not applicable) specified in Schedule 1 or part II of Schedule II of the Wildlife
(Protection) Act, 1972 having following description:-

1. Common name of the animal species:
2. Zoological name (Mention sub-species, if any):
3. Description of item:
4. State the condition of the item (provide four colour.....
photographs of size 8 x 6 covering front, left and right profile and a full photograph)
5. Number of item:
6. Method of procurement: Purchase/gift/inheritance/ any other mode
specify:.....
7. Date of Procurement:
8. Name of Person / institution from whom obtained:.....
9. Address of person / institution referred to in (6) above:.....
10. Size (in metres / cms)

- (i) Length
- (ii) Width
- (iii) Height
- 11. Weight (in kgs/gms)
- 12. Any other specific mark that can help in identification of the item:
- 13. (i) Mention the age and sex in case of live animals
 - (ii) I hereby declare that the above referred captive animal / item has been kept, stored or maintained at the following address
.....
.....
 - (iii) I hereby declare that the above referred captive animal / item was acquired by me through legal means but no declaration has been made by me under sub-section (1) or sub-section (4) of section 40 of the Wild Life (protection) Act, 1972.
 - (iv) I further declare that I have read and understood the provisions contained in sections 40A, 42 and 43 of the Wild Life (Protection) Act, 1972 and state that the above shall not be transferred to anyone by any mode except by way of inheritance.
 - (v) I hereby give my consent for fixing an identification make to each item and transponder in case of captive animal and assure that the mark or transponder will not be erased, altered or damaged and in the event of any damage, alteration or change of the mark, I shall inform the competent authority within twenty four hours.

I do hereby declare that the information given above is true to the bet of my knowledge and belief.

Place : Signature of the person making the declaration
(Name)

Date :

ACKNOWLEDGEMENT SLIP

Receipt of the application filed by Shri / Smt / _____ presently residing at _____ (Full address and Telephone Number) _____ in the Office of the _____ is hereby acknowledged seal

Signature

OFFICE SEAL

RECOGNITION OF ZOO RULES 1992

Notification

In exercise of the powers conferred by clauses (f) and (g) of sub-section (i) of Section 63 of the Wild Life (Protection) Act 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. Short title and commencement:

- (1) These rules may be called the Recognition of Zoo Rules, 1992.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions: In these rules, unless the context otherwise requires,

- (a) "Act" means the Wild Life (Protection) Act, 1972 (53 of 1972);
- (b) "Enclosure" means any accommodation provided for Zoo animals;
- (c) "Enclosure barrier" means a physical barrier to contain an animal within an enclosure;
- (d) "Endangered species" means species included in Schedule I of the Act;
- (e) "Form" means form set forth in Appendix A to these rules;
- (f) "Performing purposes" means any effort to force the animal to carry out unnatural act including performance of circus tricks;
- (g) "Stand-off barrier" means a physical barrier set back from the outer edge of an enclosure barrier;
- (h) "Zoo operator" means the person who has ultimate control over the affairs of the Zoo provided that
 - (i) in the case of firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the Zoo operator;
 - (ii) in the case of a company, any director, manager, secretary or other officer, who is in-charge of and responsible to the company for the affairs of the Zoo shall be deemed to be the Zoo operator;
 - (iii) in the case of zoo owned or controlled by the Central Government or any State Government, or any local authority, the person or person appointed to manage the affairs of the zoo by the Central Government, the State Government or the local authority, as the case may be shall be deemed to be the Zoo operator.

3. Application for recognition:

An application under section 38H of the Act for recognition of a zoo shall be made to the Central Zoo Authority in Form A.

4. Fees for application:

- (a) There shall be paid in respect of every application under rule 3 a fee of rupees five hundred.
- (b) The amount of the fee shall be paid through Demand Draft/Postal Order(s) in favour of the Central Zoo Authority, New Delhi.

5. Documents to be filed alongwith the application and particulars it should contain:

Every application shall be accompanied by the prescribed fee and shall contain clear particulars as to the matters specified in Form A.

6. Power to make inquiries and call for information:

Before granting recognition to a zoo under section 38H of the Act, the Central Zoo Authority may make such inquiries and require such further information to be furnished, as it deems necessary, relating to the information furnished by the zoo in its application in Form A.

7. Form of recognition:

The recognition granted to a zoo shall be subject to the following conditions, namely: ~]

(a) that the recognition unless granted on a permanent basis, shall be for such period not less than one year as may be specified in the recognition;

(b) that the zoo shall comply with such standards and norms as are or may be prescribed or imposed under the provisions of the Act and these rules from time to time.

8. Renewal of recognition:

(a) Three months before the expiry of the period of recognition, a recognised zoo desirous of renewal of such recognition may make an application to the Central Zoo Authority in Form A.

(b) The provisions of rules 3, rule 4, rule 5, rule 6 and rule 7 shall apply in relation to renewal of recognition as they apply in relation to grant of recognition except that, the fee payable in respect of an application for renewal of recognition shall be rupees two hundred.

9. Classification of Zoos:

For the purposes of deciding standards and norms for recognition of Zoos and monitoring and evaluating their performance, the zoos, on the basis of the area, number of animals and their variety exhibited, and the number of visitors, shall be classified into four categories as specified below:

Category of the Zoo	Large	Medium	Small	Mini
Area of the zoo in hectares	More than 75 hectares	50-75 hectare	20-50 hectare	Less than 20 hectare
Number of animals exhibited	More than 750	500-750	200-499	200
Animals variety exhibited	More than 75 numbers	50-75 numbers	20-49 numbers	20 numbers
Number of endangered species exhibited	More than 15	15-Oct	9-May	Less than 5
Annual attendance of visitors per year	More than 7.5 lakhs	5-7.5 lakhs	5-Feb lakhs	Less than 2 lakhs

10. Standards and norms subject to which recognition under section 38H of the Act shall be granted:

The Central Zoo Authority shall grant recognition with due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as are specified below :

General:

(1) The primary objective of operating any zoo shall be the conservation of wildlife and no zoo shall take up any activity that is inconsistent with the objective.

(2) No zoo shall acquire any animal in violation of the Act or rules made thereunder.

(3) No zoo shall allow any animal to be subjected to the cruelties as defined under the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) or permit any activity that exposes the animals to unnecessary pain, stress or provocation, including use of animals for performing purposes.

(4) No zoo shall use any animal, other than the elephant in plains and yak in hilly areas for riding purposes or draughting any vehicle.

(5) No zoo shall keep any animal chained or tethered unless doing so is essential for its own well being.

(6) No zoo shall exhibit any animal that is seriously sick, injured or infirm.

(7) Each zoo shall be closed to visitors at least once a week.

(8) Each zoo shall be encompassed by a perimeter wall at least two metres high from the ground level. The existing zoos in the nature of safaries and deer parks will continue to have chain link fence of appropriate design and dimensions.

(9) The zoo operators shall provide a clean and healthy environment in the zoo by planting trees, creating green belts and providing lawns and flower beds etc.

(10) The built up area in any zoo shall not exceed twenty five per cent of the total area of the zoo. The built up area includes administrative buildings, stores, hospitals, restaurants, kiosks and visitor rest sheds etc., animal houses and pucca roads.

(11) No-zoo shall have the residential complexes for the staff within the main campus of the zoo. Such complex, if any, shall be separated from the main campus of the zoo by a boundary wall with a minimum height of two metres from the ground level.

Administrative and Staffing Pattern:

(12) Every zoo shall have one full-time officer in-charge of the zoo. The said officer shall be delegated adequate administrative and financial powers as may be necessary for proper upkeep and care of zoo animals.

(13) Every large and medium zoo shall have at least one full-time curator having the sole responsibility of looking after the upkeep of animals and maintenance of animal enclosures.

(14) Each large zoo shall have at least two full-time veterinarians and medium and small zoo shall have at least one full-time veterinarian. The mini zoo may at least have arrangement with any outside veteranian for visiting the zoo every day to look after the animals.

Animal Enlosures - Design, Dimensions and other Essential Features:

(15) All animal enclosures in a zoo shall be so designed as to fully ensure the safety of animals, caretakers and the visitors. Stand of barriers and adequate warning signs shall be provided for keeping the visitors at a safe distance from the animals.

(16) All animal enclosures in a zoo shall be so designed as to meet the full biological requirements of the animals housed therein. The enclosures shall be of such size as to ensure that the animals get space for their free movement and exercise and the animals within herds and groups are not unduly dominated by individuals. The zoo operators shall take adequate safeguards to avoid the animals being unnaturally provoked for the benefit of viewing by public and excessive stress being caused by visibility of the animals in the adjoining enclosures.

(17) The zoo operators shall endeavour to simulate the conditions of the natural habitat of the animal in the enclosures as closely as possible. Planting of appropriate species of trees for providing shade and constructing shelters which would merge in the overall environment of the enclosures, shall also be provided. Wherever it is technically feasible, only moats shall be provided as enclosure barriers.

(18) The enclosures housing the endangered mammalian species, mentioned in Appendix I to these rules, shall have feeding and retiring cubicles/cell of minimum dimensions given in the said appendix. Each cubicle/cell shall have resting, feeding, drinking water and exercising facilities, according to the biological needs of the species. Proper ventilation and lighting for the comfort and well being of animals shall be provided in each cell /cubicle /enclosure.

(19) Proper arrangement of drainage of excess of water and arrangements for removal of excreta and residual water from each cell /cubicle /enclosure shall be made.

(20) Designing of any new enclosure for endangered species shall be finalized in consultation with the Central Zoo Authority.

Hygiene, Feeding and Upkeep:

(21) Every zoo shall ensure timely supply of wholesome and unadulterated food in sufficient quantity to each animal according to the requirement of the individual animals, so that no animal remains undernourished.

(22) Every Zoo shall provide for a proper waste disposal system for treating both the solid and liquid wastes generated in the zoos.

(23) All left over food items, animal excreta and rubbish shall be removed from each enclosure regularly and disposed of in a manner congenial to the general cleanliness of the zoo.

(24) The zoo operators shall make available round the clock supply of potable water for drinking purposes in each cell /enclosure /cubicle.

(25) Periodic application of disinfectants in each enclosure shall be made according to the directions of the authorised veterinary officer of the zoo.

Animal Care, health and Treatment:

(26) The animals shall be handled only by the staff having experience and training in handling the individual animals. Every care shall be taken to avoid discomfort, behavioral stress or physical harm to any animal.

(27) The condition and health of all animals in the zoo shall be checked every day by the person in-charge of their care. if any animal is found sick, injured, or unduly stressed the matter shall be reported to the veterinary officer for providing treatment expeditiously.

(28) Routine examination including parasite checks shall be carried out regularly and preventive medicines including vaccination be administered at such intervals as may be decided by the authorised veterinary officers.

(29) The zoo operators shall arrange for medical check-ups of the staff responsible for upkeep of animals at least once in every six months to ensure that they do not have infections of such diseases that can infect the zoo animals.

(30) Each zoo shall maintain animal history sheets and treatment cards in respect of each animal of endangered species, identified by the Central Zoo Authority.

Verterinary Facilities:

(31) Every large and medium zoo shall have full-fledged veterinary facilities including a properly equipped veterinary hospital, basic diagnostic facilities and comprehensie range of drugs. Each veterinary hospital shall have isolation and quarantine wards for newly-ariving animals and sick animals. These wards should be so located as to minimise the chances of infections spreading to other animals of the zoo.

(32) Each veterinary hospital shall have facilities for restraining and handling sick animals including tranquilizing equipments and syringe projector. The hospital shall also have a reference library on animal health care and upkeep.

(33) The small and mini zoos, where full-fledged veterinary hospital is not available, shall have at least a treatment room in the premises of the zoo where routine examination of animals can be undertaken and immediate treatment can be provided.

(34) Every zoo shall have a post-mortem room. Any animal that dies in a zoo shall be subjected to a detailed post-mortem and the findings recorded and maintained for a period of at least six years.

(35) Each zoo shall have a graveyard where the carcasses of dead animals can be buried without affecting the hygiene and the cleanliness of the zoo. The large and medium zoos shall have an incinerator for disposal of the carcasses and other refuse material.

Breeding of Animals:

(36) Every zoo shall formulate a programme for captive breeding of only such animals as are approved by the Central Zoo Authority for that zoo. They shall abide by the guidelines and directives of the Central Zoo Authority in this regard.

(37) Every zoo shall keep the animals in viable, social groups. No animal will be kept without a mate for a period exceeding one year unless there is a legitimate reason for doing so or if the animal has already passed its prime and is of no use for breeding purposes. In the event of a zoo failing to find a mate for any single animal within this period, the animal shall be shifted to some other place according to the directions of the Central Zoo Authority.

(38) No zoo shall be allowed to acquire a single animal of any variety except when doing so is essential either for finding a mate for the single animal housed in the said zoo or for exchange of blood in a captive breeding group.

(39) Every zoo shall take up regular exchange programmes of animals so as to prevent the traits or ill effects of inbreeding. To achieve this objective each zoo shall maintain a stud book in respect of every endangered species.

(40) To safeguard against uncontrolled growth in the population of prolifically breeding animals, every zoo shall implement appropriate population control measures like separation of sexes, sterilization, vasectomy, tubectomy and implanting of pellets etc.

(41) No zoo shall permit hybridization either between different species of animals or different races of the same species of animals.

Maintenance of Records and Submission of Inventory to The Central Zoo Authority:

(42) Every zoo shall keep a record of the birth, acquisitions, sales, disposals and deaths of all animals. The inventory of the animals housed in each zoo as on 31st March of every year shall be submitted to the Central Zoo Authority by 30th April of the same year.

(43) Every zoo shall also submit a brief summary of the death of animals in the zoo for every financial year, along with the reasons of death identified on the basis of post-mortem reports and other diagnostic tests, by 30th April of the following year.

(44) Every zoo shall publish an annual report of the activities of the zoo in respect of each financial year. The copy of the said annual report shall be made available to the Central Zoo Authority, within two months, after the end of the financial year. The report shall also be made available to the general public at a reasonable cost.

Education and Research:

(45) Every enclosure in a zoo shall bear a sign board displaying scientific information regarding the animals exhibited in it.

(46) Every zoo shall publish leaflets, brochures and guidebooks and make the same available to the visitors, either free of cost or at a reasonable price.

(47) Every large and medium zoo shall make arrangements for recording, in writing, the detailed observations about the biological behaviour, population dynamics and veterinary care of the animals exhibited as per directions of the Central Zoo Authority so that a detailed database could be developed. The database shall be exchanged with other zoos as well as the Central Zoo Authority.

Visitor Facilities:

(48) The zoo operators shall provide adequate civic facilities like toilets, visitor sheds, and drinking water points at convenient places in the zoo for visitors.

(49) First-aid equipments including anti-venom shall be readily available in the premises of the zoo.

(50) Arrangements shall be made to provide access to the zoo to disabled visitors including those in the wheel chair.

Development and Planning:

(51) Each zoo shall prepare a long-term master plan for its development. The zoo shall also prepare a management plan, giving details of the proposal and activities of development for next six years. The copies of the said plans shall be sent to the Central Zoo Authority.

**APPLICATION FOR GETTING RECOGNITION FROM
THE CENTRAL ZOO AUTHORITY
UNDER SECTION 38H (sub-section 2)
FORM - A**

To

The Member-Secretary,
Central Zoo Authority of India,
NEW DELHI.

We want to get recognition under section 38H of the Wild Life (Protection) Act, 1972 in respect of _____ Bank draft/Postal Order for Rs.500/- drawn in favour of Central Zoo Authority is also enclosed. The required information in respect of _____ is as under:

1. Name of the Zoo:
2. Location of the Zoo and Area:
3. Date of establishment:
4. Name of controlling authority/operator:
5. Total number of visitors to the Zoo during the last three years (Year wise)
6. Total number of days on which zoo is open to visitors during a calender year.
7. Number of animals exhibited by the zoo:

Stock position during the current financial year

Number of Species exhibited	Stock Position Disposals on the close year	Births Stock as on of preceding	Acquisitions	Deaths the date of application

MAMMALS

BIRDS

REPTILES

AMPHIBIANS

FISHES AND OTHERS

INVERTEBRATES

8. Total number of enclosures:
 - (i) Open air moated encloures:
 - (ii) Closed cages/aviaries:
9. List of endangered species bred during last 3 years
10. Veterinary facilities
 - (a) Whole time veterinarian available or not:
 - (b) Facilities available in the Veterinary Hospital:
 - a. Operation theatre/Surgical room
 - b. X-ray facility

- c. Squeeze cages
 - d. In-door patient ward
 - e. Quarantine ward
 - f. Dispensary
 - g. Nursery for hand-rearing animal babies
 - h. Pathological laboratory
 - i. Tranquilising equipments/drugs
11. Whether the following facilities exist in the zoo:
- i) Kitchen
 - ii) Food store
 - iii) Deep Freeze
 - iv) Potable water facility
 - v) Food distribution van/rickshaw etc.
12. Sanitary care and disease control:
- Whether
- i) Pollution free water to animals for drinking is available?
 - ii) Proper drainage system exists in enclosures?
 - iii) Regular disposal of refuse material is done?
 - iv) Programme for control of pests and predators exists?
 - v) Preventive measures like deworming and vaccination are being provided?
13. Amenities to visitors:
- Whether
- (a) Public facilities like toilets /bathrooms exist?
 - (b) Sufficient number of drinking water taps available?
 - (c) Visitor information centre and nature interpretation centre exist?
 - (d) Zoo education facilities have been provided?
 - (e) Public telephone booths are available?
 - (f) Kiosks and restaurants are available at the zoo?
14. Safety measures for visitors:
- Whether
- 6(a) Effective stand-of barriers have been provided around enclosures?
 - (c) Adequate number of warning sign boards exist?
 - (d) First-Aid measures are available?
15. Budget of the Zoo for last 3 years
- Revenue Grants Total expenditure
16. Annual Report, Guide books, Brochure or any other publication (copies enclosed)
17. Master plan of the Zoo (copy enclosed)

Signature of the Applicant

APPENDIX - I**MINIMUM PRESCRIBED SIZE FOR FEEDING/RETIRING
CUBICLE/ENCLOSURES FOR IMPORTANT MAMMALIAN SPECIES OF CAPTIVE ANIMALS.**

Name of the Species.	Size of the cubicle/enclosures - in metres		
	length	breadth	height
FAMILY - Felidae:			
Tiger and lions	2.75	1.8	3
Panther	2	1.5	2
Clouded leopard & snow leopard	2	1.5	2
Small cats	1.8	1.5	1.5
FAMILY - Elephantidae			
Elephant.	8	6	5.5
FAMILY - Rhinocerotidae			
One-horned Indian Rhinoceros	5	3	2.5
FAMILY - Cervidae			
Brow antlered deer	3	2	2.5
Hangul	3	2	2.5
Swamp deer	3	2	2.5
Musk deer	2.5	1.5	2
Mouse deer	1.5	1	1.5
FAMILY - Bovidae			
Nilgiri tahr	2.5	1.5	2
Chinkara	2.5	1.5	2
Four horned antelope	2.5	1.5	2
Wild Buffalo	3	1.5	2
Indian Bison	3	2	2.5
Yak	4	2	2.5
Bharal, goral, wild sheep and markhor	2.5	1.5	2
FAMILY - Equidae			
Wild Ass	4	2	2.5
FAMILY - Ursidae			
All types of Indian bears.	2.5	1.8	2
FAMILY - Canidae			
Jackal, wolf & wild dog	2	1.5	1.5
FAMILY - Viverridae			
Palm civet	2	1	1
Large Indian civet & binturong	2	1.5	1
FAMILY - Mustellidae			
Otters all types	2.5	1.5	1
Rate]/Hogbadger	2.5	1.5	1
Martens	2	1.5	1
FAMILY - Procyonidae			
Red Panda	3	1.5	1
FAMILY - Lorisidae			
Slow loris and slender loris	1	1	1.5
FAMILY-Cercopithecidae			
Monkeys and langurs.	2	1	1.5

(S.S. HASURKAR)
JOINT SECRETARY TO THE GOVT. OF INDIA
 (No. F. 6-3/91-WL.1)

NUMBER OF ZOOS AND CAPTIVE WILDLIFE FACILITIES IN STATES

AND UNION TERRITORIES OF INDIA

STATE/	ZOOS NATURE/ PARKS	DEER AQUARIUMS PARKS	SAFARI EDUCATION PARKS	TOTAL BREEDING CENTRES	SNAKE		
Andaman and Nicobar Islands	1	0	0	0	0	0	1
Andhra Pradesh	3	14	3	0	1	1	22
Arunachal Pradesh	3	0	0	0	1	0	4
Assam	1	0	0	0	3	0	4
Bihar	5	1	0	0	0	0	6
Delhi	1	1	0	0	0	0	2
Goa	1	0	0	0	0	0	1
Dadra and Nagar Haveli (UT)	1	2	0	0	0	0	3
Gujarat	8	4	0	0	2	2	16
Haryana	5	2	0	0	1	0	8
Himachal Pradesh	4	1	2	0	3	0	10
Jammu & Kashmir	2	1	0	0	0	0	3
Karnataka	19	3	4	1	0	0	27
Kerala	3	1	1	1	2	0	8
Madhya Pradesh	5	0	0	0	1	1	7
Maharashtra	10	1	1	2	2	1	17
Manipur	1	0	0	0	0	0	1
Meghalaya	2	0	0	0	0	0	2
Mizoram	1	0	0	0	0	0	1
Nagaland	1	0	0	0	0	0	1
Orissa	2	7	3	0	1	0	13
Pondicherry	1	0	0	0	0	0	1
Punjab	5	3	1	0	0	0	9
Rajasthan	6	1	0	0	1	0	8
TamilNadu	8	1	0	1	1	2	13
Tripura	1	0	0	0	0	0	1
Sikkim	1	1	0	0	0	0	2
Uttar Pradesh	3	7	0	0	6	0	16
West Bengal	3	0	1	1	0	1	6
Total	107	*51	16	6	25	8	213

* The actual number could be much more but State-wise details are not available.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 18th April, 2003

S.O. 447 (E) In exercise of the powers conferred by sub-section (1) of section 54 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby empowers the Director of Wild Life Preservation and Assistant Director, Wild Life Preservation for that Government and in case of a State Government, the Chief Wild Life Warden and all officers not below the rank of the Deputy Conservator of Forests to exercise the powers in terms of section 54 of the said Act.

[F.No. 1-1/2003 WL-I]
M.K. Sharma, Director General of Forests and Spl. Secy.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 18th April, 2003

S.O. 446 (E) In exercise of the powers conferred by sub-section (1) of section 58E of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby authorizes all the officers not below the rank of a Deputy Inspector General of Police to exercise the powers of section 58(e) of the said act.

[F.No. 1-1/2003 WL-I]
M.K. Sharma, Director General of Forests and Spl. Secy.

GUIDELINES FOR APPOINTMENT OF HONORARY WILDLIFE WARDENS

The Need

1. Peoples participation and support is crucial for nature and Wildlife conservation, one of the important ways of enlisting such support is by involving the community leaders and other persons of standing, who have the interest as well as the capacity to render assistance for this cause. Such assistance can be very useful in control over poaching for this clandestine trade in wild animals or their articles, identification of relatively less known wildlife refuges needing protection, carrying the message of conservation to the people living in and around the sanctuaries and national parks, and related matters. This objective can be accomplished if really suitable public men are identified, duties and appointed Honorary Wildlife Wardens, with their responsibilities, and powers clearly defined.

Legal Status

2. Section 4 of the Wildlife (Protection) Act, 1972 empowers the State Government to appoint

- (a) a Chief Wildlife Warden
- (b) Wildlife Wardens; and
- (c) such other officers and employees as may be necessary for the purposes of the Act.

Honorary Wildlife Wardens can be appointed under sub-section (c) of section 4 of the Act. Under section 59 of the aforesaid Act, such Honorary Wildlife Wardens shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Criteria for Selection

3. It is very important that the right persons are selected for appointment as Honorary Wildlife Wardens. Every State has a Chief Wildlife Warden and it is mainly his duty to recommend the names of suitable person for this purpose. However, in order to assist him in this regard as well as to introduce a measure of wider participation, the members of the State Wildlife Advisory Board should be requested to suggest suitable names, especially from their own areas.

4. The following criteria should be kept in mind while assessing the suitability of a person as an Honorary Wildlife Warden:

- (a) Genuine concern for Wildlife conservation.
- (b) Personal record free of involvement in any activity detrimental to the interests of nature and wildlife conservation.

Any person involved in commercial exploitation of Wildlife should not be considered.

- (c) Capacity to render help to the official machinery.
- (d) Local standing which make him/her effective, especially in conveying the conservation message.

5. An important point to bear in mind is the identification of areas particularly prone to poaching, e.g. forests in the vicinity of urban centres and cantonments or close to sanctuaries and national park. Likewise, centres of clandestine trade in wildlife and products thereof should be identified; so also areas where damage to people or their property from wild animals is heavy. Selection of persons as Honorary Wildlife Wardens must be related to such problem areas because it is these areas which need priority attention and where public participation is needed most.

Procedure for Appointment

Under Section 6 of the Wildlife (Protection) Act, 1972, every State and Union Territory has a Wildlife Advisory Board to aid and advise the Government in matters connected with the protection of wildlife. The appointment of an Honorary Wildlife Warden should be generally with the recommendation of this Advisory Board. The Chief Wildlife Warden should submit the proposals for this purpose at the meetings (s) of the Board and then seek the orders of the Government.

While recommending any person for such appointment, the criteria laid down in paras 4 and 5 above must be kept in mind by the Board. The appointment of an Honorary Wildlife Warden should, in the first instance, be generally for a period of one year. Thereafter on the recommendation of the Wildlife Advisory Board, it may be renewed for a period not exceeding 2-3 years at a time.

The Wildlife Advisory Board of each State/Union Territory should review the functioning of the scheme of Honorary Wildlife Wardens at least once every year.

The appointment order of an Honorary Wildlife Warden should clearly specify the jurisdiction, which should normally be a district or a few districts, in the area where the person resides. However, there is no objection to making members of the State Wildlife Advisory Board Honorary Wardens for larger areas.

Each Honorary Warden should be issued an identity Card having his signature and photograph duly attested by the Chief Wildlife Warden. The Chief Wildlife Warden should also give each

Honorary Warden a small booklet containing the Wildlife (Protection) Act and the Rules made thereunder as well as the duties, responsibilities, and power of an Honorary Wildlife Warden. The State Government may, at its discretion, terminate the appointment of an Honorary Wildlife Warden at any time, without assigning reasons.

Duties and Responsibilities

13. The main duty and responsibility of an Honorary Wildlife Warden is to assist whole heartedly the State organization responsible for wildlife conservation work, especially with regard to the following matters:

- (a) Control of poaching and clandestine trade in wild animals and products / articles thereof
- (b) Detection and prosecution of offences under the Wildlife (Protection) Act and the Rules made thereunder.
- (c) Preventing damage to the habitat of wildlife.
- (d) Identification and selection of areas suitable to be declared as sanctuaries, national parks, closed areas, etc; as well as measures for their proper protection.
- (e) Measures for dealing with the problem of damage by wild animals to life and property, including the assessment and payment of compensation, etc.
- (f) Carrying the message of conservation to the people and enlisting public support for nature and wildlife conservation. The effort should be specially directed towards the communities living in or near the declared wildlife reserves.
- (g) Any other matter connected with the protection of wildlife, which may be entrusted by the Wildlife Advisory Board or the Chief Wildlife Warden of the State, from time to time.

Powers

14. In accordance with sub-section (3) of section 4 of the Wildlife (Protection) Act, 1972, an Honorary Wildlife Warden appointed under sub-section (2) (c) of section 4 shall be subordinate to the Chief Wildlife Warden of the State and under section 59 of aforesaid Act, he shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Protection for action taken in good faith is provided under section 60 of the Act.

15. With a view of making the Honorary Wildlife Wardens useful and effective it is necessary that the following specific powers under the Wildlife (Protection) Act, 1972 should be delegated to them:

- (a) Power to inspect records of licences under section 47 (b) of the Act;
- (b) Powers of entry, search, seizure, and detention under section 50 for prevention and detection of offences under the Act.

16. Suitable Honorary Wildlife Wardens could be authorised also to file complaints in courts in accordance with section 55 of the Wildlife (Protection) Act, 1972. Normally, however, an Honorary Wildlife Warden should bring the offence detected by him to the notice of the Wildlife Warden having jurisdiction for making proper investigation and lodging a complaint in the Court as laid down in section 55 of the Act.

17. Apart from the above, the State Government may delegate any other power under the aforesaid Act, as it may consider necessary.

General

18. Just as it is expected that the Honorary Wildlife Wardens should assist the State Wildlife organization, it is equally essential that the Chief Wildlife Warden and the whole State Machinery responsible for the protection of wildlife should take all possible steps to associate the Honorary Wildlife Wardens in their work. This can be achieved best by fostering a spirit of mutual trust and confidence.

19. No staff or vehicle support can be provided to Honorary Wardens as a matter of course. However, if the circumstances warrant, the departmental staff should provide all possible help and assistance. Instructions to this effect should be issued by the State Government to all concerned officers in the field.

20. It is also appropriate that the actual expenses incurred by an Honorary Warden on travel by public transport for carrying out the duties assigned to him should be reimbursed by the State Government. In addition, all actual expenses incurred in the detection of an offence under the Wildlife (Protection) Act, which leads to successful prosecution may be reimbursed after due verification.

21. The State Government should recognise outstanding work or service rendered by any Honorary Warden. Such recognition can be by way of a letter of commendation, or a certificate signed by the Minister in charge of the Department, or the membership of the State Wildlife Advisory Board. Cash grants could also be considered in suitable cases.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th February, 2003/Magha 16, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 5th February, 2003, and is hereby published for general information:

THE BIOLOGICAL DIVERSITY ACT, 2002
No. 18 OF 2003

[5th February, 2003]

An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

WHEREAS India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto.

AND WHEREAS India is a party to the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June, 1992;

AND WHEREAS the said Convention came into force on the 29th December, 1993;

AND WHEREAS the said Convention reaffirms the sovereign rights of the States over their biological resources;

AND WHEREAS the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilization and equitable sharing of the benefits arising out of utilization of genetic resources and also to give effect to the said Convention.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER - I
Preliminary

1. Short title, extent and commencement

This Act may be called the Biological Diversity Act, 2002.

- (1) It extends to the whole of India.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions

In this Act, unless the context otherwise requires,—

- (a) "benefit claimers" means the conservers of biological resources, their byproducts, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
- (b) "biological diversity" means the variability among living organisms from all sources and the ecological complexes of which they are part, and includes diversity within species or between species and of eco-systems;
- (c) "biological resources" means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;
- (d) "bio-survey and bio-utilization" means survey or collection of species, subspecies, genes, components and extracts of biological resource for any purpose and includes characterization, inventorisation and bioassay;

- (e) "Chairperson" means the Chairperson of the National Biodiversity Authority or, as the case may be, of the State Biodiversity Board;
- (f) "commercial utilization" means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;
- (g) "fair and equitable benefit sharing" means sharing of benefits as determined by the National Biodiversity Authority under section 2 1;
- (h) "local bodies" means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) of article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act;
- (i) "member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;
- (j) "National Biodiversity Authority" means the National Biodiversity Authority established under section 8;
- (k) "prescribed" means prescribed by rules made 1 under this Act;
- (l) "regulations" means regulations made under this Act;
- (m) "research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;
- (n) "State Biodiversity Board" means the State Biodiversity Board established under section 22;
- (o) "sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;
- (p) "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physically inseparable form.

CHAPTER - II

Regulation of Access to Biological Diversity

Certain persons not to undertake Biodiversity related activities without approval of National Biodiversity Authority

3. (1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization.

(2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely:

- (a) a person who is not a citizen of India;
- (b) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income-tax Act, 196 1;
- (c) a body corporate, association or organization-
 - (i) not incorporated or registered in India; or
 - (ii) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

Results of research not to be transferred to certain persons without approval of National Biodiversity Authority

4. No person shall, without the previous approval of the National Biodiversity Authority, transfer the results of any research relating to any biological resources occurring in, or obtained from, India for monetary consideration or otherwise to any person who is not a citizen of India or citizen of India who is non-resident as defined in clause (30) of section

2 of the Income-tax Act, 1961 or a body corporate or organization which is not registered or incorporated in India or which has any non-Indian participation in its share capital or management.

Explanation.- For the purposes of this section, "transfer" does not include publication of research papers or dissemination of knowledge in any seminar or workshop, if such publication is as per the guidelines issued by the Central Government.

Sections 3 and 4 not to apply to certain collaborative research projects

5.(1) The provisions of sections 3 and 4 shall not apply to collaborative research projects involving transfer or exchange of biological resources or information relating thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (3).

- (2) All collaborative research projects, other than those referred to in sub-section (1) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (a) of sub-section (3), be void.
- (3) For the purposes of sub-section (1), collaborative research projects shall-
 - (a) conform to the policy guidelines issued by the Central Government in this behalf;
 - (b) be approved by the Central Government.

Application for intellectual property rights not to be made without approval of National Biodiversity Authority

6.(1) No person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application.

Provided that if a person applies for a patent, permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned:

Provided further that the National Biodiversity Authority shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof.

- (2) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial benefits arising out of the commercial utilization of such rights.
- (3) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties enacted by Parliament.
- (4) Where any right is granted under law referred to in sub-section (3), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.

Prior intimation to State Biodiversity Board for obtaining biological resource for certain purposes

7. No person, who is a citizen of India or a body corporate, association or organization which is registered in India, shall obtain any biological resource for commercial utilization, or bio-survey and bio-utilization for commercial utilization except after giving prior intimation to the State Biodiversity Board concerned:

Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and *vaid*s and *hakims*, who have been practicing indigenous medicine.

CHAPTER - III

National Biodiversity Authority

Establishment of National Biodiversity Authority

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.

- (2) The National Biodiversity Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.
- (3) The head office of the National Biodiversity Authority shall be at Chennai and the National Biodiversity Authority may, with the previous approval of the Central Government, establish offices at other places in India.
- (4) The National Biodiversity Authority shall consist of the following members,
 - (a) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;
 - (b) three ex officio members to be appointed by the Central Government, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment and Forests of whom one shall be the Additional Director General of Forests or the Director General of Forests;
 - (c) seven ex officio members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with –
 - (i) Agricultural Research and Education;
 - (ii) Biotechnology;
 - (iii) Ocean Development;
 - (iv) Agriculture and Cooperation;
 - (v) Indian Systems of Medicine and Homoeopathy;
 - (vi) Science and Technology;
 - (vii) Scientific and Industrial Research;
 - (d) five non-official members to be appointed from amongst specialists and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and know ledge-holders of biological resources.

Conditions of service of Chairperson and members

9. The term of office and conditions of service of the Chairperson and the other members other than *ex officio* members of the National Biodiversity Authority shall be such as may be prescribed by the Central Government.

Chairperson to be Chief Executive of National Biodiversity Authority

10. The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.

Removal of members

11. The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has-
- (a) been adjudged as an insolvent; or
 - (b) been convicted of an offence which involves moral turpitude; or
 - (c) become physically or mentally incapable of acting as a member;
 - (d) or

- (e) so abused his position as to render his continuance in office detrimental to the public interest; or
- (f) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

Meetings of National Biodiversity Authority

- (1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.
- (2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.
- (3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.
- (4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.
- (5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.
- (6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of-
 - (a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or
 - (b) any defect in the appointment of a person acting as a member; or
 - (c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

Committees of National Biodiversity Authority

13. (1) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.

Explanation- For the purposes of this sub-section, "agro-biodiversity" means biological diversity, of agriculture related species and their wild relatives.

- (2) Without prejudice to the provisions of sub-section (1), the National Biodiversity Authority may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.
- (3) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.
- (4) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

Officers and employees of National Biodiversity Authority

14. (1) The National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.

Authentication of orders and decisions of National Biodiversity Authority

15. All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or any other member authorized by the National Biodiversity Authority in this behalf and all other instruments executed by the National Biodiversity Authority shall be authenticated by the signature of an officer of the National Biodiversity Authority authorized by it in this behalf.

Delegation of powers

16. The National Biodiversity Authority may, by general or special order in writing, delegate to any member, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64) as it may deem necessary.

Expenses of National Biodiversity Authority to be defrayed out of the Consolidated Fund of India

17. The salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the Consolidated Fund of India.

CHAPTER - IV

Functions and Powers of the National Biodiversity Authority

Functions and powers of National Biodiversity Authority

18.(1) It shall be the duty of the National Biodiversity Authority to regulate activities referred to in sections 3, 4 and 6 and by regulations issue guidelines for access to biological resources and for fair and equitable benefit sharing.

- (2) The National Biodiversity Authority may grant approval for undertaking any activity referred to in sections 3, 4 and 6.
- (3) The National Biodiversity Authority may-
- (a) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources;
 - (b) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (1) of section 37 as heritage sites and measures for the management of such heritage sites;
 - (c) perform such other functions as may be necessary to carry out the provisions of this Act.
- (4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER - V

Approval by the National Biodiversity Authority

Approval by National Biodiversity Authority for undertaking certain activities

19. (1) Any person referred to in sub-section (2) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization or transfer the results of any research relating to biological resources occurring in, or obtained from, India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.

- (2) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (1) of section 6,

may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

- (3) On receipt of an application under sub-section (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

- (4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

Transfer of biological resource or knowledge

20.(1) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.

- (2) Any person who intends to transfer any biological resource or knowledge associated thereto referred to in sub-section (1) shall make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

- (3) On receipt of an application under sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

- (4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

Determination of equitable benefit sharing by National Biodiversity Authority

21.(1) The National Biodiversity Authority shall while granting approvals under section 19 or section 20 ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.

- (2) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:

- (a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;
- (b) transfer of technology;
- (c) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;
- (d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilization;
- (e) setting up of venture capital fund for aiding the cause of benefit claimers;
- (f) payment of monetary compensation and non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

- (3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:

Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organizations, the National Biodiversity Authority may direct that the amount shall be paid directly to such individual or group of individuals or organizations in accordance with the terms of any agreement and in such manner as it deems fit.

- (4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER - VI

State Biodiversity Board

Establishment of State Biodiversity Board

22.(1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the (name of the State) Biodiversity Board.

- (2) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:

Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify.

- (3) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

- (4) The Board shall consist of the following members, namely:

- (a) a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the State Government;
- (b) not more than five ex officio members to be appointed by the State Government to represent the concerned Departments of the State Government;
- (c) not more than five members to be appointed from amongst experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources.

- (5) The head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.

Functions of State Biodiversity Board

23. The functions of the State Biodiversity Board shall be to—

- (a) advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources;
- (b) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians;
- (c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.

Power of State Biodiversity Board to restrict certain activities

24.(1) Any citizen of India or a body corporate, organization or association registered in India intending to undertake any activity referred to in section 7 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.

- (2) On receipt of an intimation under sub-section (1), the State Biodiversity Board may, in consultation with the local bodies concerned and after making such enquires as it conservation, may deem fit, by order, prohibit or restrict any such activity if it is of opinion

that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity: Provided that no such order shall be made without giving an opportunity of being heard to the person affected.

- (3) Any information given in the form referred to in sub-section (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board

25. The provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely:

- (a) references to the Central Government shall be construed as references to the State Government;
- (b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;
Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board.
- (c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.

CHAPTER - VII

Finance, Accounts and Audit of National Biodiversity Authority

Grants or loans by the Central Government

26. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Constitution of National Biodiversity Fund

27. (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto --

- (a) any grants and loans made to the National Biodiversity Authority under section 26;
 - (b) all charges and royalties received by the National Biodiversity Authority under this Act; and
 - (c) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.
- (2) The Fund shall be applied for--
- (a) channeling benefits to the benefit claimers;
 - (b) conservation and promotion of biological resources and development of areas from where such biological resources or knowledge associated thereto has been accessed;
 - (c) socio-economic development of areas referred to in clause (b) in consultation with the local bodies concerned.

Annual report of National Biodiversity Authority

28. The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditors report thereon.

Budget accounts and audit

29.(1) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

- (2) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any

expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority.
- (4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

Annual Report to be laid before parliament

30. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER - VIII

Finance, Accounts and Audit of State Biodiversity Board

Grants of money by State Government to State Biodiversity Board

31. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Biodiversity Board by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

Constitution of State Biodiversity Fund

32. (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto-

- (a) any grants and loans made to the State Biodiversity Board under section 31;
 - (b) any grants or loans made by the National Biodiversity Authority;
 - (c) all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government.
- (2) The State Biodiversity Fund shall be applied for-
- (a) the management and conservation of heritage sites;
 - (b) compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37;
 - (c) conservation and promotion of biological resources;
 - (d) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24, in consultation with the local bodies concerned;
 - (e) meeting the expenses incurred for the purposes authorized by this Act.

Annual report of State Biodiversity Board

33. The State Biodiversity Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

Audit of accounts of State Biodiversity Board

34. The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

Annual Report of State Biodiversity Board to be laid before State Legislature

35. The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

CHAPTER - IX

Duties of the Central and the State Governments

Central Government to develop National strategies plans. Etc., for conservation, etc., of biological diversity

36.(1) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of *in situ*, and *ex situ*, conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity.

- (2) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed.
- (3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.
- 4) The Central Government shall undertake measures,-
 - (i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;
 - (ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

(5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including *sui generis* system.

*Explanation:-*For the purposes of this section,-

- (a) "*ex situ* conservation" means the conservation of components of biological diversity outside their natural habitats;
- (b) "*in situ* conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

Biodiversity heritage sites

37.(1) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.

- (2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.
- (3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

Power of Central Government to notify threatened species

38. Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time o time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

Power of Central Government to designate repositories

39.(1) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.

- (2) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.
- (3) Any new taxon discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.

Power of Central Government to exempt certain biological resources

40. Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources normally traded as commodities.

CHAPTER - X

Biodiversity Management Committee

Constitution of Biodiversity Management Committee

41.(1) Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

Explanation.- For the purposes of this sub-section,–

- (a) "cultivar" means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;
 - (b) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;
 - (c) "landrace" means primitive cultivar that was grown by ancient farmers and their successors.
- (2) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity Management Committees while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the Biodiversity Management Committee.
 - (3) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER - XI

Local, Biodiversity Fund

Grants to Local Biodiversity Fund

42. The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

Constitution of Local Biodiversity Fund

43.(1) There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto–

- (a) any grants and loans made under section 42;
- (b) any grants or loans made by the National Biodiversity Authority;
- (c) any grants or loans made by the State Biodiversity Boards;
- (d) fees referred to in sub-section (3) of section 41 received by the Biodiversity Management Committees;
- (e) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government.

Application of Local Biodiversity Fund

44.(1) Subject to the provisions of sub-section (2), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.

(2) The Fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.

Annual Report of Biodiversity Management Committees

45. The person holding the custody of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as

may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the concerned local body.

Audit of accounts of Biodiversity Management Committees

46. The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner as may, in consultation with the

Accountant-General of the State, be prescribed and the person holding the custody of the Local Biodiversity Fund shall furnish, to the concerned local body, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

Annual report, etc, of the Biodiversity Management Committee to be submitted to district Magistrate

47. Every local body constituting a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in sections 45 and 46, respectively and relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

CHAPTER - XII

Miscellaneous

National Biodiversity Authority to be bound by the directions given by Central Government

48.(1) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of State Government to give Directions

49.(1) Without prejudice to the foregoing provisions of this Act, the State Biodiversity Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government whether a question is one of policy or not shall be final.

Settlement of disputes between State Biodiversity Boards

50. (1) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.

(2) Every appeal made under sub-section (1) shall be in such form as may be prescribed by the Central Government.

- (3) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government:
Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of, being heard.
- (4) If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.
- (5) While adjudicating any dispute under sub-section (4), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.
- (6) The National Biodiversity Authority shall have, for the purposes of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely–
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) issuing commissions for the examination of witnesses or documents;
 - (e) reviewing its decisions; dismissing an application for default or deciding it *ex parte*;
 - (g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
 - (h) any other matter which may be prescribed.
- (7) Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXV1 of the Code of Criminal Procedure, 1973.

Members, officers, etc., of National Biodiversity Authority and State Biodiversity Board deemed to be public servants

51. All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions, of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Appeal

52. Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:
Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal-within the said period, allow it to be filed within a further period not exceeding sixty days.

Execution of determination or order

53. Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

Explanation - For the purposes of this section and section 52, the expression "State Biodiversity Board" includes the person or group of persons to whom the powers or functions under sub-section (2) of section-22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be.

Protection of action taken in good faith

54. No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or the State Government or any member, officer or employee of the National Biodiversity Authority or the State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Penalties

55. (1) Whoever contravenes or to or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.

(2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under sub-section (2) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

Penalty for contravention of directions or orders of Central government, State government, National Biodiversity Authority and State Biodiversity Boards

56. If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine which may extend to two lakh rupees everyday during which the default continues.

Offences by companies

57. (1) Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

- (2) Notwithstanding anything contained in sub-section (1), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.

Explanation. -For the purposes of this section,–

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
(b) "director", in relation to a firm, means a partner in the firm.

Offences to be cognizable and non-bailable

58. The offences under this Act shall be cognizable and non-bailable.

Act to have effect in addition to other Acts

59. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife.

Power of Central Government to give directions to State Government

60. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or regulation or order made thereunder.

Cognizance of offences

61. No Court shall take cognizance of any offence under this Act except on a complaint made by—
- (a) the Central Government or any authority or officer authorized in this behalf by that Government; or
 - (b) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.

Power of Central Government to make rules

62. (1) The Central Government may' by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for A or any of the following matters, namely:—

- (a) terms and conditions of service of the Chairperson and members under section 9;
 - (b) powers and duties of the Chairperson under section 10;
 - (c) procedure under sub-section (1) of section 12 in regard to transaction of business at meetings,
 - (d) form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;
 - (e) the form and manner of making an application under sub-section (2) of section 19;
 - (f) form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;
 - (g) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;
 - (h) form in which the annual statement of account shall be prepared under subsection (1) of section 29;
 - (i) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;
 - (j) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;
 - (k) the manner of giving notice under clause (b) of section 61;
- (1) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session or a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following. The session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power of State Government to make rules

63.(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;
- (b) the form in which the prior intimation shall be given under sub-section (1) of section 24;
- (c) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;
- (d) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;
- (e) management and conservation of national heritage sites under section 37;
- (f) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (1) of section 44;
- (g) the form of annual report and the time at which such report shall be prepared during each financial year under section 45;
- (h) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;
- (i) any other matter which is to be, or may be, specified.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power of remove difficulties

64. The National Biodiversity Authority shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.

Power to remove difficulties

65. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

SUBHASH C. JAIN

Secretary to the Government of India

The Gazette of India
EXTRAORDINARY
PART II – Section 3- Sub-section (i)
PUBLISHED BY AUTHORITY
MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION
New Delhi, Thursday, April 15, 2004

G.S.R. 261 (E) - In exercise of the powers conferred by section 62 of the Biological Diversity Act, 2002, and in supersession of the National Biodiversity Authority (salary, Allowances and conditions of service of Chairperson and other Members) Rules, 2003 except as respect to things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely:-

Short title and commencement

- (1) These rules may be called the Biological Diversity Rules, 2004.
- (2) Thus shall come into force on 15th April, 2004.

2. Definitions

In these rules, unless the context otherwise requires, -

- (a) “Act” means the Biological Diversity Act 2002 (18 of 2003);
- (b) “Authority” means the National Biodiversity Authority established under sub- section (1) of Section 8,
- (c) “Biodiversity Management Committee” means a Biodiversity Management Committee established by a local body under sub-section (1) of Section 41;
- (d) “Chairperson” means the chairperson of the National Biodiversity Authority or as the case may be, of the State Biodiversity Board.
- (e) “fee” means any fee stipulated in the Schedule;
- (f) “Form” means form annexed to these rules;
- (g) “Member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the chairperson as the case may be;
- (h) “section” means a section of the Act;
- (i) “Secretary” means the full time Secretary of the Authority.
- (j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson

- (k) The Chairperson of the Authority shall be appointed by the Central Government.
- (2) Every appointment of Chairperson under sub-section (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.

4. Term of Office of the Chairperson

- (1) The Chairperson of the Authority shall hold the office for a term of three years’ and shall be eligible for re-appointment.
- (2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires which is earlier.
- (3) The Chairperson may resign from his office by giving at least one month notice in writing to the Central Government.

5. Pay and Allowances of Chairperson:-

- (1) A Chairperson shall be entitled to a fixed pay of Rs. 26,000/- per month. In case of retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons. .

- (2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, house and other perquisites etc. to be decided by the Central Government from time to time.

6. Term of Office and Allowances of non-official Members. -

- (1) Every non-official member of the Authority shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the official Gazette.
- (2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official member of commissions and committees of the Central Government attending the meeting (s) of such Commissions or Committees.

7. Filling up of vacancies of non-official members

- (1) A non-official member of the Authority may resign his office at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the Authority shall become vacant.
- (2) A casual vacancy of a non-official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.

8. Removal of the members of the Authority.

No member of the Authority shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member a reasonable opportunity of being heard.

9. Secretary of the Authority

- (1) The Authority shall appoint a Secretary to it.
- (2) The terms and conditions of the appointment of the Secretary shall be determined by the Authority by regulation.
- (3) The Secretary shall be responsible for co-coordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.

10. Meetings of the Authority

- (1) The Authority shall meet at least four times in a year normally after a period of three months at the Head quarters of the Authority or at such place as may be decided by the Chairperson.
- (2) The Chairperson shall, upon a written request from not less than five Members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.
- (3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and atleast three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.
- (4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.
- (5) The decision of the Authority at a meeting shall, if necessary, be taken by a simple majority of the Members present and voting and the Chairperson or in his absence, the Member presiding shall have a second or casting vote.
- (6) Each member shall have one vote.
- (7) The quorum at every meeting of the Authority shall be five.

- (8) No Member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the Members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.

11. Appointment of Expert Committee by the Authority and their entitlements:-

- (1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.
- (2) The members of the Committee other than the members of the Authority shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.

12. General functions of the Authority:-

The Authority may perform the following functions; namely:-

- (i) lay down the procedure and guidelines to govern the activities provided under sections 3 ,4 and 6 ;
- (ii) advise the Central Government on any matter concerning conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (iii) coordinate the activities of the State Bio-diversity Boards;
- (iv) provide technical assistance and guidance to the State Bio-diversity Boards;
- (v) commission studies and sponsor investigations and research;
- (vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions:
Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.
- (vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (viii) organise through mass media a comprehensive programme regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.
- (ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of bio-diversity and sustainable use of its components;
- (x) prepare the annual Budget of the Authority incorporating its own receipts as also the devaluation from the Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;
- (xi) recommend creation of posts to the Central Government, for effective discharge of the functions by the Authority and to create such posts, provided that no such post whether permanent/ temporary or of any nature, would be created without prior approval of the Central Government;
- (xii) approve the method of recruitment to the officers and servants of the Authority;
- (xiii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through bio-

- diversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses;
- (xiv) give directions to State Bio-diversity Boards and the Bio-diversity Management Committees in writing for effective implementation of the Act ;
 - (xv) report to the Central Government about the functioning of the Authority and implementation of the Act ;
 - (xvi) recommend, modify, collection of benefit sharing fee under sub section (1) of Section 6 or Changes of royalties under sub-section (2) of section 19 in respect of biological resources from time to time;
 - (xvii) sanction grants-in-aid and grants to the State Bio-diversity Board and Bio-diversity Management Committees for specific purposes;
 - (xviii) undertake physical inspection of any area in connection with the implementation of the Act ;
 - (xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated knowledge obtained from India in an illegal manner;
 - (xx) do such other functions as may be assigned or directed by the Central Government from time to time.

13. Powers and duties of Chairperson

- (1) The Chairperson shall have the overall control of the day- to -day activities of the Authority.
- (2) Subject to the provisions of Section 10, the Chairperson shall have the powers of general superintendence over the officers and staff of the Authority and he may issue necessary directions for the conduct and management of the affairs of the Authority.
- (3) The Chairperson shall be In charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.
- (4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorized by the Chairperson in this behalf.
- (5) The Chairperson, either himself or through an officer of the authority authorized for the purpose, may sanction and disburse all payments against the approved budget.
- (6) The Chairperson shall have full powers for granting administrative and technical sanction to all estimates.
- (7) The Chairperson shall convene and preside over all the meetings of the Authority and shall ensure that all decisions taken by the Authority are implemented in proper manner.
- (8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.

14. Procedure for access to biological resources and associated traditional knowledge

- (1) Any person seeking approval of the Authority for access to biological resources and associated knowledge for research or for commercial utilization shall make an application in Form I.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of ten thousand rupees in the form of a cheque or demand draft drawn in favour of the Authority.
- (3) The Authority shall after consultation with the concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, dispose of the application, as far as possible, within a period of six months from the date of its receipts.

- (4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.
- (5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant.
- (6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following ; namely :-
 - (i) *general objectives and purpose of the application for seeking approval ;*
 - (ii) description of the biological resources and traditional knowledge including accompanying information;
 - (iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)
 - (iv) conditions under which the applicant may seek intellectual property rights;
 - (v) quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case if the biological material is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently.
 - (vi) restriction to transfer the accessed biological resources and the traditional knowledge to any third party without prior approval of Authority;
 - (vii) to adhere to a limit set by the Authority on the quantity and specification of the quality of the biological resources for which the applicant is seeking access;
 - (viii) guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;
 - (ix) submitting to the Authority a regular status report of research and other developments;
 - (x) commitment to abide with the provisions of Act and rules and other related legislations in force in the country ;
 - (xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed ;
 - (xii) commitment to minimize environmental impacts of collecting activities ;
 - (xiii) legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentiality clause.
- (7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.
- (8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.
- (9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.
- (10) The Authority shall take steps to widely publicize the approvals granted, through print or electronic media and shall periodically monitor compliance of conditions on which the approval was accorded

15. Revocation of access or approval.

- (1) The Authority may either on the basis of any complaint or suo moto withdraw the approval granted for access under rule 15 and revoke the written agreement under the following conditions ; namely:-

- (i) on the basis of reasonable belief that the person to whom the approval was granted has violated any of the provisions of the Act or the condition on which the approval was granted ;
 - (ii) when the person who has been granted approval has failed to comply with the terms of the agreement ;
 - (iii) on failure to comply with any of the conditions of access granted;
 - (iv) on account of overriding public interest or for protection of environment and conservation of biological diversity;
- (2) The Authority shall send a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

16. Restriction on activities related to access to biological resources. -

- (1) The Authority if it deems necessary and appropriate shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons; namely:-
- (i) the request for access is for any endangered taxa ;
 - (ii) the request for access is for any endemic and rare species;
 - (iii) the request for access may likely to result in adverse effect on the livelihoods of the local people;
 - (iv) the request to access may result in adverse environmental impact which may be difficult to control and mitigate;
 - (v) the request for access may cause genetic erosion or affecting the ecosystem function;
 - (vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.

17. Procedure for seeking approval for transferring results of research.-

- (1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non Resident Indians (NRIs), shall make an application to the Authority in the Form II.
 - (2) Every application under sub-rule (i) shall be accompanied by a fee of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.
 - (3) Every application under sub-rule (i) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same.
 - (4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.
 - (5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.
 - (6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed;
- Provided that the application shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

18. Procedure for seeking prior approval before applying for intellectual property protection. -

- (1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall make an application in Form III.

- (2) Every application under sub-rule (1) shall be accompanied by paying a fee of five hundred rupees.
- (3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority.
- (6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an opportunity of hearing.

19. Procedure for third party transfer under sub-section (2) of Section 20.-

- (1) The persons who have been granted approval for access to biological resources and associated knowledge, intend to transfer the accessed biological resource or knowledge to any other person or organization shall make an application to the Authority in Form IV.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of ten thousand rupees in the form of Bank draft or cheque drawn in favour of the Authority.
- (3) The Authority shall after collecting any additional information, decide upon the application as far as possible within a period of six months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.
- (5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.
- (6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

20. Criteria for equitable benefit sharing (Section 21)

- (1) The Authority shall by notification in the Official Gazette formulate the guidelines and describe the benefit sharing formula.
- (2) The guidelines shall provide for monetary and other benefits such as royalty; joint ventures; technology transfer; product development; education and awareness raising activities; institutional capacity building and venture capital fund.
- (3) The formula for benefit sharing shall be determined on a case-by case basis.
- (4) The Authority while granting approval to any person for access or for transfer of results of research or applying for patent and IPR or for third party transfer of the accessed biological resource and associated knowledge may impose terms and conditions for ensuring equitable sharing of the benefits arising out of the use of accessed biological material and associated knowledge.
- (5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the local bodies and benefit claimers and may be decided in due regard to the defined parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.

- (6) Depending upon each case, the Authority shall stipulate the time frame for assessing benefit sharing on short, medium, and long term benefits.
- (7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.
- (8) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them through the district administration. Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.
- (9) Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be, towards administrative and service charges.
- (10) The Authority shall monitor the flow of benefits as determined under sub rule (4) in a manner determined by it.

21. Application of National Biodiversity Fund. -

- (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorized in this regard
- (2) The National Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts from the Central Government and the other concerning the fee, licence fee, royalty and other receipts of the Authority

22. Constitution of Biodiversity Management Committees

- (1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.
- (2) The Biodiversity Management Committee as constituted under sub-rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled Tribes.
- (3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.
- (4) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years.
- (5) The local Member of Legislative Assembly/ Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.
- (6) The main function of the BMC is to prepare People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.
- (7) The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vairs and practitioners using the biological resources.
- (8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.
- (9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.

- (10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.
- (11) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

23. Appeal for settlement of disputes under Section 50. -

- (1) If a dispute arises between the Authority or a State Biodiversity Board or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e. , Authority or the Board, as the case may be, prefer an appeal to the Central Government under section 50, in Form V to the Secretary, Ministry of Environment and Forests, Government of India
- (2) In case the dispute arises between a State Biodiversity Board and another state Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government which shall refer the same to the Authority.
- (3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for.
- (4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorised representative of the appellant.
- (5) The memorandum of appeal shall be submitted in quadruplicate, either in person or through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impugned provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the orders impugned, direction or policy decision, as the case may be.
- (6) The notice for hearing of the appeal shall be given in Form VI by a registered post with an acknowledgement due.
- (7) The Central Government shall, after hearing the appellant and the other parties, dispose of the appeal.
- (8) In disposing of an appeal it may vary or modify or cancel impugned order, direction or policy, as the case may be.
- (9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.

24. Manner of giving notice under Section 61

- (1) The manner of giving notice, under clause (b) of section 61, shall be as follows namely:-
 - (i) The notice shall be in writing in Form VII.
 - (ii) The person giving the notice may send it to ,-
 - (a) If the alleged offence has taken place in a Union territory, to the Chairperson of the National Bio-diversity Authority; and
 - (b) If the alleged offence has taken place in a State, to the Chairperson of the State Bio-diversity Board
- (2) The notice referred to in sub-rule (1) shall be sent by registered post acknowledgement due; and
- (3) The period of thirty days mentioned in clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub-rule (1).

FORM I

(see rule 14)

Application form for access to Biological resources and associated traditional knowledge

Part A

- (i) Full particulars of the applicant
 - (ii) Name:
 - (iii) Permanent address:
 - (iv) Address of the contact person / agent, if any, in India:
 - (v) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication):
 - (vi) Nature of business:
 - (vii) Turnover of the organization in US\$:
2. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed
 - a) Identification (scientific name) of biological resources and its traditional use:
 - b) Geographical location of proposed collection:
 - c) Description / nature of traditional knowledge (oral / documented):
 - d) Any identified individual / community holding the traditional knowledge:
 - e) Quantity of biological resources to be collected (give the schedule):
 - f) Time span in which the biological resources is proposed to be collected:
 - g) Name and number of person authorized by the company for making the selection:
 - h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it:
 - i) Whether any collection of the resource endangers any component of biological diversity and the risks which may arise from the access:
 3. Details of any national institution which will participate in the Research and Development activities.
 4. Primary destination of accessed resource and identity of the location where the R&D will be carried out.
 5. The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs
 6. The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs
 7. Estimation of benefits, that would flow to India/ communities arising out of the use of accessed bioresources and traditional knowledge
 8. Proposed mechanism and arrangements for benefit sharing.
 9. Any other information considered relevant.

**Part B
Declaration**

I/ we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities;

I/we further declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed
Name
Title

Place
Date

FORM II

(see Rule 17)

Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes.

1. Full particulars of the applicant
 - (i) Name
 - (ii) Address:
 - (iii) Professional profile
 - (iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the results of research conducted
3. Details of the Biological resources and /or associated knowledge used in the research.
4. Geo-graphical location from where the biological resources used in the research are collected
5. Details of any traditional knowledge used in the research and any identified individual /community holding the traditional knowledge
6. Details of institution where R&D activities carried out.
7. Details of the individual / organization to whom the research results are intend to transfer.
8. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the individual /organization due to commercialization of transferred research results.
9. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.
10. Details of any agreement or MOU between by the proposed recipient and applicant seeking approval for transfer of results of research.

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed

Name

Title

Place

Date

FORM III

(See rule 18)

Application for seeking prior approval of National Biodiversity Authority for applying for Intellectual Property Right

1. Full particulars of the applicant
 - i) Name
 - ii) Address:
 - iii) Professional profile
 - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the invention on which IPRs sought
3. Details of the Biological resources and /or associated knowledge used in the invention.
4. Geo-graphical location from where the biological resources used in the invention are collected
5. Details of any traditional knowledge used in the in the invention and any identified individual /community holding the traditional knowledge
6. Details of institution where Research and Development activities carried out.
7. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed

Name

Title

Place

Date

FORM IV

(See rule 19)

Application form for seeking approval of National Biodiversity Authority for third party transfer of the accessed Biological resources and associated traditional knowledge.

1. Full particulars of the applicant
 - (i) Name
 - (ii) Address:
 - (iii) Professional profile
 - (iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the biological material and traditional knowledge accessed.
3. Details of the access contract entered (Copy to be enclosed)
4. Details of the benefits and mechanism / arrangements for benefit sharing already implemented.
5. Full particulars of the third part to whom the accessed material / knowledge is intended to transfer.
6. The purpose of the intended third party transfer.
7. Details of economic, social, biotechnological, scientific or any other benefits that are intended, or may accrue to the third party due to transfer of accessed biological material and knowledge.
8. Details of any agreement to be entered between the applicant and the third party.
9. Estimation of benefits that would flow to India/ communities arising out of the third party transfer of accessed biological resources and traditional knowledge
10. Proposed mechanism and arrangements for benefit sharing arising out of the proposed third party transfer.
11. Any other relevant information

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed

Name

Title

Place

Date

FORM V
(See rule-23(1))
Form of Memorandum of Appeal

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI
OR

NATIONAL BIODIVERSITY AUTHORITY

(as the case may be)

(Memorandum of appeal under Section 50 of the Biological Diversity Act, 2002.)

Appeal No. _____ of 200

Vs.

.....Appellant (s)

.....Respondent(s)

(here mention the designation of the Authority/ Board, as the case may be)

The appellant begs to prefer this Memorandum of Appeal against the order dated _____ passed by the Respondent on the following facts and grounds.

1. FACTS:

(Here briefly mention the facts of the case):

2. GROUND:

(Here mention the grounds on which the appeal is made):

- i)
- ii)
- iii)

3. RELIEF SOUGHT:

- i)
- ii)
- iii)

4. PRAYER:

a) In the light of what is stated above, the appellant respectfully prays that the order/decision of the respondent be quashed/set-aside.

b) The policy/guidelines/regulation framed by the Respondent be quashed
/modified/ annulled to the extent _____

c) _____

Place: _____

Dated: _____

Signature of the appellant

with Seal

Address:

VERIFICATION

I, the appellant do hereby declare that what is stated above is true to the best of my information and belief.

Verified on ____ day of _____.

Signature of the appellant

With Seal

Address

Signature of the Authorised representative of the appellant

Enclosures: 1. Authenticated copy of the order/direction/policy decision, against which the appeal has been preferred.

FORM VI
(See rule 28)

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY
(as the case may be)

Appeal No. _____ of 200

Between:

... Appellant(s)

Vs.

... Respondents(s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order/direction/policy decision (give details) is fixed for hearing on _____ at _____.

The copies of the appeal memorandum and other annexure filed alongwith the appeal are sent herewith for your reference.

Please note that if you fails to appear on the said date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you ex-parte.

Authorised signatory on behalf of the Appellate Authority (Seal)

Date: _____

Place : _____

FORM VII
FORM OF NOTICE
(See rule 24 (1))

By Registered Post/Acknowledgement due

From,

Shri _____

To,

Sub: NOTICE UNDER SECTION 61(b) OF THE BIOLOGICAL DIVERSITY ACT, 2002.

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by _____

2. I/we hereby give notice of 30 days under Section 61(b) of the Biological Diversity Act, 2002 of my /our intention to file a complaint in the Court against _____ for violation of the provisions of the Biological Diversity Act, 2002.
3. In support of my/our notice, I am/we are enclosing herewith the following documents as evidence of proof.

Place : _____

Dated: _____

Signature

EXPLANATION:

- (1) In case the notice to be given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed to the notice.
- (2) Give the name and address of the alleged offender. In case of using biological resource/ knowledge/research/bio-survey and bio utilisation /the intellectual property right /patent , without the approval of the Authority, the details thereof and the commercial utilisation if any, may be furnished.
- (3) Documentary evidence shall include photograph, technical report etc. for enabling enquiry into the alleged violation/offence.

[No. J 22018/57/2002 CSC (BC)]

(Desh Deepak Verma)
Joint Secretary

NOTIFICATION

New Delhi, the 22nd September, 2003

S.O. 1092 (E) In exercise of the powers conferred by sub-section (2) and (3) of section 5A read with section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

- (1) These rules may be called the National Board for Wild Life Rules, 2003
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires:-

- (a) Act means the Wild Life (Protection) Act, 1972 (53 of 1972);
- (b) National Board means the National Board for Wild Life constituted under section 5A of the Act;
- (c) Chairperson means the Chairperson of the National Board;
- (d) All other words and expressions used in these rules shall have the meanings respectively assigned to them in the Act.

3. National Board for Wild Life -

- (1) The National Board shall be constituted in accordance with the provisions contained in sub-section (1) of section 5A of the Act.
- (2) The term of office of the members other than those who are members ex-officio shall be for a period of three years.
- (3) The Member of Parliament nominated to the National Board shall cease to be the Member of the National Board on his having ceased to be the Member of the Parliament.
- (4) The vacancies referred to in clauses (e), (f) and (v) of sub-section (1) of section 5A of the Act shall be filled by nomination by the Central Government with the approval of chairperson.

4. Meetings -

- (1) The National Board shall ordinarily meet once in a year at a place to be decided with the approval of the Chairperson.
- (2) The Member-Secretary shall prepare agenda items for the meetings, obtain approval of the Chairperson and circulate it to all members at least fifteen days prior to the date of such meeting.
- (3) The Member-Secretary shall prepare the minutes of the meeting and circulate it to all members within thirty days of the meeting after obtaining approval of the Chairperson.
- (4) The Member-Secretary shall also initiate follow up action on the decisions of the National Board.

5. Removal from the National Board -

The Central Government may, with the prior approval of the chairperson, remove any member of the National Board appointed under clause (e), (f) and (v) of sub-section (1) of section 5A of the Act, if-

- (a) he is of unsound mind and stands to be declared by a competent court; or
- (b) he is an undischarged insolvent, or
- (c) he is convicted of any offence including moral turpitude; or
- (d) his conduct is found to be unbecoming of a member.

6. Disclosure of interest by members -

If any member of the National Board or his family member has any interest in a proposal submitted for consideration of the National Board, the member shall disclose the extent of his interest in the proposal.

7. Presiding over the meetings of the National Board -

- (1) The Chairperson or in his absence the Vice Chairperson shall preside at every meeting of the National Board.

- (2) In the absence of both the Chairperson and the Vice-Chairperson, such other member present as is decided by the National Board shall preside over the meeting.

8. Quorum

- (1) The quorum necessary for the transaction of business at a meeting of the National Board shall be one-half of the total number of members.
- (2) If at any time there is no quorum, the Chairperson or the person presiding over a meeting shall adjourn the meeting until there is a quorum.

9. Invitees to the National Board meetings -

The chairperson of the National Board may invite any person or persons having experience in the wild life conservation to attend any meeting of the National Board.

10. Record of Business -

- (1) The record of business transaction at every meeting of the National Board shall be prepared by the Member-Secretary for approval by the Chairperson or the Member presiding at such meeting.
- (2) When any business is transacted by circulation of papers, the Member-Secretary shall prepare a record of the business so transacted for approval by the Chairperson of the National Board permitting the circulation.
- (3) The record of business transacted at every meeting of the National Board shall be approved and signed by the Chairperson or the Vice-Chairperson or the member presiding at such meeting, and the approved record of business shall be circulated to all the members.
- (4) All records shall be maintained by the Member-Secretary of items of business transacted by the National Board or the committees, sub-committees or sub-groups thereof.

11. Appointment of Committees -

- (1) The National Board may, constitute a Standing Committee and such other committees or study groups, as may be necessary, in accordance with the provisions contained in section 5B of the Act.
- (2) The National Board shall determine the terms of reference, tenure, membership and other related aspects as may be necessary in respect of the committees constituted under sub-rule (1) of this rule.

12. Traveling and other allowances to members of the National Board and its committees -

- (1) A member of the National Board or any committee other than member ex-officio, shall be entitled to receive, in respect of any journey performed by him for the purpose of attending a meeting of the National Board or of a duly constituted committee thereof or for the purpose of discharging any duty assigned to him by the National Board or the committee concerned, traveling allowances and daily allowances at the rates as are admissible to the Group A officers of the central Government for the time being in force.
- (2) No traveling allowance or daily allowance shall be allowed to a member of the National Board or of any committee unless he certifies that he has not drawn any traveling or daily allowance from any other source in respect of the journey and halt for which the claim is made.
- (3) The traveling allowance shall be payable from the usual place of residence of a member of the National Board or any of the committee to the place of the meeting or the place where he has gone to attend to any business of the National Board and back to his place of residence.
- (4) In special circumstances, the chairperson may grant traveling allowance from the places other than usual place of residence of a member.

13. Interpretation of rules -

Where any doubt arises as to the interpretation of these rules, interpretation shall be referred to the Central Government for its decision.

[F.No 1-1/2003 WL]

VINOD RISHI, Addl. Director General of Forests

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 4th December, 2010.

G.S.R. 951(E)- WHEREAS the wetlands, vital parts of the hydrological cycle, are highly productive, support exceptionally large biological diversity and provide a wide range of ecosystem services, such as waste assimilation, water purification, flood mitigation, erosion control, ground water recharge, microclimate regulation, aesthetic enhancement of the landscape while simultaneously supporting many significant recreational social and cultural activities besides being a part of the cultural heritage;

AND WHEREAS many wetlands are seriously threatened by reclamation through damage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and inflow changes) and over exploitation of their natural resources resulting in loss of biodiversity and disruption in goods and services provided by wetlands.

AND WHEREAS India is a signatory to the Ramsar Convention for the conservation and wise use of wetland, which includes in its ambit a wide variety of habitats, such as rivers and lakes, coastal lagoons, mangroves, peatlands, coral reefs, and numerous man made wetlands such as ponds, farm ponds, irrigated agricultural lands, sacred groves, salt pans, reservoirs, gravel pits, sewage farms, and canals;

AND WHEREAS the Central Government has identified certain wetland for conservation and management under its conservation programme and provides financial and technical assistance to the State Government and Union territory Administration for various conservation activities through approval of the Management Action Plans;

AND WHEREAS the National Environment Policy, 2006 recognises the ecological services provided by wetlands and emphasizes the need to set up a regulatory mechanism consistent with the Ramsar Convention to maintain the ecological character of the identified wetland and develop a national inventory of such wetlands;

NOW, THEREFORE; in exercise of the power conferred by section 25, read with sub section (1) and clause (v) of sub section (2) and sub section (3) of section 3 of the Environment(Protection) Act, 1986, 29 of 1986), The Central Government makes the following rules for conservation and management of wetlands namely;

1. Short title and commencement:-

- (1) These rules may be called the Wetlands (Conservation and Management) Rules, 2010
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:-

- (1) In these rules the unless the context otherwise requires:

- (a) "Act" means the environment (Protection) Act, 1986 (29 of 1986)
- (b) **"Authority" means the Central Wetlands Regulatory Authority constituted under rule 5.**
- (c) "dredging" means an excavation activity or operation usually carried out at least partly underwater, in shallow sea or fresh water areas with the purpose of gathering up bottom sediments and disposing them off a different location.
- (d) "National Park" means an area deemed; as national Park under section 35 or section 38 or deemed to be declared as a National Park under section (3) of section 66 of the Wild Life (Protection) Act, 1972 (35 of 1972)
- (e) "Ramsar Conservation" means the Conservation on wetland signed at Ramsar Iran in 1971;
- (f) "UNESCO" means the United Nations Educational Scientific and Cultural Organization;
- (g) "wetland" means an area or of marsh fen, peatland of water, natural or artificial, permanent or temporary, with water that is static or flowing fresh brackish or salt, including area of marine water, the depth of which at low tide does not exceed six meters and include all inland water such as lakes, reservoir, tanks, back water

lagoon ,creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetlands covered under the notification of the Government of India in the Ministry of Environment and Forests', SO Number 114 (E) dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) of dated the 20th February, 1991.

(h) "wild life sanctuary" means an area declared as a wildlife sanctuary under the provisions of Chapter IV of the Wildlife (Protection) Act, 1972 (35 of 1972) and shall include an area deemed to be sanctuary under sub section (4) of section 66, of the said Act.

(2) The word and expression used in these rules and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Protected Wetlands:-

Based on the significance of the function performed by the wetland for overall wellbeing of the people and for determining the extent and level of regulation, the following wetlands shall be regulated under these rules, namely.

- (i) Wetlands categorized as Ramsar Wetland of International Importance under the Ramsar Conservation as specified in the Schedule.
- (ii) Wetlands in area that are ecologically sensitive and important, such as, national park, marine parks, sanctuaries, reserved forests, wildlife habitats, mangroves, corals reefs, area of outstanding natural beauty or historical or heritage area and the areas rich in genetic diversity.
- (iii) Wetland recognized as or lying with in a UNESCO World Heritage Site.
- (iv) High altitude wetlands or high altitude wetland complexes at or above an elevation of two thousand five hundred meters with an area equal to or greater than five hectares;
- (v) Wetland or wetland complexes below an elevation of two thousand five hundred meters with an area equal to or greater than five hundred hectares.
- (vi) Any other wetland as so identified by the authority and thereafter notified by the Central Government under the provisions of the Act for the purposes of these rules.

4. Restrictions an activities within wetlands:-

(1) **The following** activities within the wetlands shall be prohibited, namely:

- i) Reclamation of wetland;
- ii) setting of new industries and expansion of existing industries;
- iii) Manufacture or handling or storage or disposal of hazardous substances covers under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. number 966(E) dated the 27th November, 1989 or the Rules for Manufacture, use, Import, Export and storage of Hazardous Microorganism/Genetically engineering organisms or cells notified vide GSR number 1037(E) dated the 5th December, 1989 or the Hazardous Wastes(Management, Handling and Transboundry Movement Rules, 2008 notified vide S.O. number 2265(E) dated 24th September, 2008
- iv) Solid waste dumping: provided that the existing practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding six months from the date of commencement of these rules.
- v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements, provided that the practices, if any, existing before the commencement of these rules shall be phased out within a period not exceeding one year from the date of commencement of these rules.
- vi) any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules.

- vii) any other activity likely to have adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules.

(2) The following activities shall not be undertaken without the prior approval of the State Government Within the wetlands, namely:-

- i) withdrawal of water or the impoundment, diversion or interruption of water sources within the local catchment area of the wetland ecosystem;
- ii) harvesting of living and non- living resource;
- iii) grazing to the level that basic nature and character of the biotic community is not adversely affected;
- iv) treated effluent discharges from industries, cities or town, human settlements and agricultural fields falling within the limits laid down by the central Pollution Control Board or the State Pollution Control Committee, as the case may be;
- v) playing of motorized boat, if it is not detrimental to the nature and character of the biotic community;
- vi) dredging, only if the wetland is impacted by situation ;
- vii) construction of boat jetties;
- viii) activities with in the zone of influence, as per the definition of wetlands, that may directly affect the ecological character of the wetland;
- ix) facilities required for temporary use, such as pontoon bridges, that do not affect the ecological character of the wetland;
- x) aquaculture, agriculture and horticulture activities within the wetland;
- xi) repair of existing buildings or infrastructure including reconstruction activities.
- xii) Any other activity to be identified by the Authority.

(3) Notwithstanding anything in sub-rule (1) or sub-rule (2), the Central Government may permit any of the prohibited activities or non wetland use in the protected wetland on the recommendation of the Authority.

(4) The State Government shall ensure that a detailed Environment Impact Assessment is carried out in accordance with the procedures specified in the notification of the Government of India in the Minister of Environment and Forests S.O. number 1533 (E) dated the September 14th, 2006 as amended from time to time.

(5) No wetland shall be converted to non wetland use unless the Central Government is satisfied on the recommendation of the authority that is expedient in the public interest and reasons justifying the decision are recorder.

5. Constitution of Central Wetland Regulatory Authority:-

(I) The Central Government , in exercise of the powers conferred by sub-section(3) of section 3 of the Environment (Protection)Act, 1986 (29 of 1986), HEREBY CONSTITUTES Central Wetland Regulation Authority constituting of the following Chairperson and members for the purpose of these rules ,namely.

- a) Secretary, Ministry of Environment and Forests, Government of India Chairperson;
- b) A representative (not below the rank of Joint Secretary) from Ministry of Tourism, Government of India-Member ex officio ;
- c) A representative (not below the rank of Joint Secretary) from Ministry of Water Resources, Government of India-Member ex officio ;
- d) A representative (not below the rank of Joint Secretary) from Ministry of Agriculture, Government of India-Member ex officio ;
- e) A representative (not below the rank of Joint Secretary) from Ministry of Social Justice, Government of India ex officio;
- f) Chairman or his nominee, the Central Pollution Board member ex officio ;
- g) Joint Secretary or Advisor, dealing with the wetland in the Ministry of Environment and Forests, Government of India ex officio ;

- h) Dr. Asad R. Rahman, Director ,Bombay Natural History Society, Hornbill House, Dr. Salim Ali Chowl, Shaheed Bhagat Singh Road, Mumbai 400023
- i) Dr. M.R.D. Kunadaangar, Darul Aloon Qasmia Lane, Botshah Mohalla, Lal Bazar, Srinagar, Kashmir; Expert Immunology member.
- j) Dr. C.K. Vashney, 88 Vaishali, Pitampura, New Delhi-110034; Expert Ecology member
- k) Dr. E. J James, Director, Water Institute, Karunya, University, Coimbatore, Tamil Nadu; Expert Hydrology member;
- (1) Director or Additional Director or Joint Director dealing with the Wetland in the Ministry of Environment and forests Member Secretary;
- (2) The term of the Authority shall be three years effected from the date of publication of the notification referred to in sub-rule(1)
- (3) The Authority shall be exercise the following powers and perform the following function, namely:-
 - (i) appraise proposal for identification of new wetland, projects or activities in consultations with the concerned local authority;
 - (ii) identify and interface with the concerned local authorities to enforce the provision contained under these rules and other laws for the time being in force;
 - (iii) grant clearance or identify in consultation with the local state government, the areas for the grant of clearance for regulated activities in the wetlands-with in their respective jurisdictions;
 - (iv) determine, in consultation with concerned local authority, the zone of direct influence of the wetlands
 - (v) issue whatever directions, necessary for the conservation, preservation, and wise use of wetland to the State Government;
- (4) The Authority shall periodically review the list wetland and the detail of prohibited and regulated activities under the rules
- (5) The Authority shall specify the threshold levels for activities to be regulated and the mode and methodology for undertaking activities in wetland.

(6) Process for identification of wetlands under different categories:-

- (1) Wetland covered under item (i) of rule 3 specified under Schedule shall be the wetland to be regulated under these rules.
- (2) The States Government shall prepare, within a period of one year from the commencement of these rules, 'Brief Document' identifying and classifying the wetland within their respective territories in accordance with the criteria specified under Rules 3 and submit the same to Authority,
- (3) The 'Brief Document' of each wetland for identification shall comprise of following information, namely,
 - i) Broad geographic delineation of the wetland;
 - ii) Its zone of influence alongwith a map (accurate and to scale);
 - iii) The size of the wetland,
 - iv) Account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland
- (4) The authority, shall on receipt of the 'Brief Document' under sub-rule (2), if consider it necessary refer in consultation with the State Government to a research institute or university having relevant multi-disciplinary expertise related to wetlands, to conduct a comprehensive survey of the wetland with in a period of thirty days provided that the institute university to which the matter has been referred under sub-rule (4) shall submit a report within next ninety days from the date of such reference to Authority, which shall contain information with respect to the criteria specified under rule 3.

- (5) The authority, shall thereafter, arrives at a decision in consultation with the State Government, on the proposal, within a period of ninety days from the date of receipt of the report under sub-rule(4)
- (6) The Central Government shall on the receipt of the recommendation of the Authority notify the area of wetland as recommended by the Authority for public information inviting objection and suggestions from the general public likely to be affected to make representation to the Central Government within a period of sixty days;
- (7) The authority shall consider all the representations which the Central Government may receive under sub rule (6) and submit its recommendation on the representations to Central Government within a period of sixty days for final notification.
- (8) The Central Government shall on receipt of the recommendation of the Authority under sub-rule(7) issue a final notification notifying therein the area of the wetland its category or classification to be regulated under these rules and display the said notification in public place English and vernacular languages;
- (9) The Authority may be *suo moto* or on application made to it, review any decision under these rules or issue direction for inclusion of wetland under these rule.

7. Overlapping provisions:-

(1) The wetlands within the protected area of the National Park and Wildlife Sanctuaries shall be regulated by the provisions of WILD LIFE (Protection) Act, 1972 (35 of 1972)

(2) The wetland within the protected or notified forest areas shall be regulated by the provision of the Indian Forest Act, 1927(16 of 1972); the forest (Conservation) Act, 1980(69 of 1980); and the Environment (Protection) Act, 1986(29 Of 1986)

(3) The gaps in thee regulation of wetland within the protected and notified forest area if any, under the provision of the Indian Forest Act, 1927. Wildlife (Protection) Act, 1972 and Forest (Conservation) Act, 1980, shall be plugged by invoking provisions of the Environment (Protection) Act, 1986.

4. The wetland situated outside the protected or notified forest area referred to in sub rule (2) shall be regulated by the relevant provision of the Environment (Protection) Act, 1986 (29 of 1986)

8. Enforcement of regulated activities:-

(1) The identified activities for management and wise use of wetland situated within the protected or notified forest area referred to in sub rule (2) of rule7 shall be regulated by the Forest Department of the State concerned.

(2) The identified activities for management and wise use of wetland situated outside the protected or notified forest areas shall be regulated by the nodal Department or the relevant local state agencies to be designated by the State Government with in a period of six months from the date of commencement of these rules.

9. Appeals against the decisions of Authority:-

Any person aggrieved by the decision of the Authority may prefer an appeal to the National Green Tribunal constituted under National Green Tribunal Act, 2010 (19 of 2010) within a period of sixty days from the date of such decision Provided the National Green Tribunal may entertain any appeal after the expert of the said period of sixty days if it is satisfied that the applicant was prevented cause from filing the appeal in time.

THE SCHEDULE
[See-rule 3(i)]
List of wetland in India identified as Ramsar sites under Ramsar
Conservation on Wetland

Sr. No.	Name of Wetland	State
(1)	(2)	(3)
1.	Ashtamudi Wetland	Kerala
2.	Bhitarkanika Mangroves	Orissa
3	Bhoj Wetland	Madhya Pradesh
4.	Chilika Lake	Orissa
5	Deepor Beel	Assam
6	East Calcutta Wetlands	West Bengal
7	Harike Lake	Punjab
8	Kanjli	Punjab
9	Keoladeo National Park	Rajasthan
10	Korrelu Lake	Andhra Pradesh
11	Loktak Lake	Manipur
12.	Point Calimeres Wildlife and Bird Sanctuary	Tamil Nadu
13.	Pong Dam Lake	Himachal Pradesh
14	Ropar	Punjab
15	Sambhar Lake Rajsthan	Rajasthan
16.	Sasthamkotta Lake	Kerala
17	Tsomoriri	Jammu and Kashmir
18.	Vembanad Kol Wetland	Kerala
19	Wular Lake	Jammu and Kashmir
20	Chandratal	Himachal Pradesh
21.	Renuka	Himachal Pradesh
22.	Rudrasagar	Tripura
23.	Uppar Ganga	Uttar Pradesh
24	Hokarsar(Hokera)	Jammu and Kashmir
25	Surusar and Mansar (Complex)	Jammu and Kashmir

[F No J-22012/31/05-CS (w)]
R.Mehta, Adviser.

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FOREST FARMING AND
ENVIRONMENT CONSERVATION**

NOTIFICATION

No. 1-2/73-SF-II

Dated Shimla-2, the 24th May, 1983.

In exercise of the powers conferred under Section 37(1) of the Wild Life (Protection) Act, 1972), (53 of 1972), the Governor, Himachal Pradesh is pleased to declare the entire State of Himachal Pradesh as closed to hunting for a period of five years w.e.f. from the hunting season of 1983-84 to 1987-88, and is further pleased to declare that no hunting of any wild animal shall be permitted in the State during the said period.

This supersedes Notification No. 6-2/73-SF-III dated 4.5.1982.

By order

Secretary (Forests) to the
Government of Himachal Pradesh.

Copy of office letter No. 6-2/73-SF-IV dated 21-6-1984, from Joint Secretary (Forests) to the Government of Himachal Pradesh Shimla, addressed to the Chief Wild Life Warden, Himachal Pradesh

Subject:- Ban on hunting/ shooting of wild animals in Himachal Pradesh-amendment.

I am directed to refer to your letter number 756-16/69(M)/7703 dated the 6th January, 1984 and to say that hunting of the following species which have been identified as crop damaging for cultivated fields be issued in accordance with the provisions of the wildlife (Protection) Act, 1972 and the rules made there under:-

1. Wild Boar
2. Procupine
3. Sambhar
4. Cheetal
5. Hare
6. Jackal
7. Monkey
8. Black Bear
9. Parrot

No. 6-2/73-SF-IV.....

Dated... ..

Copy for information forwarded to the Secretary to the Government of India, Ministry of Agriculture (Department of Agriculture and Cooperation), New Delhi.

Endst. No. 756-16/69(M)/ 6995-7065 dated Shimla-1, the 22.3.85.

Copy forwarded to all CFs/DFOs/DFOs Wildlife, Collector Forest Mandi for information and necessary action please.

Sd/-
CF Wildlife Dev. Circle.

Department of Forest Farming and Conservation

No. Fts (F) 6-7/82-loose

Dated Shimla-2/9.4.1996

NOTIFICATION

In supersession of all previous Notification regarding compensation for the losses being done to animals and human beings by Wild Animals, the Governor Himachal Pradesh is pleased to declare the categories of losses being done by wild animals (as defined in Wild Life Protection, Act 1972 and the amount of compensation to a person who on application claim relief himself or the members of his family or dependents or his own cattle as under-

1.	In case of death of human beings	Rs.25000/
2.	Incase of killing of horse/mule (all breeds)	Rs.4000/
3.	In case of killing of horse/mule (all breeds) By snow leopard in Jungle	Rs 2500/
4.	In case of permanent disability to human beings	Rs. 6200/
5.	In case of injury to human being	Rs.1875/
6.	Loss of buffalo,cow jersy cross breed and mule (adults) (special breed)in cow shed.	Rs 2500/
7.	Loss of cow,buffalo,ox and mule(adults) (special) in Jungle	Rs.1500/
8.	Loss of cow (Local breed) in Jungle	Rs. 625/
9.	Loss of cow (local breed) in shed)	Rs.375/-
10.	Loss of ox(local breed)in shed	Rs. 1250/
11.	Loss of ox(local breed)in Jungle	Rs. 625/-
12.	Loss of young ones buffalo, cow (Jersey) ox and mule (Special breed) in shed	Rs. 250/
13.	Loss of young ones buffalo, cow(Jersey)ox and mule (special breed) in Jungle)	Rs.250/
14.	Loss of young ones of buffalo, cow (local breed) ox and mule (local breed) in jungle	Rs. 188/-
15.	Loss of sheep and goat in shed out side the cowshed but Private land	Rs. 375/
16.	Loss of young ones of sheep and goat in shed	Rs. 312.50
17.	Loss of sheep and goat in jungle	Rs.188/-
18.	Loss of young ones sheep and goat in jungle	Rs. 188/
19.	Loss of yak, horse/ mule and camel in shed	Rs 2500/
20.	Loss of yak, horse/ mule and camel in jungle	Rs. 1500/
21.	Loss of churu/churi in shed	Rs. 1250/
22.	Loss of churu/churi in jungle	Rs 625/
23.	Loss of donkey in shed	Rs. 675/
24.	Loss of donkey in jungle	Rs. 500/
25.	Loss of Pashmina goat in shed	Rs. 625/
26.	Loss of Pashmina goat in jungle	Rs 375/
27.	Loss of young ones of yak horse, camel,churu/churi Donkey and pashmina goat in shed	Rs. 250/
28.	Loss of young ones of yak horse, camel,churu/churi Donkey and pashmina goat in shed	Rs. 125/
29.	Pigs in shed	Rs. 312.50
30.	30 Pigs in Jungle	Rs. 188/

The grant of relief as referred to will be subject to following condition.

- i) Production of postmortem report in case of loss of human life of injury/disability certificate from the Medical Officer of a Government Institution as the case may be.
- ii) The verification of loss that the same was actually caused by Wild Animals will be done by the Pradhan/UP. Pradhan of Panchayat/ Revenue Lambardar/ President notified area Committee/ Chairman Municipal Committee/ Commissioner, Municipal Corporation of the area/elected member of the Cantonment Board area, and Range Officer/ Deputy Range Officer or any other forest officer higher in rank than a Ranger Officer, in the Tribal areas and back ward areas where the office of Range officer/ Deputy Ranger Officer higher in rank than Range officer is more than 15 Kms. Away from the residence of the applicant, in that case, by the Forest Guard of the area.
- iii) All Division Forest Officers in H.P. shall the final authority to sanction case of claim on account of losses done by the Wild animals up to Rs. 2000/- in each case and all Conservator of Forests in H.P./Chief Wildlife Warden shall be the final authority to sanction such cases of relief beyond Rs. 2000/- in each case.
- iv) All cases of damage done by the Wild Animals should be reported by the applicant to the nearest Range Officer or any officer above, of the Forest Department within five days of the event any claims for relief is filed with in a month with Dy. Conservator of Forests/Divisional Forest Officers or any other higher officer of the Forest Department both territorial and wildlife.
- v) The relief shall be granted in case of loss of cattle to the owner of the cattle.
- vi) The relief in case of loss of the human being shall be granted in the order of Preference given below:-
 - (a) Wife or Husband, as the case may be.
 - (b) Sons unmarried or divorced daughters and children of predeceased son, (Equal Share)
 - (c) Daughters. (Equal Share)
 - (d) Grand children being children of his sons or daughters who died before him (Equal Share)
 - (e) Father or Mother
 - (f) Failing all above any other next of kin entitled to a share in the estate.
 - (g) Brothers or Sisters or children of the deceased brothers (Equal Share)

By order,

O. P. Yadav
Commissioner-cum-Secretary (Forests)
to the Government of Himachal Pradesh.

Copy of letter No. Fts-(B)-(7)-16/85-II dated 26th October, 1998 from the Commissioner-Cum-Secretary (Fts.) to the Govt. of H.P. addressed to The Principal Chief Conservator of Forests, H.P. Shimla-171001 and copy of which endorsed to The Chief Wildlife Warden, H.P. Shimla-2 and DFOs (Wildlife) Shimla, Sarahan, Kullu and Chamba.

Subject: **Loss caused by the Wildlife Animals to the Personal properties of the public-Relief thereof.**

Sir, Jai Hind,

I am directed to say that the matter with regard to grant of relief in favour of the public on account of losses caused by the Wild animals, especially by monkeys has been engaging the attention of the Government for some time past. In this context your attention is invited to Section-11(1)(a) and (b) of Chapter-III of the Wildlife (Protection) Act, 1972 which provides that Chief Wildlife Warden or the authorized Officer is fully empowered to issue the permit to hunt animals which cause damage to human life or public property (including standing crops or any land).

2. You are, therefore, requested to take further necessary action to issue suitable directions to the concerned officers immediately under intimation to this Department.

Yours faithfully,

Sd/-

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

Endst. No. D.XII-30/5240-94 Dated Shimla-2, the 11-11-98.

Copy forwarded to:-

- i) All CFs (T) in H.P.
 - ii) All DFOs (T) in H.P.
 - iii) All DFOs (Wildlife) in H.P and Directors GHNP Shamshi & PVNP Kaza.
- for further necessary action. Their attention is drawn to this office order No. Ft. 1601-4/68 (CFWL)/2316-46 dt. 11.7.75 (copy enclosed) vide which powers have been delegated to all Divisional Forest Officers and Wildlife Wardens under Section-11(1) (b) of Chapter III of the Wildlife (P) Act. Please take action as directed by the Govt.

Encl: As above.

Sd/-

Chief Conservator of Forests (Wildlife)
-Cum- Chief Wildlife Warden, H.P.

ORDER NO. FT. 1601-4/68(CFWL)

With the approval of the Government of Himachal Pradesh, I, the Chief Wildlife Warden, Himachal Pradesh, delegate the following powers under Section 5(2) of the Wildlife (Protection) Act, 1972, to various Forest Officer and the Wildlife Wardens and the staff under them.

2. These powers will be used according to the directions received from the H.P. Govt. from time to time and under the supervision/control of the Chief Wildlife Warden Himachal Pradesh:-

Sl. No.	Section of Wildlife (Protection) Act, 1972.	Officers authorized to act.	Remarks.
1.	Section 9 Sub-section (3) to 5	All Divisional Forests Officers and Wildlife Wardens.	Except the issue of special game hunting licence and wild animals trapping licence.
2.	Section 10	-do-	-do-
3.	Section 11(b)	-do-	-do-
4.	Section 13	-do-	-do-
5.	Section 31	Wildlife Wardens	
6.	Section 34(i) & (ii)	-do-	
7.	Section 39(2)	Divisional Forest Officers/Wildlife Wardens/Asst. Conservator of Forests/Range Officers.	

8.	Section 39(3)	Divisional Forest Officers/Wildlife Wardens.	
9.	Section 40 (1), (2) and (4)	-do-	
10.	Section 41 (1)(a),(b) & (c)	DFOs/W.L. Wardens and Asst. CFs/ Range Officers when specifically authorized by DFOs/W.L. Wardens.	
11.	Section 42	DFOs/Wildlife Wardens.	After approval of the Chief Wildlife Warden.
12.	Section 43(1), (2), (3), (4) & (5).	-do-	
13.	Section 44 (2), (3), (4)a (4)b and 7.	-do-	
14.	Section 45	-do-	
15.	Section 47 (a) (ii)	-do-	
16.	Section 50 (1) (6)	Wildlife Wardens.	

Sd/- 11/7/75
(SATYAVARAT)
CHIEF WILDLIFE WARDEN,
HIMACHAL PRADESH, SHIMLA.

(Authoritative English Text of this Department Notification No. FFE-B-A(3)2/98 dated 24th May, 2002 as required under Article 348(3) of the Constitution of India.)

H.P. FOREST DEPARTMENT.
OFFICE ORDER

No. 12/2000

Dated Hamirpur, the 9.8.2000.

In partial modification of this office order No. 1601-4/68 dated 11.7.1975 and in continuation to this office Endst. No. D.XII-30/5240-94 dated 11.11.1998. In the Chief Wild Life Warden Himachal Pradesh delegate the powers under Section 5(2) read with Section 11(1) (b) of the Wild Life (Protection) Act, 1972 to All Range Forest Officers (Territorial & Wildlife) wing in their jurisdiction in case of Monkey in addition to power already vested in Divisional Forest Officers/ Wildlife Wardens in Himachal Pradesh with immediate effect.

Sd/-
Chief Conservator of Forests (Wildlife)
-cum- Chief Wildlife Warden H.P.
Hamirpur.

H.P. FOREST DEPARTMENT.
OFFICE ORDER

No. 12/2000

Dated Hamirpur, the 9.8.2000.

In partial modification of this office order No. 1601-4/68 dated 11.7.1975 and in continuation to this office Endst. No. D. XII-30/5240-94 dated 11.11.1998. In the Chief Wild Life Warden Himachal Pradesh delegate the powers under Section 5(2) read with Section 11(1) (b) of the Wild Life (Protection) Act, 1972 to All Range Forest Officers (Territorial & Wildlife) wing in their jurisdiction in case of Monkey in addition to power already vested in Divisional Forest Officers/ Wildlife Wardens in Himachal Pradesh with immediate effect.

Sd/-
Chief Conservator of Forests (Wildlife)
-cum- Chief Wildlife Warden H.P.
Hamirpur.

**GOVERNMENT OF HIMACHAL PRADESH
FOREST DEPARTMENT**

No. FTS-B (B)-6-7/82-II

Dated Shimla-2, the 27th August, 2001

27.8.2001

NOTIFICATION

In partial modification of this Department Notification of even number dated 9.4.1996 regarding compensation for the loss caused to animals and human being by the Wild Animals the Governor, Himachal Pradesh is pleased to revised the right of compensation in respect of Serial Number 1, 4, 5, & 17.

2. The concerned officers of the Department will release 25% of the amount of
- | | |
|---|-----------------|
| 1. In case of death of human beings. | Rs. 1, 00,000/- |
| 4. In case of permanent incapacitation of human beings. | Rs. 1,00,000/- |
| 5. In case of grievous injuries to human beings. | Rs. 33,000/- |
| 17. Loss of sheep and goats in the jungle. | Rs. 400/- |

compensation prescribed for human losses as interim relief to the family of the deceased/incapacitated persons after due verification in anticipation of formal sanction without delay. The balance amount would be released other completing the formalities as prescribed in this Department Notification of even number dated 9.4.1996. They will submit case on reimbursement of the amount given on account of loss of life/permanent incapacitation/grievous injuries to the Chief conservator of Forests (WL) who will get it reimbursed from the Government of India.

The expenditure on enhanced rates for loss of sheep and goat, will be borne by the: State Government.

By Order,
F-C-cum-Secretary (Forests) to the,
Government of Himachal Pradesh.

**Government of Himachal Pradesh
Department of Forests.**

No. FFE-B-A (3) 2/98

Dated Shimla-2, the 24th May, 2002.

NOTIFICATION

In exercise of the powers conferred under section 55(b) of the Wildlife (Protection) Act, 1972, the Governor, Himachal Pradesh, is pleased to authorize Deputy Conservators of Forests, Assistant Conservators of Forests and Range Officers of Forest Department to file complaints in respect of offence punishable under Section 51 of Wildlife (Protection) Act, 1972 read with Section 34 of Indian Penal Code.

By order
Principal Secretary (Fts.) to the
Government of Himachal Pradesh.

AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT NOTIFICATION NO. FTS-B-C (G)-6-3/83-IV-MISC. DATED 19.5.2004 AS REQUIRED UNDER ARTICLE 348 OF THE CONSTITUTION OF INDIA.

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS.**

No. FTS-B(G)-6-3/83-IV-Misc.

Dated Shimla-2, the 19.5.2004.

NOTIFICATION

In exercise of the powers conferred by Section 4(1) of the Wildlife (Protection) Act, 1972 (53 of 1972) & in supersession of this Department Notification Ft. Fts.(F)-7-6/02- dated 10.1.86, the Governor, Himachal Pradesh, is pleased to appoint the following officers as Wildlife Wardens within their jurisdiction with immediate effect:-

1. All Divisional Forest Officers/Deputy Conservator of Forests incharge Territorial Forest Divisions.
2. All Divisional Forest Officers/ Deputy Conservator of Forests incharge Wildlife Divisions in Himachal Pradesh.
3. Divisional Forest Officer, Municipal Corporation Area of Shimla.
4. Conservator of Forests, National Park Shamshi, incharge Great Himalayan National Park, Shamshi.

By order

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

**GOVERNMENT OF HIMACHAL PRADESH
FOREST DEPARTMENT**

No. FFE-B-A(10)-2005

Dated, Shimla -171002

NOTIFICATION

In partial modification of this Department Notification of even number dated 9-4-1996 regarding compensation for the loss caused to animals and human beings by the Wild Animals. The Governor, Himachal Pradesh is pleased to revise the rates of compensation in respect of Serial Number 5 and substitute the same as under with immediate effect:-

5. In case of Simple Injuries to human being

Rs.5000/-

The expenditure on enhanced rates for simple injuries to human being will be borne by the State Government.

By order,
Principal Secretary (Forests) to the
Government of Himachal Pradesh.

**GOVERNMENT OF HIMACHAL PRADESH
FOREST DEPARTMENT**

No. FFE-B-F(6)-13/2005/Loose

Dated, Shimla-2, the 12-11-07

NOTIFICATION

Consequent to the decision taken in the 3rd meeting of the State Board for Wildlife, the Governor of Himachal Pradesh is pleased to notify the following

1. Snow Leopard (*Uncia uncia*), as the State Animal.
2. Western Tragopan (*Tragopan melanocephalus*), as the State Bird.
3. Pink Rhododendron (*Rhododendron campanulatum*), as the State Flower.

By order

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

FFE-B-F (1)-2/2001.
Government of Himachal Pradesh
Department of Forests.

From

Addl. Chief Secretary (Forests) to the
Government of Himachal Pradesh To

The Pr. Chief Conservator of Forests - cum – CWLW,
Himachal Pradesh, Shimla-1.

Dated: Shimla-2 the 27th Jan, 2010

Subject: **Proposal to include Blue Bull (Neelgai) in the list of crop damaging species.**

Sir,

I am directed/to refer to your office letter No. WL/D. XII- 12(d) Crops/6288, Dated 1. 1.2010 on the -subject cited above and to convey the approval for inclusion of Blue Bull (Neelgai) in the list of crop damaging species as recommended by you vide letter under reference.

Further necessary action *may kindly* be taken as per the provisions of Wildlife (Protection) Act. 1972

Yours faithfully

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

Authoritative English Text of this Department notification number FFE-B- A (3)-2/98, dated 2-9-2011 as required under clause (3) of Article 348 (3) of the Constitution of India)

Government of Himachal Pradesh,
Department of Forests,

No. FFB-B-A (3) 2/98

Dated,

2nd Sept, 2011,

NOTIFICATION:

In continuation to this Department's Notification of even No. dated 24th May, 2002, the Governor of Himachal Pradesh, in exercise of the powers conferred under Section 55(b) of the Wildlife (Protection) Act, 1972, is pleased to authorize "All the Officers of and above the rank of Sub- Inspector of Police enrolled in Himachal Pradesh Police Department" to file complaints in the court of Law in respect of offence punishable under Section 51 of Wildlife (Protection) Act, 1972, read with Section 34 of Indian Penal Code.

By Order

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

CHAPTER XIV

H.P. STATE FOREST DEVELOPMENT CORPORATION

CONSTITUTION OF PRICING COMMITTEE FOR HP. STATE FOREST CORPORATION LTD.

NOTIFICATION

No. 10-26/72-SF Shimla dated 18th May 1974

The Governor, Himachal Pradesh is pleased to constitute a committee of the following Officers to determine the price and terms and conditions for the supply of resin, resin blazes standing trees and other Forest Produce to be handed over by the Himachal Pradesh Forest Department to the Himachal Pradesh State Forest Corporation Limited from time to time.

1. Chief Secretary, H.P. Govt. - Chairman.
2. Secretary (Forests) to H.P. Govt. - Member.
3. Secretary (Finance) to H.P. Govt. - Member.
4. Chief Conservator of Forests-Member - Secretary.
5. Managing Director of H.P. State Forest Corporation-Member.

By Order,

P. K. MATTOO
Secretary (Forests) to the
Govt. of Himachal Pradesh.

TRANSFER OF ROSIN AND TURPENTINE FACTORIES WORKS TO H.P. STATE FOREST CORPORATION, LTD.

NOTIFICATION

No. 10-26/72-SF Shimla-171002, Dated the 30-5-75

Whereas the Government of Himachal Pradesh has set up Himachal Pradesh State Forest Corporation Ltd. (hereinafter called the Corporation) for taking over the Government Resin and Turpentine Factories in Nahan and Bilaspur for taking over Departmental Timber and Resin tapping works; and to achieve complete nationalization of Forest working;

And whereas the State Govt. have already transferred the management of two Government Resin and Turpentine Factories to the said Corporation in the first phase of the aforesaid taking over programme.

And whereas the Government has now decided to transfer to the Corporation, in the second phase, the departmental Resin Tapping works being executed under the State Govt. in Kangra, Nurpur, Hamirpur, Una, Mandi, Nachan, Suket, Bilaspur, Seraj, Kullu and Rajgarh Forest Divisions (Hereinafter referred to division(s) with immediate effect;

Now, therefore, the Govt. of Himachal Pradesh is pleased to order the transfer of the Departmental Resin Tapping works being executed under the State Govt., in Kangra, Nurpur, Hamirpur, Una, Mandi, Nachan, Suket, Bilaspur, Seraj, Kullu and Rajgarh Forest Divisions to the Corporation on the following terms and conditions with immediate effect:-

- (1) That Resin Tapping works being transferred to the Corporation shall be executed by the Corporation on or lease for a period of ten years from 1-1-75 in accordance with the terms as may be mutually agreed upon by the Govt. with the Corporation. The necessary lease deed shall be executed by the Corporation. The Govt. without prejudice to any other right which may be available to it, may after giving a notice on written, of three months, determine the lease before the lease period and the Corporation shall not have right to claim any damage for the premature termination of the said lease.

The Government, if satisfied that it is expedient so to do, may renew the period of lease beyond 31-12-84 AD on such terms and conditions and for such further period as mutually agreed upon by the Govt. on one hand and the Corporation on the other;

(2) that for the rights to tap blazes and remove resin, the Corporation shall pay the royalty every year on the following basis:-

(a) the Govt. must get a minimum base price/ royalty for the resin blazes transferred as equivalent to the net revenue, realized by the Govt. during the year 1974-75 from these resin blazes. Based on this assumption the following will be the formula:-

(i) The Corporation shall pay for the year 1974-75 the base price/interim price equivalent to the total net revenue earned by Govt. from Departmental resin as well as from the sale of resin blazes to the Contractors. This figure will be arrived at by applying the final price of resin for 1974-75 i.e. 1-4-1974 to 31-5-1975 season to the total resin yield obtained through departmental tapping and deducting from this the actual expenditure which the Govt. incurred for extraction and delivery for Corporation factories transferred to it in the first phase of the taking over programme;

(ii) for resin blazes auctioned for tapping and loading for supply to the Corporation factories, the net income will be computed by adding to the royalty received by the Govt. in auction, the difference of 'the final Price Of loaded resin and the one paid to the contractor during 1974-75 season, as illustrated below:-

Royalty received	Plus	Price of loaded resin	(-) price paid for the supplies to the contractor

(iii) the net realization would be computed for each division separately and then divided by the number of resin blazes tapped/auctioned to arrived at royalty figure per blaze for each division;

(iv) this base price/interim price per resin blaze for each division for the year 1974-75 would be, linked to the weighted average price of Resin obtained by the Forest Corporation during 1974-75, and will form the base price/interim price of subsequent rate for each blaze;

(v) for future years, the base rate/interim rate of resin blazes will remain the same- as for the year 1975-76 and would be increased or decreased in proportion of increased or decreased in the weight-age average rate obtained for the year over the weighted base average resin rate for the year- 1974-75;

(vi) the price of resin blazes will be reviewed by the Govt. each year based on the above formula-,

(vii) the royalty of 1975-76 will from the base rate/interim rate for 1976-77 till the final rates of royalty for 1975-76 are, intimated to the Corporation by April/ May, 1976 based on weighted average rate of 'the resin of the current year. This method will be adopted for the' subsequent years thereafter;

(3) that the Govt. has entered into 10 years contract with M/S Himachal Turpine products, Ltd. Kala Amb and M/S Turpine Industries Mehatpur for supply of turpentine oil at predetermined rates. The Corporation shall be entitled to rebate equal to the difference in the market rate of turpentine oil and the rate of supply to the industries for the year for actual supplies made by the Corporation. This total sum would be deducted from the total royalty as rebate;

- (4) that the Govt. building, resin shed vehicles and stores, of the above divisions being used for resin tapping work shall be transferred to the Corporation at the current depreciated book value worked out by the Government subsequently.
- (5) that the value of the fixed assets transferred to the Corporation under condition No. 4 be treated as paid up share capital of the Govt. in the Corporation;
- (6) that the expenditure incurred by the Govt. for setting up of crop and purchase of tool, containers etc. for 1975 season during 1974- 75 as well as the amount incurred till the date of transfer of resin tapping work to the Corporation will be paid by the Corporation to the Govt. within the financial year 1975- 76, i.e. up to 31-3-1976;
- (7) that the Govt. liabilities as outstanding on the date of transfer like arrears of pay and allowances bills of any store, legal or any other expenses arising from resin tapping works accrued will be discharged by the respective Conservator of Forests, Nahan, Bilaspur, Kullu and Dharamsala from the Forests department budget;
- (8) that the managerial cadre of the Corporation' 'i.e. Managing Directors; General Managers, Divisional Managers, Sub-Divisional Managers and Assistant Managers etc. shall be manned by the officer of IF'S cadre, PFS Cadres and Forest Rangers incumbents of these posts be placed on deputation with the Corporation on usual terms of deputation as already approved by the Govt. as per Annexures 'A', 'B' and 'C' of this notification;
- (9) that the other staff now on departmental resin tapping works i.e. Clerks, Deputy Rangers, Foresters, Forest Guards, and other Class IV employees etc. on the regular strength of the Govt. are transferred on deputation for a period of 6 months to the Corporation on usual terms of deputation as contained in Annexure 'D,' to this notification. All contingent charged and work charge staff of the employed for the resin tapping works being handed over to the Corporation are transferred immediately to the Corporation,
- (10) that the staff placed on deputation who will later on opt for their permanent absorption in the Corporation will be governed as per terms and conditions laid down in Annexure IF,
- (11) that the Forest Corporation will conduct the departmental resin tapping works on sound commercial footing and in businesslike manner. This issues with the prior concurrence of the Finance Department vide Dy. No. 820, dated the 21st May, 1975.

By Order,

P. K. MATTOO
Secretary (Forests) to the
Govt. of Himachal Pradesh.

ANNEXURE 'A'

TERMS AND CONDITIONS FOR DEPUTATION IN RESPECT OF IFS CADRE OFFICER BE TAKEN IN H.P. STATE FOREST CORPORATION, LIMITED

(1) Pay

During the period of foreign service, ACF/DCF/ CF will get pay and special pay, if any, in the pay scale of the cadre post with which the posts held by them under the Corporation are equated by the Govt.

(2) Allowances

They will be entitled to dearness allowance under the rules of parent Govt.

(3) Travelling Allowance

(a) They will be paid by the Corporation TA for their journey to take up the assignment and to return therefrom. in accordance with the rules applicable to them in their parent office. Travelling allowance'(both ways) for family of the officer will also be paid by the Corporation as admissible under the rules of the parent department.

(b) TA for journey undertaken in connection with the work of the Corporation will be paid in accordance with the rules of the Corporation.

(4)- Joining Time Pay

Joining time pay of the officer when proceeding on foreign service and reversion therefrom shall be paid by the Corporation.

(5) Period of Deputation

The period of deputation of the officers will commence from the date they relinquish charge of their parent posts and on the date of assuming charge of the post under the State Govt.

(6) Medical Facilities

The medical facilities to be provided by the Corporation to the officers will not be inferior to those which they would have enjoyed in Govt. service, but for transfer on foreign service.

(7) Leave, Leave Salary and Leave Travel Concession (4)

(a) During the period of foreign service the officers shall be governed under the leave rules and leave travel concession as applicable to the officer/officers of the IFS cadre.

(b) Disability Leave-The Corporation shall be liable to pay leave emoluments in respect of disability leave granted to the officers on account of their disability incurred and through foreign service under the Corporation.

(8) Pensionary Benefits and Pension & Leave Contribution

The officers will not be allowed to join any pension Scheme or be subject to pension rules of the Corporation during the period of foreign service and rule operative in H.P. Govt. shall apply. Pensionary and leave contribution will be paid by the Corporation at the rates to be intimated by State Govt./Accountant General, H.P., Shimla.

(9) Provident Fund

The officers will not be allowed to join any provident scheme. They shall however, have to subscribe to the General Provident Fund of the H.P. Govt. in accordance with the relevant rules.

(10) Accommodation

The officers will be entitled to Govt. accommodation if occupied or available on payment of 10% of their emoluments or standard rent whichever is less and the difference between the standard rent and the rent paid by the officers shall be borne by the Corporation.

(11) Other Conditions

Other conditions of service will be governed by the relevant rules and orders governing the cadre, to which, they belong.

(12) Period of Deputation

Shall in the first instance be one year.

ANNEXURE 'B'

TERMS AND CONDITIONS FOR DEPUTATION IN RESPECT OF OFFICERS BORNE ON STATE CADRE TO BE TAKEN IN HIMACHAL PRADESH STATE FOREST CORPORATION, LIMITED)

(1) Pay.

During the period of their foreign service, they will have the option either to get their pay fixed in the deputation post under the operation of the normal rules of the Corporation or to draw pay of the post held by them in their parent Department plus a deputation allowance, contained in the Govt. of India, Ministry of Finance, Department of Expenditure Office memo No. Ft. 10(24) E. III/60 dated 4-5-1961 read with subsequent O.M. No. dated 13-6-73 i.e., 20% of basic pay subject to a maximum of Rs. 250 if the deputation is to another Station and 10% of basic pay subject to a maximum of Rs. 100 in case of deputation in the same station where they were posted while in Govt. service.

(2) Allowances

They will be entitled to dearness allowance under the 'rules of parent Govt. or under the rules of Corporation depending on whether they opt for pay as in the parent Department or get their pay fixed in the pay scales of the Corporation.

(3) Travelling Allowance

(a) They will be paid by the Corporation TA for their journey to take up the assignment and to return therefrom in accordance with the rules applicable to them in their parent office. Travelling allowance (both ways) for family of the Officer/Officials will also be paid by the Corporation as admissible under the rules of the parent department.

(b) TA for journey undertaken in connection with the work of the Corporation will be paid in accordance in the rules of the Corporation.

(4) Joining Time Pay

Joining time pay of the Officer/Officials when proceeding on foreign service and reversion therefrom shall be paid by the Corporation.

(5) Period of Deputation

The period of deputation of the employees will commence from the date they relinquish charge of their parent posts and on the date of assuming charge of the post under the State Govt.

(6) Medical Facilities

The medical facilities to be provided by the, Corporation to the employees will not be inferior to those which they would have enjoyed in Govt. service but for transfer on foreign service.

(7) Leave, Leave Salary and Leave Travel Concession

(a) During the period of foreign service the employees shall be governed under the leave rules and leave travel concession as applicable to the employees of H.P. Govt.

(b) Disability Leave-The Corporation shall be liable to pay leave emoluments in respect of disability leave granted to the officials on account of their disability incurred and through foreign service under the Corporation.

(8) Pensionary Benefits and Pension & Leave Contribution

The employees will not be allowed to join any pension scheme or subject to pension rules of the Corporation during the period of foreign service and rules operative in H.P. Govt. shall apply. Pensionary and leave contribution will be paid by the Corporation at the rates to be intimated by State Govt./Accountant General, H.P., Shimla and will be paid promptly.

(9) Provident Fund

The employees will not be allowed to join any provident Scheme. They shall, however, have to subscribe to the General Provident Fund of the H.P. Govt. in accordance with the relevant Rules.

(10) Accommodation

The employees will be entitled to Govt. accommodation if occupied or available on payment of 10% of their emoluments or standard rent whichever is less and the difference between the standard rent and the rent paid by the deputationist, if any, will be paid by the Corporation.

(11) Other Conditions

Other conditions of service will be governed by the relevant rules and orders which may be issued from time to time by the Corporation/H.P. Govt.

(12) Period of Deputation

The period of deputation will be one year in the first instance.

ANNEXURE, 'C'

TERMS AND CONDITIONS FOR DEPUTATION IN RESPECT OF FOREST RANGERS TO BE TAKEN IN HIMACHAL PRADESH STATE FOREST CORPORATION, LIMITED

(1) Pay

During the period of their foreign service, they will have the option either to get their pay fixed in the deputation post under the operation of the normal rules of the Corporation or to draw pay of the post held by them in their parent Department plus a deputation allowance which is beneficial to them as per guiding principles contained in the Govt. of India, Ministry of Finance, Department of Expenditure Office memo No. Ft. 10(24) E. 111/60 dated 4-5-1961 read with subsequent O.M. No. dated 13-6-73 i.e. 20% of basic pay subject to a maximum of Rs. 250, if the, deputation is to another Station and 10% of basic pay subject to a maximum of Rs. 100 in case of deputation in the same station where they were posted while in Govt. service.

(2) Allowances

will be entitled to dearness allowance under the rule of parent Govt. or under the rules of Corporation depending on whether they opt for pay as in the parent Department or get their pay fixed in the pay scales of the Corporation.

(3). Travelling Allowance

(a) They will be paid by the Corporation TA for their journey to take up the assignment and to return therefrom accordance with the rules applicable to them in their parent office. Travelling allowance (both ways) for family of the Officer/Officials will also be paid by the Corporation as admissible under the rules of the parent department.

(b) TA for journey undertaken in connection with the work of the Corporation will be paid in accordance with the rules of the Corporation.

(4) Joining Time Pay

Joining time pay of the Officer/Officials when proceeding on foreign service and reversion therefrom shall be paid by the Corporation.

(5) Period of Deputation

The period of deputation of the employees will commence from the date they relinquish charge of their parent posts and on the date of assuming charge of the post under the State Govt.

(6) Medical Facilities

The medical facilities to be provided by the Corporation to the employees will not be inferior to those which they would have enjoyed in Govt. service but for transfer on foreign service.

(7) Leave, Leave Salary and Leave Travel Concession

(a) During the period of foreign service the employees shall be governed under the leave rules and leave travel concession as applicable to the employees of H.P. Govt.

(b) Disability Leave the Corporation shall be liable to pay leave emoluments in respect of disability leave granted to the officials on account of their disability incurred and through foreign service under the Corporation.

(8) Pensionary Benefits and Pension & Leave Contribution

The employees will not be allowed to join any pension scheme or subject to pension rules of the Corporation during the period of foreign service and rules operative in H.P. Govt. shall apply. Pensionary and leave contribution will be paid by the Corporation at the rates to be intimated by State Govt./Accountant General, H.P., Shimla and will be paid promptly.

(9) Provident Fund

The employees will not be allowed to join any provident Scheme. They shall, however, have to sub scribe to the General Provident Fund of the 14.P. Govt. in accordance with the relevant Rules.

(10) Accommodation

The employees will be entitled to Govt. accommodation if occupied or available on payment of 10% of their emoluments or standard rent whichever is less and the difference between the standard rent and the rent paid by the deputationist, if any will be paid by the Corporation.

(11) Other Conditions

Other conditions of service will be governed by the relevant rules and orders which may be issued from time to time by the Corporation/H.P. Govt.

(12) Period of Deputation

The period of deputation will be one year in the first instance.

ANNEXURE' D

TERMS AND CONDITIONS IN RESPECT OF CLASS III AND IV EMPLOYEES TO BE TAKEN IN HIMACHAL PRADESH STATE FOREST CORPORATION, LIMITED

(1) Pay

During the period of their foreign service, they 'will have the option either to get their pay fixed in the deputation post under the operation of the normal rules of the Corporation or to draw pay of the post held by them in their parent Department plus-a deputation allowance, which is beneficial to them as per guiding principles contained in the Govt. of India, Ministry of Finance, Department of Expenditure Office memo No. Ft. 10(24) F,111/60 dated 4-5-1961 read with subsequent O.M. No. dated 13-6-1973 i.e. 20% of basic pay subject to a maximum of Rs. 250 if the deputation is to another station and 10% of basic pay subject to a maximum of Rs. 100 in case of deputation, is in the same station, where they were posted while in Govt. service.

(2) Allowances

They will be entitled to dearness allowance under the rules of parent Govt. or under the rules of Corporation depending on whether they opt for pay as in parent department or get their pay fixed in the pay scale of the Corporation.

(3) Travelling Allowance

(a) They will be paid by the Corporation TA for their journey to take up the assignment and to return therefrom in accordance with the rules applicable to them in their parent office. Travelling allowance (both ways) for family of the officer/Officials will also be paid by the Corporation as admissible under the rules of the parent department.

(b) TA for journey undertaken in connection with the work of the Corporation will be paid in accordance with the rules of the Corporation.

(4) Joining Time Pay

Joining time pay of the officer/officials when proceeding on foreign service, and reversion therefrom shall be paid by the Corporation.

(5) Period-of Deputation

The period of deputation of the employees will commence from the date they relinquish charge of their parent posts and end on the date of assurance, charge of the post under the, State Govt.

(6) Medical Facilities

The medical facilities to be provided by the Corporation to the employees will not be inferior to those which they would have enjoyed in Govt. service, but for transfer on foreign service.

(7) Leave, Leave Salary & Leave Travel Concession

(a) During the period of foreign service, the employees shall be governed under the leave rules and leave Travel concession as applicable to the employees of H.P. Govt.

(b) Disability Leave-The Corporation shall be liable to pay leave emoluments in respect of disability leave granted to the officials on account of their disability incurred and through foreign service under the Corporation.

(8) Pensionary benefits and Pension & Leave Contribution

The employees will not be allowed to join any pension scheme or subject to pension rules of the Corporation during the period of foreign service and rules operative in H.P. Govt. shall apply. Pensionary and leave contribution will be paid by the Corporation at the rates to be intimated by State Govt./Accountant' General, H.P., Shimla and will be paid promptly.

(9) Provident Fund

The employees will not be allowed to join any provident scheme. They shall, however, have to subscribe to the General Provident Fund of the H.P. Govt. in accordance with the relevant Rules.

(10) Accommodation

The employees will be entitled to Govt. accommodation if occupied or available on payment of 10% of their emoluments or standard rent whichever is less and the difference between the standard rent and the rent paid by the deputationist, if any, will be paid by the Corporation.

(11) Other Conditions

Other conditions of service will be governed by the relevant rules and orders which may be issued from, time to time by the Corporation/H.P. Govt.

(12) Period of Deputation

The maximum period of deputation will be six months within which either the Corporation will absorb them in their own cadre or revert them to their parent department, provided the absorption in the service of the Corporation will be only with the concurrence of the State Govt. and after obtaining written consent of the officials, besides following other prescribed procedures.

ANNEXURE 'E'

REGARDING OFFER FOR PERMANENT ABSORPTION IN THE SERVICE OF HIMACHAL PRADESH STATE FOREST CORPORATION LTD.

1. The Corporation shall offer to employ such of the existing employees of the Himachal Government Forest Department as agree to serve the Corporation on following terms and conditions which shall not be less advantageous Himachal Govt. Transport;

- a) The existing salaries alongwith existing scales of pay of Himachal Pradesh Forest Deptt. employees will be protected. All allowances as may be admissible to the Govt. employees of H.P. Govt. from time to time will be available to these employees.
- b) Medical reimbursement rules will be the same as apply to Himachal Pradesh Govt. employees from time to time.
- c) Leave Rules and Central Civil Services (Classification, Control and Appeal) Rules, 1965, would apply to these employees as amended from time to time by the Govt. or the service bye-laws of the H.P. State Forest Corporation, Ltd.
- d) The existing Recruitment and Promotion Rules for existing posts will not be changed to the disadvantage of the existing H.P. Govt. employees.
- e) Age of superannuation will continue to be the same as in the case of Himachal Govt. employees from time to time.
- f) Leave to the credit of the employees will be passed on to their credit in the Corporation.
- g) If the employees are facing any disciplinary/ criminal/vigilance proceedings, the same proceedings will be continued by the Corporation. The Corporation will be fully empowered to impose any penalty it considers merited in terms of Central Civil Services (C.C. & A.) Rules, 1965, in disciplinary/ criminal/vigilance cases/proceedings. If it so happens that an employee after his transfer in the Corporation is found liable for disciplinary/criminal/vigilance cases/proceedings for act of commission and omission during his service in the Himachal Pradesh Forest Department under the Govt. the Corporation will have full liberty to initiate proceedings against him and impose any penalty if deems fit in terms of CCS (CC&A) Rules, 1965 or according to service bye law of the H.P. State Forest Corporation, Ltd.
- h) Inter-se-seniority of 14.P. Department employees will remain intact as it existed on the date of deputation.
- i) The Pensionary terms in respect of Government employees who are transferred to the Himachal Pradesh State Forest Corporation would be governed as per stipulations of Government of India decision No. 10, as amended from time to time below para-13 of Appendix 13 of Choudhary's Compilation of Civil Service Regulations Vol. II 8th Edition 1972.
- j) (i)The liability in respect of pay and allowances, arrears of pay and allowances, TA, medical reimbursement charges etc. in respect of the employees from the date of deputation period by the Corporation after this date will be adjusted to the Government account.
- k) The Corporation will regularize the daily waged employees of Himachal Pradesh Forest Department from the date of deputation subject to their fulfilling prerequisites of entry into service.

TRANSFER OF TIMBER OPERATION AND RESIN TAPPING WORKS TO H.P. STATE FOREST CORPORATION LTD.
NOTIFICATION

No. Fts. (F) 3-5/76 Shimla-2, dated 8-6-1978

Whereas the Government of Himachal Pradesh has set up Himachal Pradesh State Forest Corporation Ltd. (herein after called the Corporation) for the taking over the Govt. Resin and Turpentine Factories in Nahan and Bilaspur, for taking over Departmental "Timber and Resin Tapping Works, and to achieve complete nationalization of Forest , Working.

And whereas the State Government have already transferred the Management of the two Govt. Resin and Turpentine Factories in the first phase, and departmental Resin Tapping Works and Resin Works (Part) carried before the transfer by the private purchasers in the Second phase of the aforesaid taking over programme.

And whereas the Government has now decided to ,transfer to the Corporation, in the third phase, the departmental Timber, operations in Kullu Forest Circle and Swara Forest Division of Simla Forest Circle being executed under plan schemes of the State Government, on the following terms and conditions with immediate effect :-

That the timber Extraction works being executed by the Department under plan schemes normal budget be transferred to the Corporation on lease basis. The necessary lease deed shall be executed by the Corporation. From 1978 onwards, the Corporation shall get marked trees every year for exploitation by the Deptt. as per felling programme, prescribed for taking the forests of the above Divisions. The Government, without prejudice to any other right which may be available to it, may after giving a notice in writing of three months, terminate the lease and the Corporation shall not have right to claim any damage for the termination of the said lease.

2. That for the rights to exploit and remove timber, the Corporation shall pay the royalty to the Government every year on the following basis-

- a) the Government will charge royalty, for the trees to be marked and handed over for exploitation, from the Corporation at market rates and the same shall be determined by the Government, for each year,
- b) however, the timber works in pipe line which is already executed by the Forest Farming Department but not completed will be done by the Corporation in consultation with the Forest Department and the entire sale proceeds of timber will become revenue of the Forest Department after deduction of the actual expenses incurred for extraction by the Corporation. Further that the timber already afloat shall be carried down to the Depots by the Forest Department and shall be handed over to the Corporation after the same has finally reached in the sale Depots, alongwith the unsold timber lying in the sale depots of the Forest Deptt. For all these works both the Forest Deptt. and the Corporation shall work in close co-ordination with each other. For these the Corporation will have to pay to the Government the sale value-realised after deducting 5% as com- mission for handing ad organising the work in pipe-line i.e. works already executed by the Forest Department, but not completed and sale of the timber etc., before 31-3-1980. However, the sale proceeds shall be remitted to the respective Forest Divisions soon after the sales are conducted. The sale shall also be conducted in collaboration with the Forest Department till the entire stock is sold out. For the purpose of sale of timber the terms and conditions of the sale of timber already being followed by the Department as far as possible shall be adopted by the Corporation.

3. That the Government shall mark and handover only such trees to the Corporation which are Surplus after meeting the local and industrial requirements of the various persons/parties.

4. That the Corporation shall take over all service- able assets and other stores, machinery etc. required for carrying out timber extraction works from the Department at the current depreciated book value, worked out by the Forest Department.

5. That the value of the fixed assets stores, machinery etc. transferred to the Corporation as per condition No. 4. shall be treated as paid-up share capital of the Government in the Corporation.

6. That the expenditure incurred by the Government on the current Year's works till the date of transfer of works to the Corporation shall be treated as paid up capital towards cash investment of Government as share capital in the Corporation.

7. That the government has already invested an amount of Rs. 75.42 lakhs (Rs. Seventy five lakhs and forty two thousands) on account of 3rd, 4th and fifth calls of the Corporation as under vide letter No. Van (G) 6-1/78, dated 28-3-78 and 31-3-78 from 1977- 78 Budget.

1. 3rd call	Rs.	- 15.50 Lakhs
2. 4th call		- 54.50 "
3. 5th call		- 5.42 "

Total -75.42 "

8. That the departmental liabilities of outstanding on the date of transfer like arrears of pay and allowances, legal or any other expenses expensing from Timber Extraction Works accrued will be discharged by the respective, Conservator of Forests, Kullu and Shimla from the Forest Department Budget. Further that the money realised from the sales of timber and outstanding on the date of transfer will be remitted straight way as revenue of the Forest Department by the Corporation.

9. That the managerial cadre of the Corporation i.e. Managing Director(s), General Manager(s), Divisional Manager(s) and Assistant Manager(s) etc. shall be manned by the Officers of IFS Cadre, PFS Cadre and Forest Rangers and incumbents of these posts will be placed on deputation with the Corporation on usual terms of deputation as already approved by the Government and notified vide notification No. 10-26/72 SF dated the 30-5-75 while transferring Resin Tapping Works to the Corporation.

The other staff working at present against the posts sanctioned under the plan schemes for timber working shall be considered as on deputation on foreign service for a period of 6 months from the date of issue of this notification. The Corporation shall, however, have to absorb such employees under the employment of the Corporation as are rendered surplus as a result of the abolition of the posts sanctioned in connection with the affairs of the Departmental Timber Operations in Kullu Forest Circle and Swara Forest Division of Shimla Forest Circle under plan Schemes and who opt for service under the Corporation on such terms as are agreed to by the Government and the Corporation.

10. That the Forest Corporation will conduct the Timber Extraction Works on sound commercial footing and in business like manner.

This issues with the prior concurrence of Finance Department obtained vide their U.O. No, 888, date 25-4-1978.

By Order,
(R.C. GUPTA)
Secretary (Forests)
to the Government of Himachal Pradesh.

DECLARING THE CORPORATION OFFICERS AS FOREST OFFICERS UNDER THE INDIAN FOREST ACT, 1927

NOTIFICATION

No. 11-56/75-SF Shinila-2, dated the 4th Sept., 1978

In supersession of this Department Notification of even Number dated 9th Sept., 1975 and 11-11-1975 and in exercise of the powers conferred by Sub-section (2) of Section 2 of the Indian Forest Act, 1927 (16 of 1927), the Governor, Himachal Pradesh is pleased to appoint the Managing Director, Director ('Marketing), General Managers/Divisional Managers, Sub-Divisional Managers/Depot Officers, Assistant Managers/Forest Rangers: Deputy Rangers/'Foresters, Forest Guards/Timber Guards/Resin Guards, Timber Watchers 'Resin Watchers, Depot Watchers/Depot Chowkidars, Boatman, Taroors and Drain men of H.P. State Forest Corporation Limited as Forest Officers to do all acts in connection with the protection of resin and timber and exercise all powers that may be done or exercised by a Forest Officer in this behalf under the Act or Rules made thereunder.

By Order,
(R. C. GUPTA)
Secretary (Forests) to the
Government of Himachal Pradesh.
Sd/- Deputy Secretary (Fts) to the,
Government of Himachal Pradesh.

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS.**

No. FTS-B-A (3)11/77-II

Dated Shimla-2, the 22nd Feb., 2003.

In exercise of the powers conferred under Rule 11(I) of Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978, the Governor, Himachal Pradesh is pleased to authorize all Divisional Managers of Himachal Pradesh State Forest Corporation Limited holding the charge of Forest Working Divisions to issue pass for transportation of resin and timber extracted by H.P. State Forest Corporation Ltd. Within the State of Himachal Pradesh.

By order
Principal Secretary (Forests) to the
Government of Himachal Pradesh

CHAPTER XV
FOREST CONSERVATION ACT, 1980

A COMPREHENSIVE HANDBOOK OF

Forest (Conservation) Act, 1980

Forest (Conservation) Rules, 2003

Guidelines & Clarifications

(Revised as on 20th October, 2003)

Ministry of Environment & Forests

New Delhi

PART - A

FOREST (CONSERVATION) ACT, 1980 WITH AMENDMENTS MADE IN 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1. **Short title, extent and commencement-**

- (1) This Act may be called the Forest (Conservation) Act, 1980
- (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. **Restriction on the dereservation of forests or use of forest land for non-forest purpose –**

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- (a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- (b) any purpose other than reafforestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. **Constitution of Advisory Committee -**

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

- (i) the grant of approval under Section 2 ; and
- (ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

3A. Penalty for contravention of the provisions of the Act –

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3B. Offences by authorities and Government Departments –

- (1) Where any offence under 4925 this Act has been committed -

- (a) by any department of Government, the head of the department; or
- (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of authority, any person other than the persons referred to in clause(b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

4 Power to make rules –

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeal and saving –

- (1) The Forest (Conservation) Ordinance, 1980 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

PART - B

FOREST CONSERVATION RULES, 2003

(Published in Gazette of India: Extraordinary on the 10th January, 2003)

G.S.R. 23(E) - In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title, extent and commencement.-

- (1) These rules may be called the Forest (Conservation) Rules, 2003.
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires:-

- (a) "Act" means the Forest (Conservation) Act, 1980 (69 of 1980);
- (b) "Committee" means the Advisory Committee constituted under section 3 of the Act;
- (c) "Chairperson" means the Chairperson of the Committee;
- (d) "Member" means a member of the Committee;
- (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;
- (f) "Regional Office" means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;
- (g) "Section" means a section of the Act;
- (h) "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

3. Composition of the Committee.-

(1) The Committee shall be composed of the following members:-

- (i) Director General of Forests, Ministry of Environment and Forests - Chairperson.
- (ii) Additional Director General of Forests, Ministry of Environment and Forests - Member.
- (iii) Additional Commissioner (Soil Conservation), Ministry of Agriculture - Member.
- (iv) Three eminent experts in forestry and allied disciplines (non officials) - Members.
- (v) Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests - Member Secretary

(2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

4. Terms of appointment of non-official members shall be as follows.-

- (i) a non-official member shall hold his office for a period of two years;
- (ii) a non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;
- (iii) a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;

- (iv) any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term.
- (v) travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force.

Provided that the payment of travelling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature.

5. Conduct of business of the Committee.-

- (i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.
- (ii) The meeting of the Committee shall be held at New Delhi.
- (iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.
- (iv) The Chairperson shall preside over every meeting of the Committee at which he is present.
- (v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.
- (vi) The quorum of the meeting of the Committee shall be three.

6. Submission of the proposals seeking approval of the Central Government under section 2 of the Act.-

- (1) Every user agency, who wants to use any forest land for non-forest purposes shall make his proposal in the appropriate Form appended to these rules, i.e. **Form 'A'** for proposals seeking first time approval under the Act and **Form 'B'** for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier, to the concerned nodal officer authorized in this behalf by the State Government, alongwith requisite information and documents, complete in all respects, well in advance of taking up any non-forest activity on the forest land.
- (2) Every State Government or other authority, after having received the proposal under sub-rule (1) and after being satisfied that the proposal requires prior approval under section 2 of the Act, shall send the proposal to the Central Government in the appropriate forms, within ninety days of the receipt of the proposal from the user agency for proposals seeking first time approval under the Act and within sixty days for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier:
- (3) Provided that all proposals involving clearing naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent in the form of Working Plan or Management Plan.
- (4) The proposal referred to in sub-rule (2) above, involving forest land of more than forty hectare shall be sent by the State Government to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110 003, with a copy of the proposal (with complete enclosures) to the concerned Regional Office.

- (5) The proposal referred to in sub-rule (2) above, involving forest land up to forty hectare shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.
- (6) The proposal referred to in sub-rule (2) above, involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

7. Committee to advise on proposals received by the Central Government.-

- (1) The Central Government shall refer every proposal, complete in all respects, received by it under sub-rule (3) of rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.
- (2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:-
 - (a) Whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park wildlife sanctuary, biosphere reserve or forms part of the habitat or any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;
 - (b) Whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;
 - (c) Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose; and
 - (d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.
- (3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose, which in its opinion, would minimise adverse environmental impact.

8. Action of the Central Government on the advice of the Committee.-

The Central Government shall, after considering the advice of the Committee tendered under rule 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within sixty days of its receipt.

9. Proceedings against persons guilty of offences under the Act.-

- (1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.
 Provided that no complaint shall be filed in the court, without giving the person (s) or officer (s) or authority (s) against whom the allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.
- (2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

**APPENDIX
(See Rule 6)**

FORM – ‘A’

Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities

PART-I

(to be filled up by user agency)

1. Project details:
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Cost of the project:
 - (iv) Justification for locating the project in forest area.
 - (v) Cost-benefit analysis (to be enclosed).
 - (vi) Employment likely to be generated.
2. Purpose-wise break-up of the total land required:
3. Details of displacement of people due to the project, if any:
 - (i) Number of families.
 - (ii) Number of Scheduled Castes/Scheduled Tribe families
 - (iii) Rehabilitation plan. (to be enclosed)
4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).
6. Details of Certificates/documents enclosed as required under the instructions.

Signature
(Name in Block letters)

Designation

Address (of User Agency)

Date:-_____

Place:-_____

State serial No. of proposal_____

(To be filled up by the Nodal Officer with date of receipt)

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal_____

7. Location of the project/Scheme:
 - (i) State/Union Territory
 - (ii) District.
 - (iii) Forest Division
 - (iv) Area of forest land proposed for diversion (in ha.)
 - (v) Legal status of forest
 - (vi) Density of vegetation.
 - (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation/hydel projects enumeration at FRL, FRL- 2 meter & FRL-4 meter also to be enclosed.)
 - (viii) Brief note on vulnerability of the forest area to erosion.
 - (ix) Approximate distance of proposed site for diversion from boundary of forest.
 - (x) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).

- (xi) Whether any rare/endangered/unique species of flora and fauna found in the area- if so details thereof.
 - (xii) Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.
8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.
 9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
 10. Details of compensatory afforestation scheme:
 - (i) Details of non forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
 - (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
 - (iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
 - (iv) Total financial outlay for compensatory afforestation scheme.
 - (v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).
 11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7 (xi, xii), 8 and 9 above.
 12. Division/District profile:
 - (i) Geographical area of the district.
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases. (iv) Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation, (b) non-forest land.
 - (iv) Progress of compensatory afforestation as on (date) _____ on
 - (a) forest land
 - (b) non-forest land.
 13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date:- _____

Place:- _____

PART-III

(To be filled by the concerned Conservator of Forests)

14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date:- _____

Place:- _____

PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)

17. Detailed opinion and specific recommendation of the State Forest Department for acceptance of otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature
Name & Designation
(Official Seal)

Date:- _____

Place:- _____

PART- V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

18. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature
Name & Designation
(Official Seal)

Date:- _____

Place:- _____

INSTRUCTIONS (for Part-I):-

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 1 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 1 (ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given - Col. 1 (iii).
4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding/nearby non-forest areas.
5. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS:-

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

FORM – ‘B’

(See Rule 6)

Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities in respect of renewal of leases, which have been earlier granted clearance under Forest (Conservation) Act, 1980

PART-I

(to be filled up by user agency)

1. Letter No. & date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (copy to be enclosed):
2. Project details:
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Cost of the project:
3. Purpose-wise break-up of the total land required (already broken & to be broken):
4. Details of Certificates/documents enclosed as required under the instructions.

Signature
(Name in Block letters)

Designation

Address (of User Agency)

Date:-_____

Place:-_____

State serial No. of proposal_____

(To be filled up by the Nodal Officer with date of receipt)

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal_____

5. Location of the project/Scheme:
 - (i) State/Union Territory
 - (ii) District.
 - (iii) Forest Division
 - (iv) Area of forest land proposed for diversion (in ha.)
 - (v) Legal status of forest
 - (vi) Density of vegetation.
 - (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.
 - (viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials.
Whether work in violation is still in progress.
7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.

8. Division/District profile:
- (i) Geographical area of the district.
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases.
 - (iv) Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation, (b) non-forest land.
 - (v) Progress of compensatory afforestation as on (date)
_____ on
a forest land
b non-forest land.
9. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date:-_____

Place:-_____

PART-III

(To be filled by the concerned Conservator of Forests)

- 10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
- 11. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
- 12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date:-_____

Place:-_____

PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)

- 13. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.
(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature
Name & Designation
(Official Seal)

Date:-_____

Place:-_____

PART- V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

14. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature
Name & Designation
(Official Seal)

Date:- _____

Place:- _____

INSTRUCTIONS (for Part-I):-

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 2 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 2 (ii).
3. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
4. Item-wise requirement (Col. 3) should be separately shown for broken up and fresh areas.
5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS:-

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

(File No. 5-5/98-FC)

DR. V. K. BAHUGUNA, Inspector General of Forests (Forest Conservation)

Note:- The principal rules were published vide G.S.R. No. 719 dated the 1st August, 1981 in part II, Section 3, sub-section (i) of the Gazette of India and subsequently amended vide

- (1) G.S.R. 14, dated the 28th December, 1987
- (2) G.S.R. 640(E), dated the 26th June, 1989
- (3) G.S.R. 563 (E), dated the 21st May, 1992.

PART - C

CHAPTER 1:- APPLICATION OF FOREST (CONSERVATION) ACT, 1980

1.1. Definition

- (i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the government records. Lands which are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in NTPC's case). It would also include "forest" as understood in the dictionary sense (Supreme Court orders dated 12.12.1996 in WP No. 202/1995- Annexure-I). All proposals for diversions of such areas to any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government.

Clarification:- The term "forest" shall not be applicable to the plantations raised on private lands, except notified private forests. However, felling of trees in these private plantations shall be governed by various State Acts and Rules. Felling of trees in notified private forests will be as per the working plan / management plan duly approved by Government of India.

- (ii) The term "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act which may be in force in the forest area under question.

1.2 Clarifications

- (i) The cases in which specific orders for de-reservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in cases where only administrative approval for the project was issued without specific orders regarding dereservation and/or diversion of forest lands, a prior approval of the Central Government would be necessary.
- (ii) Harvesting of fodder grasses, legumes etc. which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the Central Government. However, lease of such areas to any organisation or individual would necessarily require approval under the Act.
- (iii) The forest policy, as well as provisions of the Forest (Conservation) Act, 1980, do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for bonafide domestic use as granted by the State Governments under Indian Forest Act, 1927 or State Forest Acts/Regulations. However, it has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure stones, minerals, or take up constructions, etc. The forest produce so obtained shall not be utilised for any commercial purposes.

The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanised vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officers, tractors mounted with trolley may be used. (No. 11-12/98-FC (Pt. II) dated 3.5.1999 -96/c and dated 22.11.2000)

Clarification:- The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary....." Annexure-II A may be referred to. In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs).

1.3 Investigation and Survey

- (i) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling, mining etc. will not attract the provisions of the Act as long as these surveys do not

involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.

- (ii) If, however, investigations and surveys involve clearing of forest area or felling of trees, prior permission of the Central Government is mandatory.
- (iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees is involved.

Clarification:- The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries. Annexure-II A may be referred to. In view of this, the State Governments should not submit any proposal for diversion of forest land in National Parks and Sanctuaries without seeking prior permission of the Indian Board for Wildlife (Now National Board of Wildlife) and Supreme Court. (No. 11-9/98-FC dated 04.12.1998 and 04.05.2001).

- (iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees.
- (v) Prospecting of any mineral, done under prospecting license granted under MMRD Act, which requires collection/ removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act 1980 would be required. (No. 1156/2000-FC dated 12.06.2001). However, test drilling upto 10 bore holes of maximum 4" diameter per 100 sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of the Central Government under the Act would be required.
- (vi) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversion of forest land.

1.4 Explanation Regarding Non-Forest Purpose

- (i) Cultivation of tea, coffee, spices, rubber and palm is a non-forestry activity, attracting the provisions of the Act.
- (ii) Cultivation of fruit-bearing trees or oil-bearing plants or medicinal plants would also require prior approval of the Central Government except when:
 - (a) The species to be planted are indigenous to the area in question; and
 - (b) Such planting activity is part of an overall afforestation programme for the forest area in question.

1.5 Tusser Cultivation

- (i) Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking monocultural Asan or Arjun plantations shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Act is necessary.
- (ii) Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling of existing trees; provided further that while undertaking such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.
- (iii) Plantation of mulberry for silkworm rearing is a non-forestry activity attracting the provisions of the Act.

1.6 Mining

- (i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central Government is essential before a mining lease is granted in respect of any forest area. The Act would apply not only to the surface area which is used in the mining but also to the entire underground mining area beneath the forest. A renewal of an existing mining lease in a forest area also requires the prior approval of the Central Government. Continuation or resumption of mining operation on the expiry of a mining lease without prior approval would amount to contravention of the Act.
- (ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal No. 2349 of 1984 dated 7.5.1985 is at Annexure-III.
- (iii) Boulders, bajri, stone, etc., in the riverbeds located within forest areas would constitute a part of the forest land and their removal would require prior approval of the Central Government.

1.7 Clarification on Sub-clause 2(iii) of the Act

- (i) The Sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled by the concerned State/Union Territory Government and/or the Central Government. Such Government owned, managed or controlled authority/corporation/ agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organisation or individual.
- (ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/ agency/organisation not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.

1.8 Clarification on Sub-clause 2(iv) of the Act

- (i) Sub-clause 2(iv) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear-felled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include coppicing, pollarding or any other mode of vegetative propagation.
- (ii) All proposals involving clearing of naturally grown trees in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the form of Management Plans/Working Plans to the Regional Chief Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.
- (iii) All proposals in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the Regional Office, under Section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. The Regional Office will however, invariably seek prior clearance of the Ministry whenever the proposal involves clear-felling of forest area having density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20 ha. in the plains and 10 ha. in the hilly region, irrespective of density.
- (iv) In National parks and Sanctuaries where fellings are carried for improvement of wildlife and its habitat only, forests would be managed according to a scientifically prepared management plan approved by the Chief Wildlife Warden, provided that the removed forest produce shall be used for meeting bona fide needs of the people living in and around the National Park/Sanctuary and shall not be used for any commercial purposes. But in cases where large scale felling/removal of timber and non-timber products is required in a national park/sanctuary, which need disposal through sales, approval of

the Central Government would be necessary. However, this shall be subject to the orders of the Supreme Court, which may be referred to at Annexure-II A. (No. 5-5/86-FC (Pt) dated 10.08.1999).

1.9 Clarification of Section 3 B of the Act

- (i) Each case of the violation of the Act shall be reported by the concerned State/Union Territory Government to the Central Government.
- (ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who are prima-facie responsible for the contravention of the Act.
- (iii) In case it is not possible to fix the responsibility for commission/omission of any action leading to the violation of the Act, a full explanation with relevant supporting documents shall be appended to the report.
- (iv) Any person and/or authority nominated by the Central Government may be required to discharge any of the duties, including prosecution under the Act in any Court as may be deemed appropriate for this purpose. In such an eventuality, the Government of the concerned State/Union Territory shall make available all such records or documents as may be called upon by the investigation officer.

Clarification: The provisions of this Section are applicable to the cases where the State Government or any authority passes any order for permitting activities covered by Section 2 of the Forest (Conservation) Act, 1980 without prior approval of the Central Government. Cases of illicit felling/encroachment/illegal mining, etc. have to be dealt under the provisions of the Indian Forest Act, 1927, State Forest Acts, Environment (Protection) Act, 1986, etc. (No. 5-5/86-FC dated 07.12.1999)

1.10 Diversion of Forest Land for Regularisation of Encroachments

- (i) Detailed guidelines issued in this regard vide this Ministry's No. 13.1/90-F.P. (1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.
- (ii) The State Governments/UT Administrations may send the proposals as follows:- (a) A consolidated proposal for the whole State in the prescribed application form. (b) Detailed information as per the enclosed Table/format – Annexure-IV-A. Division wise proposals, maps, names of encroachers, etc. should be kept ready at Division level, which may be made available whensoever required for inspection and need not be appended with the consolidated proposal.
- (c) Detailed compensatory afforestation scheme with areas proposed for raising compensatory afforestation Division-wise, phased planning, fund requirement, commitment of the State Government to provide funds for the purpose, etc. Maps of proposed areas for compensatory afforestation should be kept ready at Division level, which may be made available whensoever required for inspection.
- (d) A time plan for eviction of ineligible encroachers.
(No. 8-67/2000-FC dated 04.12.2000)

1.11 Review of Disputed Claims over Forest Land, arising out of Forest Settlement

Detailed guidelines issued in this regard vide this Ministry's No. 13.1/90-F.P. (2) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-B.

1.12 Disputes Regarding Pattas/Leases/Grants involving Forest Land – Settlement thereof

Detailed guidelines issued in this regard vide this Ministry's No. 13.1/90-F.P. (3) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-C.

1.13 Conversion of Forest Villages into Revenue Villages

Detailed guidelines issued in this regard vide this Ministry's No. 13.1/90-F.P. (5) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-D.

CHAPTER 2:- SUBMISSION OF PROPOSALS

2.1 General

- (i) Rule 6 of the Forest (Conservation) Rules, 2003 prescribes the procedure for submission of proposals for seeking prior approval of the Central Government under Section 2 of the Act. The form appended to the Rules, specifies the particulars to be furnished with the proposal. Only proposal in the prescribed format, and complete in all respects, will be considered. The user agency, if they so desire, for monitoring purpose only, may submit the proposal along with a copy of the receipt from Nodal Officer of having received complete application to the Assistant Inspector General of Forests (FC)/Director in-charge of the Monitoring cell.
- (ii) All proposals relating to diversion of forest land up to 40 hectares and proposals for clearing of naturally grown trees for reforestation shall be sent directly to the concerned Regional Office of the MoEF by the State/UT Government or other authority. All other proposals shall be sent by the State/UT Government or other authority to the Secretary to the Government of India, MoEF mentioning "Attention - FC Division" on covering letter as well as on envelope. Moreover, a copy of all these proposals irrespective of area should also be sent to concerned Regional Office of the MoEF. (No. 5-5/86-FC (Pt) dated 30.10.1998).

For small development and public utility projects involving diversion of forest land upto 5 hectare, the State Government may authorize the Nodal Officer or any other Officer to submit the proposals directly to the Regional Offices.

- (iii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commented upon by the Principal Chief Conservator of Forests/Chief Conservator of Forests. Similarly, adverse recommendation by the PCCF/CCF should be commented upon by the State Government to emphasis that a conscious decision has been taken in the matter.
- (iv) Wherever re-diversion of forest land becomes essential, State Government should seek the prior permission of the Central Government giving details of the earlier approval and the proposed activity details in letter form rather than initiating a fresh proposal. (No. 11-29/2000 - FC dated 24.3.2000)
- (v) In cases of irrigation projects or projects involving linear diversion of forest land, when during execution, some realignment is needed due to technical reasons and where the re-alignment is of a minor nature, i.e. deviation from the original alignment is at a few points and the number of trees to be cut does not exceed the number given in the original proposal, the State government need not submit a fresh proposal. Rather, they may send this information through a covering letter giving maps of the original alignment and fresh alignment with details of the additional forest land required and the variation in the number of trees which will be affected due to the realignment. (No. 11-16/98-FC dated 29.10.1998)
- (vi) The State Governments are advised not to consider/process cases, which are pending in various Courts or are sub-judice, to avoid all sorts of administrative and legal complications. (No. 10-236/-FCE dated 06.10.1998)
- (vii) In order to ensure that the forest lands are diverted only for site specific projects, that too where it is inescapable, so that the ecological balance of the country is well protected, the respective State/UT Administration, should give due consideration to the following and should submit proposal accordingly after detailed scrutiny.

1. Diversion of forest land within Reserve Forest: - As per the Status of Forest Report, 1997 published by Forest Survey of India, out of 76.25 million ha. of total forest area, roughly 54.4% is Reserve Forest area. These forests are considered as good forests with plenty of bio diversity and it is necessary to keep these forests intact. As such, any proposal for diversion in Reserve Forest should be very carefully examined and detailed justification after exhausting all alternatives for locating the project in this forest area should be given while forwarding the proposal.

2. Regarding Mining proposals: - It has been observed by the Central Government that a large number of proposals relating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside makes entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. It has also been observed that whatever area has already been opened up for mining of different minerals, have not been worked and reclaimed systematically and scientifically. There is a tendency to open up new pits without exhausting the existing ones to its full depth/potential. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted of minerals. Alongwith this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral. Mining plan should be approved by the competent authority for concerned minerals e.g. for coal it should be approved by Controller of Coal and for major minerals by IBM and so on.

Even in the case of renewals, it has been observed that the State Governments are not giving complete picture of mining activity in the particular block or compartment of the forest block. Whenever such proposal is sent, complete details of existing or proposed leases in that particular forest area with their present status should be indicated on Survey of India topo-sheet on 1:50,000 scale.

3. Diversion for non-site specific projects: - A large number of proposals for diversion of forest land for non-site specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1(iv) and 8 of the Form 'A' in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, there should not be any justification for locating non site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its in-escapability for locating the project in forest area.

4. It has been observed that in respect of many proposals, the Central Government receives representation from NGOs/local public bodies against the diversion of forest land on loss of forest land, environment and ecological grounds. It is felt that it is essential to have the opinion of the local people, whenever a project is coming up in that area. Therefore, whenever any proposal for diversion of forest land is submitted, it should be accompanied by a resolution of the 'Aam Sabha' of Gram Panchayat/Local Body of the area endorsing the proposal that the project is in the interest of people living in and around the proposed forest land except in cases wherever consent of the local people in one form or another has been obtained by the State or the project proponents and the same is indicated in the proposal explicitly.

However, it would be required where the project activity on forest land is affecting quality of life of the people residing in nearby areas of the site of diversion; like mining projects, displacement of people in submergence area, etc. It is further clarified that such resolution would not be required in following cases:

- a. Project requires public hearing in order to get environment clearance. However, a copy of public hearing may be furnished along with the proposal in such cases.
- b. For projects like construction of roads, canals, laying of pipelines/optical fibers and transmission lines etc., where linear diversion of forest land in several villages are involved.
- c. Proposals involving diversion of private forest lands.
- d. In case of small public utility projects like drinking water, schools, hospitals which are for the welfare of local people.

(No. 11-30/96-FC (Pt) dated 26.02.1999 and dated 17.08.2000, No. 5-5/86-FC dated 09.03.2000)

2.2 Particulars to be Furnished along with the Proposal

- (i) Map of the forest area required showing boundary of the adjoining forests, etc., is to be furnished along with the prescribed form. This should normally be on 1:50,000 scale original Survey of India toposheet. However, if maps on 1:50,000 scale are not available, map on 1"=1 mile or 1"= 4 miles or any other suitable scale would be acceptable. If the area is very small, an index map may be submitted showing forest boundaries and a location map on a larger scale with a land use of the area required.
- (ii) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods.
- (iii) The projects for roads and railway line construction will be processed in their entirety. Therefore, proposals in piecemeal should not be submitted. A note on the present and future requirement of forest land is required to be submitted along with the proposal.
- (iv) The user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent along with the proposal. (substituted vide No. 5-5/86-FC dated 25.11.1994)
- (v) Special guidelines in regard to laying of transmission lines in forest area are at Annexure V.
- (vi) All proposals seeking prior approval of the Central Government should invariably contain the following information:
 - (a) Extent of forest cover in the concerned district/State.
 - (b) Extent of forest land diverted so far under Forest (Conservation) Act 1980 in the concerned district/State.
 - (c) Extent of forest land diverted for same/similar purpose/project so far in the concerned district/State.
 - (d) Progress of compensatory afforestation in the concerned district/State under earlier forest clearances.

However, the States/UTs may submit the above information on a consolidated, calendar year basis every year as per the proforma at Annexure-VII so as to avoid duplication/re-iteration in each proposal. (No. 11-30/96-FC (Pt) dated 28.06.2001)

- (vii) Mining proposals in forest areas in respect of coal and other major minerals should be accompanied with the following documents:-

1. In respect of Underground mining in stratified deposits in forest areas

The mining plan in stratified deposits in forest areas should include the predicted subsidence, slope and strain values and their impact on forests and surface and their mitigation. The maximum tensile strain of 20 mm per meter and thereby the surface cracks of width of about 200 - 300 mm is to be permitted in forest areas. Accordingly, the mine plans should be made to restrict the subsidence movement within these limits with the provision of mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modelling in 3 Dimension for subsidence prediction through an expert mining engineer/organisation to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University; ISM, Dhanbad; any of the IITs located at Delhi, Kanpur, Mumbai, Kharagpur, Madras, Roorkee & Guwahati; or M/s CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land, and wherever feasible, the surface facilities should be planned over non-forest areas.

2. Open cast mining in forest areas.

In respect of open cast mining in forest areas, a comprehensive study of solid waste management and land reclamation with post mining land use plan and decommissioning should be made and the plan should envisage the minimum possible overburden dumping outside the mine. In place where the non-forest land is available, the external dumping of the overburden should be planned on non-forest land. Special attention should be given to top-soil and sub-soil handling and management.

3. Use of Fly ash in reclamation of open cast mines

Wherever feasible, depending upon the characteristic of fly ash and its availability nearby, use of fly ash in reclamation of open pits should be looked into and planned. Fly ash for this purpose should be characterized from the point of view of leaching potential with special reference to heavy metals.

While forwarding the proposals, the State Government may also bear in mind the para 7.13 of The National Mineral Policy, 1993 (For non-fuel & non-atomic mineral) wherein it states that “ Mining operation shall not ordinarily be taken up in identified ecologically fragile and biologically rich areas.....”. (No. 2-2/2000-FC dated 27.03.2000)

4. Mining Plan

Ministry is receiving a large number of proposals for grant of/renewal of mining leases. In order to take a holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal alongwith map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest area and other mining leases of forest block within that sheet. (No. 5-5/86-FC (Pt) dated 26.02.1999)

2.3 Proposals Requiring Clearance from Environmental Angle

- (i) The projects covered under notifications issued from time to time under Environment (Protection) Act, 1986, shall require clearance separately from environmental angle, as per procedure laid down by the Environment Wing of the MOEF. Environmental clearance where required should be applied for separately and simultaneously.
- (ii) Notwithstanding the above, if in the opinion of the Ministry or the Advisory Committee, any proposal should be examined from the environmental angle, it may be required that the project proponent refer the case to the Environment Wing of the MOEF.
- (iii) For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles.

(paras (i) & (iii) substituted No. 5-5/86-FC dated 25.11.1994)

2.4 Simplified Procedure for Certain Categories of Proposals

- (i) In respect of proposals for laying of transmission lines, pipelines for drinking water supply, laying of telephone/optical fibre lines and exploratory drilling for prospecting of oil which do not involve any felling or cutting of tree, only the following particulars may be furnished in the prescribed form:
 - (a) Map of the area required along with geographical location of the project.
 - (b) Purpose for which forest land is required to be used.
 - (c) Extent of forest area to be diverted.
 - (d) Legal status of forest land.
 - (e) Whether forest land forms part of national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna.

- (f) Whether no alternative alignment is possible to avoid or minimise use of forest land and, whether, the required forest area is the minimum needed for the purpose. A certificate in this regard is to be furnished by the concerned Divisional Forest Officer after personal inspection of the spot.
- (g) Compensatory afforestation scheme.
- (h) A certificate stating specifically that no cutting or felling of trees is involved.
- (ii) Other cases involving forest area up to 2 ha. which are devoid of tree cover, may also be dealt with as per above simplified procedure except for proposals for mining and regularisation of encroachments.
(paras (d) & (e) interchanged vide No. 11-9/98-FC dated 23.07.01998)

2.5 Diversion of Forest Land for Widening or Expansion or Realignment of Road/Rail/Canal

- (i) Such lands which had been acquired by Government Departments like Railway, Irrigation, PWD, etc. for specific purposes like laying of roads, railway lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forest (Conservation) Act, 1980 for the purposes of widening or expansion or re-alignment. However, the concerned agency will seek permission under local laws, if any, from appropriate authority.
- (ii) Such lands which were acquired by the above departments and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.
- (iii) However, if the decision is not ordered by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government/State may proceed with the widening/modernisation under intimation to the local State Forest Department and Central Government.
(Substituted vide No. 4-1/97-FC dated 18.02.1998)

Clarification: - This guideline is applicable to only such projects, where plantations have been raised on the lands acquired by the user agency and subsequently notified as Protected Forest. This guideline will not be applicable if the forest land involved is reserved/protected forests belonging to the Forest Department. (No. Nil dated 16.07.1999)

2.6 Cost-benefit Analysis

- (i) While considering proposals for dereservation or diversion of forest land for nonforest use, it is essential that ecological and environmental losses and socio-economic distress caused to the people who are displaced are weighed against economic and social gains.
- (ii) Annexure VI (a) details the types of projects for which cost-benefit analysis will be required. Annexure VI (b) lists the parameters according to which the cost aspect will be determined, while Annexure VI (c) gives the parameters for assessing the benefits accruing.
- (iii) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for clearance under the Act.

2.7 Plan for Rehabilitation of Oustees

- (i) If the project involves displacement of people, a detailed Rehabilitation Plan shall be submitted along with the proposal for diversion of forest land. The Scheduled Tribe and Scheduled Caste population should be separately considered, and a plan for their rehabilitation should be in consonance with their socio-economic, cultural and emotional lifestyle.
- (ii) The Government of India do not allow diversion of forest land for rehabilitation of people. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribes, Scheduled Castes and other people who may have to be shifted from the core zone of a national park or reserve.

2.8 Transfer of Lease

Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/ State Government in future.

2.9 Participation of private sector through involvement of NGOs & Forest Department in afforestation/rehabilitation of degraded forests.

Detailed guidelines issued in this regard vide this Ministry's No. 8-21/96-FC dated 07.06.1999 shall be strictly followed. These are included in Annexure VIII. (No. 8-21/96-FC dated 07.06.1999)

2.10 Cluster mining

Detailed guidelines issued in this regard vide this Ministry's No. 11-8/2001-FC dated 15.11.2001 shall be strictly followed. These are included in Annexure IX.

(No. 11-8/2001-FC dated 15.11.2001)

CHAPTER 3:- COMPENSATORY AFFORESTATION

3.1 Compensatory Afforestation

- (i) Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It is essential that with all such proposals, a comprehensive scheme for compensatory afforestation is formulated and submitted to the Central Government.
- (ii) The comprehensive scheme shall include the details of non-forest/degraded forest area identified for compensatory afforestation, maps of areas to be taken up for compensatory afforestation, year-wise phased forestry operations, details of species to be planted and a suitability certificate from afforestation/management point of view alongwith the cost structure of various operations.
- (iii) Sometimes the compensatory afforestation schemes are being submitted at such a cost structure, which is at variance with the cost norms for the same area. The compensatory afforestation schemes no doubt has to be site specific and thus per hectare rate will vary according to species, type of forest and site. In this regard, it has been decided that henceforth the compensatory afforestation schemes which are being submitted alongwith the proposals for forestry clearance, must have technical and administrative approvals from the competent authority and should be in conformity with cost norms based on species, type of forest and site.

(No. 8-80/99-FC dated 07.11.2001)

3.2 Land for Compensatory Afforestation

- (i) Compensatory afforestation shall be done over equivalent area of non-forest land.
Clarification: - As a matter of pragmatism, the revenue lands /zudpi jungle/ chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam lands and all other such category of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.
- (ii) As far as possible, the non-forest land for compensatory afforestation should be identified contiguous to or in the proximity of Reserved Forest or Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) In the event that non-forest land of compensatory afforestation is not available in the same district, non-forest land for compensatory afforestation may be identified anywhere else in the State/UT as near as possible to the site of diversion, so as to minimise adverse impact on the micro-ecology of the area.
- (iv) Where non-forest lands are not available or non-forest land is available in less extent to the forest area being diverted, compensatory afforestation may be carried out over degraded forest twice in extent to the area being diverted or to the difference between forest land being diverted and available non-forest land, as the case may be.
- (v) The non-availability of suitable non-forest land for compensatory afforestation in the entire State/UT would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/UT Government to that effect.
- (vi) As an exception to 3.2 (i) above, compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted/dereserved in respect of following types of proposals :
- (a) For extraction of minor minerals from the river beds. (However, if forest area to be diverted is above 500 hectares, compensatory afforestation over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted subject to a minimum of 1000 hectares compensatory afforestation).
 - (b) For construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area - in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.
 - (c) For laying of transmission lines upto 220 KV.
 - (d) For mulberry plantation undertaken for silk-worm rearing without any felling of existing trees.
 - (e) For diversion of linear or 'strip' plantation declared as protected forest along the road/rail/canal sides for widening or expansion of road/rail/canal.
 - (f) For laying of telephone/optical fibre lines.
(inserted vide No. 11-9/98-FC dated 23.07.1998)
- (vii) The field firing ranges, which are used temporarily by the defence establishments for arms practice, comprises of safety zone encompassing the field firing range and danger area/impact zone. Keeping in view that the impact area is only a small portion of the entire firing range and as an exception to 3.2 (i) above, compensatory afforestation may be raised over equivalent degraded forest land of the forest area being diverted for impact zone of the field firing range.
(No. 11-9/96-FC dated 07.01.1997), No. 11-55/2000-FC dated 06.09.2000 and No. 858/98-FC dated 06.11.2001)
- (viii) No compensatory afforestation shall be insisted upon in respect of the following:-

- (a) For clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation.
- (b) Proposals involving diversion of forest land up to one hectare. (However, in such cases, plantation of ten times the number of trees likely to be felled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order).
- (c) For underground mining in forest land below 3 metres. (However, in respect of forest area required for surface right, compensatory afforestation shall be required as per relevant provisions).
- (d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.
(substituted vide No. 5-5/86-FC dated 25.11.1994)
- (ix) Special provisions for Central Government/Central Government Undertaking Projects.
 - (a) Compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted. Certificate of Chief Secretary regarding nonavailability of non-forest land for compensatory afforestation will not be insisted.
 - (b) The user agency will deposit the amount for compensatory afforestation with the concerned State Govt. on receiving the demand and the actual transfer/use of forest land will be effected only after the receipt of the demanded amount.
 - (c) The State Governments will identify 'blank forest' or degraded forest lands for compensatory afforestation. The State Governments of Madhya Pradesh and Rajasthan will identify such degraded forest land in their States for compensatory afforestation of central projects in their respective States as indicated by the Chief Secretaries of these two States in the meeting of Committee of Secretaries held on 15.11.96.
 - (d) The pool of degraded forest land in Madhya Pradesh and Rajasthan will also be available for the Central Government projects of other States if the concerned State Government fail to identify the requisite land, as mentioned at (a) above, for compensatory afforestation in its own territory within one month of the submission of the proposal to the State Government.
 - (e) While identifying the pool of degraded forest land, blank forest lands in reserved forests in compact/sizeable blocks should be identified as first priority as "plantation bank". An appropriate treatment plan with choice of species should be prepared by the beneficiary States. Only when such areas are not available, the choice of compensatory afforestation will fall on protected, unprotected forests and unclassified forests in declining order of priority.
 - (f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation with the concerned Chief Conservator of Forests (C), Regional Offices of the MOEF.
(No. 11-30/96-FC dated 10.04.1997 – 40/c, dated 11.09.1997)

Clarification: - The provisions of the above guideline would be applicable to only Central Sector projects and not on State Sector projects which are being undertaken by Central PSUs on turnkey basis. In such cases, compensatory afforestation on equivalent non-forest land/a certificate of Chief Secretary regarding non-availability of equivalent non-forest land anywhere in the State shall be insisted upon.

(No. 11-30/96-FC (pt. I) dated 16.04.2003)

3.3 Elements of Schemes for Compensatory Afforestation

- (i) The scheme for compensatory afforestation should contain the following details:-
 - (a) Details of equivalent non-forest or degraded forest land identified for raising compensatory afforestation.
 - (b) Delineation of proposed area on suitable map.
 - (c) Agency responsible for afforestation.
 - (d) Details of work schedule proposed for compensatory afforestation.
 - (e) Cost structure of plantation, provision of funds and the mechanism to ensure that the funds will be utilized for raising afforestation
 - (f) Details of proposed monitoring mechanism.

3.4 Lands Identified for Compensatory Afforestation to be Transferred to the Forest Department

- (i) Equivalent non-forest land identified for the purpose are to be transferred to the ownership of the State Forest Department, and declared as protected forests so that the plantation raised can be maintained permanently. The transfer must take prior to the commencement of the project.
- (ii) The compensatory afforestation should clearly be an additional plantation activity and not a diversion of part of the annual plantation programme.
- (iii) In each case where the afforestation target is over 500 hectares in plains, and 200 hectares in hills, a Monitoring Committee shall be established with a nominee of the Central Government to oversee that the stipulations, including those pertaining to compensatory plantation are carried out.

3.5 Special Fund

- (i) The State/UT Government should create a special fund to which the individual user agency will make its deposits for compensatory afforestation. The Forest Department, or any other technically competent agency which is assigned the job of compensatory afforestation should fully utilise this amount for implementation of the afforestation scheme approved by the Government of India, and keep separate and meticulous account thereof.
- (ii) In order that a uniform procedure is followed by all departments, the Controller General of Accounts, Department of Expenditure, Ministry of Finance vide letter No. T-14018/14/90-Codes/485 dated 23.06.1992 has informed that the aforesaid deposit may be booked under the head "J-Reserve Fund (b) Reserve Funds not bearing interest – 8235 – General and Other Reserve Funds – 200 – Other Funds – Special Fund for Compensatory Afforestation.

(No. T-14018/14/90-Codes/485 dated 23.06.1992)

Clarification: - The Supreme Court has passed orders on 30-10-2002 in I.A. No.566 in Writ Petition (Civil) No. 202 of 1995, regarding creation of a body for management of compensatory afforestation fund. Annexure-II B may be referred to. In compliance with the orders, creation of a body namely, "Compensatory Afforestation Management & Planning Agency (CAMPA)" is under consideration. As soon as this body comes into existence, all the funds received by the State/UT Governments towards compensatory Afforestation, additional compensatory Afforestation, penal compensatory Afforestation, Net Present Value of forest land, Catchment Area Treatment Plan Funds, Wildlife Management Plan etc. for the conditions stipulated by the Central Government, shall be transferred to the CAMPA. Further, Compensatory Afforestation Funds which have not yet been realized as well as the unspent funds already realized by the States shall be transferred to the said body within six months of its constitution by the respective States and the user agencies.

Further, Supreme Court in its order dated: 1.8.2003 in I.A. No. 826 & 859 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995 re-iterated that no approval shall be granted without imposing the condition indicated in this Court's order dated: 30.10.2002 relating to the payment of net present value of the forest land. Annexure-II C may be referred to.

(iii) Guidelines for collection of Net Present value (NPV) of forest land in compliance to the orders of the Supreme Court have been issued vide letter no. 5-1/98-FC (pt II) dated 18/09/2003 and 22/09/2003 (Appendix).

CHAPTER 4:- SOME CLARIFICATIONS

4.1 Delegation of Powers

- (i) All proposals involving diversion/dereservation of forest land up to 40 hectares, and proposals for clearing of naturally grown trees in forest area or portion thereof shall be sent by the concerned State/UT Government to the concerned Regional Office of MOEF.
- (ii) Chief Conservator of Forests of the concerned Regional Office shall be competent to finally dispose of all proposals (including decision regarding violation of Act) involving diversion/dereservation of forest land up to 5 hectares, except in respect of proposals for regularisation of encroachments and mining (including renewal of mining leases). Similarly, proposals involving clearing of naturally grown trees in forest area or portion thereof for reforestation shall also be finally disposed of by the Chief Conservator of Forests of the concerned Regional Office, subject to guidelines/instructions issued in this regard (refer to para 1.8) and any other instructions issued from time to time.
- (iii) In the absence of Chief Conservator of Forests, these powers shall be exercised by the concerned Conservator of Forests of the Regional Office in case the post of Chief Conservator of Forests is vacant due to transfer, long leave, etc.
(In respect of Regional Office at Chandigarh, these powers shall be exercised by Conservator of Forests of the Regional Office of Chandigarh).
- (iv) A list of all cases finally disposed of and a list of cases rejected along with reasons thereof for rejection would be required to be sent every month to the MOEF by the Regional Office.
- (v) (a) In respect of proposals involving diversion of forest area above 5 hectares and up to 40 hectares and all proposals for regularisation of encroachments and mining up to 40 ha., the proposals shall be examined by the Regional Chief Conservator of Forests/Conservator of Forests in consultation with an Advisory Group consisting of representatives of the State Government from Revenue Department, Forest Department, Planning and/or Finance Department and concerned Department whose proposal is being examined. The views of the Advisory Group shall be recorded by the Regional Chief Conservator of Forests and along with the same, the proposal shall be sent to Secretary, MOEF for consideration and final decision. It is to be clarified that views of this Advisory Group in no way shall be binding while deciding the proposal. The meeting of the Advisory Group may be held at the State Capital. The proposal will not be deferred for want of quorum.
(b) The meeting of the State Advisory Group will normally be held once in a month at concerned State Capital. The Regional Chief Conservator of Forests shall act as Chairman of the Advisory Group and Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.
(No. 5-5/86-FC (Pt) dated 01.03.1993)
(c) State Governments may take immediate steps to nominate representatives of the State Government not below the rank of Joint Secretary for the Advisory Group. Nodal Officer may be nominated to work as Member-Secretary of the State Advisory Group.
(d) The details of the officers alongwith addresses, telephone number, etc. may be directly communicated to the concerned Regional Chief Conservator of Forests under intimation to this Ministry to facilitate early processing of the proposals by the Advisory Group.
(e) The meeting of the Advisory Group will normally be held once a month at concerned State capital. (No. 5-5/86-FC (Pt) dated 17.12.1992)

4.2 Two Stage Clearance of Proposals

- (i) Forestry clearance will be given in two stages. In Ist stage, the proposal shall be agreed to in principle in which usually the conditions relating to transfer, mutation and declaration as RF/PF under the Indian Forest Act, 1927 of equivalent non-forest

land for compensatory afforestation and funds for raising compensatory afforestation thereof are stipulated and after receipt of compliance report from the State Government in respect of the stipulated conditions, formal approval under the Act shall be issued.

- (ii) However in cases where compliance of conditions stipulated in the in-principle approval is awaited for more than 5 (five) years from the State Governments, the in principle approvals would summarily be revoked. After revocation of the in-principle approval, if the State Government/user agency is still interested in the project, they would be required to submit a fresh proposal which shall be considered de-novo.

(No. 11-30/96-FC (Pt) dated 14.09.2001)

- (iii) Sometimes the proposals for renewal of mining leases are accorded in-principle approval/temporary working permission subject to compliance of certain conditions. It has come to the notice of the Ministry that many a times the user agency approaches the Courts against the very conditions on which the proposals are accorded in principle approval. Ideally the user agency should sort out any grievance in respect of any stipulated condition with the Central Government/State Government. Therefore, it has been decided that in cases where the user agency decides to approach the Courts for redress, the in-principle approval and temporary working permission shall stand revoked/in abeyance unless the Court cases are withdrawn and conditions complied with or till the cases are decided by the Courts.

(No. 8-82/93-FC dated 02.04.2003)

- (iv) Approved proposals shall not normally be reopened for review of the conditions, which have been stipulated earlier.

4.3 Anticipatory Action by the State / UT Governments

- (i) Cases have come to the notice of the Central Government in which permission for diversion of forest land was accorded by the concerned State Government in anticipation of approval of the Central Government under the Act and/or where work has been carried out in forest area without proper authority. Such anticipatory action is neither proper nor permissible under the Act which clearly provides for prior approval of the Central Government in all cases. Proposals seeking ex-post-facto approval of the Central Government under the Act are normally not entertained. The Central Government will not accord approval under the Act unless exceptional circumstances justify condonation. However, penal compensatory afforestation would be insisted upon by the MOEF on all such cases of condonation.
- (ii) The penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area.

(No. 5-5/86-FC (Pt) dated 03.02.1999)

4.4 Projects Involving Forest as well as Non-forest Lands

Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest land involved is not approved. It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till the approval of the Central Government for release of forest land under the Act has been given.

4.5 Diversion for Construction of Houses

- (i) On a proposal for construction of houses the late Prime Minister had observed:
"Destruction of our forest has already caused great damage to our environment. Therefore, I am not at all in favour of use of forest land for construction of houses..... The State Government should find other land for such purposes."

The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses.

- (ii) Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensaries, community halls, cooperatives, panchayats, tiny rural industrial sheds of the Government etc., which are to be put up for the benefit of the people of that area, but such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare in each case.

4.6 Extraction of Minor Minerals from the River Beds

- (i) Extraction of minor minerals like boulders, bajri, stone, shell, etc. from the river beds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife.
- (ii) There shall be no labour camp in the forest area for the labour involved in the extraction work.
- (iii) Extraction of minor minerals shall be from the middle of the river bed after leaving one fourth of the river bed on each bank untouched.

4.7 Safety Zone for Mining Operations

- (i) Forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion. However, it should be indicated separately in the proposal. Such area will have to be fenced at the cost of the project authority. Further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere.
- (ii) Safety zone area calculation in the proposal should be done taking 7.5. metres strip of the forest land all along the outer boundary of the mining lease area. If it is a cluster proposal, then the outer boundaries of the cluster should be taken as the safety zone.
- (iii) In order to safeguard public roads, forest roads, natural streams and nallahs located in mining lease areas, it is necessary that no mining activities should be carried out up to certain reasonable extent. This area can also be included in the safety zone calculation and provision for its fencing and regeneration should be made in the proposal.

(No. 11-17/98-FC dated 25.05.1999)

4.8 Catchment Area Treatment Plan

- (i) Proposals for diversion of forest land for major and medium irrigation projects shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of minor irrigation project, catchment area treatment plan will not be insisted.
- (ii) Proposals for diversion of forest land for Hydro-electric projects shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of small hydel projects (maximum up to 10 MW capacity), which are either canal head or run-of the river projects without involving impounding of water/submergence of forest land, catchment area treatment plan will not be insisted. (No. 11-14/94-FC dated 01.11.2001)

4.9 Special Arrangement in case of Large Projects

In case of large projects, depots for fuel wood should be set up by project authorities who will also arrange alternate fuel like coal, kerosene, biogas, LPG, electricity etc. The supply should be free of cost to the labourers and free or at subsidised rates to the other staff as may be determined by the project authorities.

4.10 Site Inspection

- (i) The proposed forest area shall be inspected by a responsible Forest Officer of the State Government. If the area is very important from the forestry angle, the territorial Conservator should himself inspect the area and give complete information relating to the forest and aspects of wildlife. The scientific names of important timber species

should be given while describing composition of the forest crop. If the area is relatively less important, the DFO could inspect the area. The Inspecting Officers should clearly record in the proforma if any violation is observed like tree felling, land breaking etc., in that area by the user agency. In any case the recommendations of the Chief Conservator of Forests should be categorical and specific and should be sent with photographs of inspected sites, highlighting the aspects observed, especially when the area is large or is sensitive and fragile. However, every proposal up to 40 hectare must be accompanied by a site inspection report from the DFO and proposals involving above 40 hectare should have a site inspection report of the CF. They should, apart from providing the information in the proforma, also attach a clear cut certificate as regards the violation of the Forest (Conservation) Act, 1980. In case, violation has taken place, a detailed report should be submitted by the DFO and countersigned by the CF along with the proposal.

- (ii) In respect of proposals involving diversion of forest land above 100 hectare., site inspections shall be carried out by the Regional Offices of the Ministry. However, the State /UT Governments are required to continue to send a copy of proposals involving diversion of forest land above 40 hectare to the concerned Regional Office as per existing practice. The site inspection report should be on the prescribed proforma, which is at Annexure-X and it should be specific on alternatives examined by the project authority, minimum requirement of forest land and self-explanatory particularly with regard to overall impact of the project and also contain site specific mitigating measures, in case of recommending a project. The report should also contain photographs of the site indicating main points mentioned in the report.
- (iii) However, site inspection of proposals involving diversion of forest land upto 100 hectares will be need based i.e. done by the Regional Officers as and when desired by the Forest Advisory Committee or Ministry. The Regional Office will, however, scrutinise the proposal (involving forest land between 40 to 100 hectares) and can send their observation or any feedback particularly violation of the Forest (Conservation) Act, 1980 for further processing of the proposal.
- (iv) In respect of proposals involving renewal of leases, the Regional Offices of the Ministry should submit a copy of the report of the latest monitoring done (one year before the expiry of lease period) along with the abstract of monitoring report of the project during the lease period specially highlighting the conditions which have not been fulfilled, with complete details of the reasons for not fulfilling. The conditions which have been complied with should also be highlighted with the quality of performance of the project authorities with short note on the desirability of renewal of lease and other recommendations.
- (v) (No. 11-13/96-FC dated 04.06.1996, No. 2-2/2000 FC dated 16.10.2000 and No. 22/2000-FC dated 16.10.2000)

4.11 Complete Details

While forwarding the proposal to the Central Government, complete details in all aspects of the case should be given. Incomplete and deficient proposal will not be considered and will be returned to the State Government in Original.

4.12 Specific Time Limits

- (i) To ensure speedy disposal of proposals, specific time limits have to be laid down for disposal of references at various levels. Efforts should be made to dispose of each reference at the State Governments level within a maximum period of 90/60 days as per the Forest (Conservation) Rules, 2003. Specific instructions may be issued in this regard to officers at all levels.
- (ii) Cases which are complete in all respects shall be disposed of within 60 days by the Central Government.

4.13 Quarterly Progress Report (QPR)

A Monitoring Cell has been created in the Ministry of Environment & Forests, which shall be looked after by Director (FC) and an Asstt. Inspector General of Forests. In all cases, the States will submit quarterly progress reports to the Director (FC) regarding the implementation of the stipulations laid down by the Government of India while approving the project especially in respect of compensatory afforestation and future clearances of projects of the States and Union Territories concerned will depend upon the fulfillment of

the stipulations and the achievements in compensatory afforestation. Monitoring Cell will also monitor the time taken by the authorities in processing the case at different levels of the State Government as well as Central Government.

Along with quarterly progress report, a statement in tabular form as given below should also be submitted which will give status of the total number of proposals in the State:

- (a) Name of State
 - (b) Total no. of proposals submitted since 1980.
 - (c) No. of proposals finally approved
 - (d) No. of proposals given Stage I approval
 - (e) No. of proposals rejected
 - (f) No. of proposals withdrawn by State Govt.
 - (g) No. of proposals closed for want of information
 - (h) No. of proposals pending with Central Govt.
 - (i) No. of proposals pending with State Govt. for want of information.
 - (j) Remarks.
- (No. 4-2/99-FC dated 02.11.1999)

4.14 Rejection/Reopening of Cases

- (i) In cases where the State Government is requested to furnish clarifications or additional information relating to a proposal, all particulars should be made available to the Central Government within 60 days. If such particulars are not received within a maximum of 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential information. Such cases could be reopened provided the following conditions are satisfied:
 - (a) all the required information has been made available.
 - (b) delay in providing the information is satisfactorily explained, and
 - (c) there is no change in the proposal in terms of scope, purpose and other important aspects.
- (ii) In some cases, the State Government comes up with a request for reconsideration of the proposal after it has been considered and rejected by the Ministry. Such request should be made within three months from the date of the issue of the rejection letter. The request should give a detailed justification for reconsideration as well as comments on the grounds on which the proposal was rejected by the Ministry. (No. 11-9/98-FC dated 04.11.1999)

4.15 Nodal Officer

- (i) Separate cells for dealing with diversion of forest land cases should be opened at the State Government and PCCF levels. A whole-time senior officer not below the rank of Conservator of Forests should head the cell, who should be designated as the Nodal Officer.
- (ii) The Nodal Officer should receive cases from the user agencies and entertain all correspondence from them. He should scrutinise and process the case and after obtaining views/certificate of the Chief Conservator of Forests, should put up the case to State Government. Besides office staff, the Nodal Officer should also be given sufficient field staff to facilitate timely processing. The State Government while forwarding cases to the Central Government may endorse copies to the Chief Conservator of Forests and the Nodal Officer. The Central Government may also, while corresponding with the State Government, send copies to the Nodal Officer. The Nodal Officer should also obtain all additional information required by the Central Government about the proposals from the concerned authorities directly and endorse a copy directly to the Central Government.
- (iii) While approving a proposal the Government of India stipulates certain conditions to reduce the environmental damage on account of forest loss. The conditions must be enforced. Their non-compliance should be reported by the Nodal Officer to Regional Office who should inspect the site from time to time.
- (iv) In case of opencast mining, it should be the responsibility of the Nodal Officer and his staff to ensure that all necessary inputs like creation of nursery, storage of top

soil for reuse and methodology for its reforestation, choice of species, etc. are so planned and implemented that the mined area is fully afforested by the time mining operations are completed.

- (v) The Nodal Officer should monitor the implementation of the conditions of compensatory afforestation and the survival ratio of the seedlings planted.
- (vi) The Nodal Officer may also report compliance of State-I conditions after getting it vetted by the State Government wherever it is called for mainly dealing with land and fund matters.
- (vii) The Nodal Officer may also inform violations/non-compliance of stipulations/conditions prescribed by the Central Govt. so that remedial actions could be taken up early since it is likely to be further delayed after these violations/non-compliance are to be received only from the State Govt. level. In case of gross violations, for which delay/time lag is crucial, such reports from territorial CCF/CF shall also be entertained by Government of India.
(No. 5-5/86-FC (Pt) dated 26.02.1999)
- (viii) The Nodal Officer shall submit a monthly report on all the complete applications received by the State Government and their status of processing in the State. The report shall be sent to the Regional Office concerned and the Assistant Inspector General of Forests (FC)/Director incharge of the monitoring cell.

4.16 Lease period for mining lease

- (i) The approval under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted/renewed under MMRD Act, 1957 or Rules framed thereunder, but not exceeding 30 years. While recommending cases for approval under the FC Act, the user agency/State Government shall indicate the period for which the mining lease is proposed to be granted/renewed under MMRD Act or Rules framed thereunder. However, in the event of noncompliance of stipulations to the satisfaction of the MOEF, the clearance accorded may be summarily withdrawn.
(No. 5-5/86-FC dated 25.11.1994)
- (ii) The conditions stipulated while giving approval under the Forest (Conservation) Act, 1980 for diversion/renewal of forest land for mining purposes shall be renewed/monitored every five years. If it is found that the lessee has violated or is not complying with the stipulated conditions, then the approval given under the Forest (Conservation) Act, 1980 shall be revoked. Concerned Chief Conservators of Forests(C), Regional Offices of the Ministry will issue a certificate regarding fulfillment of these conditions after carrying out the monitoring.
These guidelines shall be applicable retrospectively for all the mining leases which have more than five years of lease period left.
(No. 5-5/86-FC (Pt) dated 12.12.1997)
- (iii) The Regional Office will monitor the main parameters/conditions of formal approval as frequently as possible at least once in a year. At least once in five years a comprehensive monitoring as to the effect of mining on air and water pollution will also be carried out. Regional Offices should send such reports/certificates in respect of the monitoring mechanism indicated above to this Ministry, so that a view can be taken on continuation of mining lease beyond five years.
(No. 8-79/91-FC dated 15.04.1998)

4.17 Renewal of Mining Lease - Temporary Working Permission

If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency to the State Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposal for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on an application from the user agency, may grant the user agency, temporary working permission in the already broken up area till a final decision is taken on the proposal. (Inserted vide No. 5-5/86-FC dated 25.11.1994, modified vide No. 5-5/86-FC dated 16.10.2002 and again vide No. 5-5/86-FC dated 23.12.2002)

- 4.18** In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission for already broken up areas so as to enable the State Government to comply with the conditions. This period can be extended by one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the stipulated conditions.

(Inserted vide No. 5-5/86-FC (pt) dated 30.10.1998 and modified vide No. 5-5/86 FC (Pt) dated 03.09.2001)

CHAPTER 5:- CONDITIONS STIPULATED IN FORESTRY CLEARANCES

Whenever clearances are accorded for diversion/de-reservation of forest land under the provisions of the Forest (Conservation) Act, 1980, certain conditions to minimise impact on forest land are imposed by the Ministry. These conditions comprise of general conditions, which are stipulated in almost all the proposals; standard conditions, which are stipulated on types/category of projects and specific conditions, which are stipulated keeping in view the impact of the project on forest. However, the list of conditions given below is illustrative and the Central Government or the State Government may impose any other additional condition in the interest of conservation, protection or development of forests, wildlife and environment.

5.1 General Conditions

- (i) Legal status of forest land to remain unchanged.
- (ii) Compensatory afforestation as per guidelines.
- (iii) Transfer and mutation of non-forest land in favour of Forest Deptt., if applicable.
- (iv) Notification of such land as RF/PF under the Indian Forest Act, 1927.
- (v) User agency to provide free fuelwood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage & pressure on adjacent forest areas.
- (vi) The forest land shall not be used for any purpose other than that specified in the proposal.
- (vii) Demarcation of lease area to be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward & back bearings and distance from pillar to pillar.
- (viii) Rehabilitation of Project affected families, if any.
- (ix) Environmental clearance if required.

5.2 Standard conditions

- (i) Mining Proposals:
 - (a) Phased reclamation of mined area.
 - (b) Safety zone area, its afforestation and fencing.
 - (c) Afforestation on 1 ½ times degraded forest land in lieu of the area used for safety zone.
 - (d) In case of underground mines, areas on surface to be fenced and afforested.
- (ii) Hydel and irrigation proposals:
 - (a) Catchment Area Treatment Plan for medium and major projects.
 - (b) Minimum requirement of forest land for canals.
 - (c) Afforestation along the reservoir & canals.
 - (d) No tree felling between FRL (Full Reservoir Level) and FRL-4 meters.
 - (e) Free water for forestry related projects.
- (iii) Road proposals:
 - (a) Minimum trees to be felled.
 - (b) Strip plantation on sides and central verge.
- (iv) Transmission line proposals:
 - (a) Minimum trees to be felled.
 - (b) Plantation of dwarf species (preferably medicinal plants) in right of way under the transmission lines.

5.3 Specific conditions

These conditions are specific to the nature of the project and are stipulated on case to case basis by the Central Government/State Government.

ANNEXURES

ANNEXURE-I

SUPREME COURT ORDERS

1. “..... The term “forest land” occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.....”
(Supreme Court orders dated 12.12.1996 in WP No. 202/1995)

ANNEXURE-II A

SUPREME COURT ORDERS IN RESPECT OF PROTECTED AREAS

1. “..... In the meantime, we restrain respondents Nos. 2 to 32 from ordering the removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses, etc. from any National Park or Game Sanctuary”
(Supreme Court orders dated 14.02.2000 and 21.02.2000 in I.A. No. 548 in WP No. 202/1995)
2. “..... Pending further orders, no dereservation of forests/sanctuaries/national parks shall be effected.”
(Supreme Court orders dated 13.11.2000 in I.A. No. 2 in WP No. 337/1995)
3. “..... In the meantime, no permission under Section 29 of the Wildlife (Protection) Act, 1972 should be granted without getting approval of the Standing Committee of Indian Board for Wildlife”
(Supreme Court orders dated 09.05.2002 in I.A. No. 18 in WP No. 337/1995)

ANNEXURE-II B

SUPREME COURT ORDERS DATED: 30-10-2002 IN RESPECT OF COMPENSATORY AFFORESTATION FUND IN I.A. NO. 566 IN WP(C) NO. 202/1995.

1. “The Union of India shall frame comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation funds in concurrence with the Central Empowered Committee..... .
2. Compensatory Afforestation Funds which have not yet been realized as well as the unspent funds already realized by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies.
3. In addition to above, while according transfer under Forest Conservation Act, 1980 for change in user-agency from all non-forest purposes, the user agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs. 5.80 lakhs per hectare to Rs. 9.20 lakhs per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment & Forests in consultation with Central Empowered Committee as and when necessary.
4. A ‘Compensatory Afforestation Fund’ shall be created in which all the monies received from the user-agencies towards compensatory Afforestation, additional compensatory Afforestation, penal compensatory Afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalized by the

Ministry of Environment & Forests with the concurrence of Central Empowered Committee.....

5. The funds received from the user-agencies in cases where forest land diverted falls within Protected Areas i.e area notified under Section 18, 26A or 35 of the Wild Life (Protection) Act, 1972, for undertaking activities related to protection of bio-diversity, wildlife, etc., shall also be deposited in this Fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective States/ Union Territories.

6. The amount received on account of compensatory Afforestation but not spent or any balance amount lying with the States/ Union Territories or any amount that is yet to be recovered from the user-agency shall also be deposited in this Fund.

7. Besides artificial regeneration (plantations), the fund shall also be utilized for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site specific plans should be prepared and implemented in a time bound manner.

8. The user agencies especially the large public sector undertaking such as Power Grid Corporation, N.T.P.C., etc which frequently require forest land for their projects should also be involved in undertaking compensatory Afforestation by establishing Special Purpose Vehicle. Whereas the private sector user agencies may be involved in monitoring and most importantly, in protection of compensatory Afforestation. Necessary procedure for this purpose would be laid down by the Ministry of Environment and Forests with the concurrence of the Central Empowered Committee.

9. Plantations must use local indigenous species since exotics have long term negative impacts on the environment.

10. An independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilization of funds.

ANNEXURE II C

Supreme Court's Order dated: 1.8.2003 in I.A. No. 826 & 859 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995 in the matter of compensatory afforestation fund regarding collection of Net Present Value (NPV)

".....In the meantime, no approval shall be granted without imposing the condition indicated in this Court's order dated: 30.10.2002 relating to the payment of net present value of the forest land."

ANNEXURE-III

LAW DEPARTMENT'S ADVICE IN REGARD TO MINING LEASES

- i. In respect of the mining operations being carried out on forest lands leased before the commencement of the Forest (Conservation) Act, 1980 during the continuance of the lease period, the approval of the Central Government under Section 2 of the said Act is not required.
- ii. A renewal of a lease is really the grant of a fresh lease. [See Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609]. The prior approval of the Central Government in terms of section 2 of the Forest (Conservation) Act, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming into force.
- iii. As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi (supra), prior approval of the Central Government in terms of Section 2 of the Forest (Conservation) Act, 1980 would not be required for mining and winning any new mineral from a forest land leased for mining before the commencement of the said Act during the leased period originally granted, if the said land is already broken up or cleared before the commencement of the Act. Otherwise, the prior approval of the Central Government under Section 2 of the said Act would be required.

REGULARISATION OF ENCROACHMENTS ON FOREST LAND

Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Government to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

2 The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:

1. PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULARIZE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act, on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Government may appoint a joint team of the Revenue, Forest and Tribal Welfare Department for this work and complete it as a time-bound programme.

1.3 In case where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.1980. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases purposed to be regularised under this category should be covered in one proposal and it should give district-wise details.

- 1.11. All cases of proposed regularisation of encroachments should be accompanied by a proposal for compensatory afforestation as per existing guidelines.
- 1.12. No agricultural practices should be allowed on certain specified slopes.
2. 'INELIGIBLE' CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.
 - 2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.
3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.1980.
 - 3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UT Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/89-FP dated 1.6.90, but such benefits should not extend to fresh encroachers.

CLARIFICATION

A reference is invited to the guidelines issued by this Ministry for regularisation of certain cases of forest encroachments reproduced above. The relevant paragraph 1.1 of the guidelines, which clarifies the cases of encroachments, which subject to specified conditions, would be eligible for regularisation, is reproduced below:

"Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decisions either wholly or partially before enactment of the Forest (Conservation) Act on 25.10.1980.

2. Doubts have been raised as to whether all encroachments that had taken place up to 25.10.1980 could be regularised in accordance with an eligibility formula by which some earlier encroachments were regularised.
3. A perusal of the paragraph reproduced above will make it clear that there are 2 preconditions for any encroachments to be considered for regularisation. These are:-
 - a. The State Government should have taken the decision on regularisation of encroachments before 25.10.1980; and
 - b. That the decision should be with reference to some eligibility criteria (normally expected to be related to social and economic status of encroachers, location and extent of encroachment, cutoff date of encroachment, etc.)
3. It would be seen that the encroachments which are proposed to be considered for regularisation, subject to the prescribed conditions, are those which fulfilled the eligibility criteria evolved by the State Government as per decision taken before 25.10.1980 for regularisation of encroachments. The objective is limited to permitting implementation of decisions taken before 25.10.1980 which could not be implemented because the enactment of Forest (Conservation) Act, 1980 intervened. It is therefore quite clear that while all encroachments that can be considered as eligible for regularisation would have taken place before 25.10.1980, all encroachments that had taken place before 25.10.1980 would not be eligible for regularisation - they may be ineligible because either they do not meet the eligibility criteria or are not covered by any decision taken before 25.10.1980. Thus, if the decision on regularisation of encroachments in a State covered only encroachments up to a date earlier than 25.10.1980, the guidelines on regularisation of encroachments do not envisage that the State Government would now survey encroachments between that date and 25.10.1980 and propose regularisation. The latter encroachments though occurring before 25.10.1980 are not covered by any regularisation decision taken prior to that date and hence cannot be considered for regularisation at this juncture.
4. Accordingly, the State Governments may take up for implementation only such decision of pre 25.10.1980 period which could not be implemented because of Forest (Conservation) Act, 1980 intervening and propose regularisation of encroachments as per those decisions and in accordance with the eligibility criteria laid down in those decisions. No encroachments not covered by any pre 25.10.1980 decisions - even though they might have occurred prior to that - should now be considered for regularisation in terms of our guidelines.

INFORMATION FOR PROPOSAL FOR REGULARISATION OF ENCROACHMENTS

S.No.	Division	District	Total encroachers		Eligible encroachers		Area with ineligible encroachers	Excess area with eligible encroachers	Area to be retrieved from encroacher (8+9)
			No.	Area	No.	Area			
1 1	2 2	3 3	4 4	5 5	6 6	7 7	8 8	9 9	10 10

Community of eligible encroachers				Legal status of forest land				Eligible encroachers in W.L.S./NP		Eligible encroachers in midst of forest		Eligible Encroachers relocated on fringes or in excess land recovery from encroachers	
SC	ST	OBC	OTH	RF	PF	OTH	No.	Area	No.	Area	No.	Area	No. (18+20)
11 11	12 12	13 13	14 14	15 15	16 16	17 17	18 18	19 19	20 20	21 21	22 22		

Review of disputed claims over forest land, arising out of forest settlement

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/or their rights were not enquired and/or commuted before notifying these lands as forests under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being generally felt that even bonafide claims are persistently overlooked causing wide-spread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said Committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land:

2.1 The State Government/UT Administration should review the cases of disputed claims over forest land and identify the following three categories of claims:

- (a) Claims in respect of forest areas notified as deemed reserved Forests without observing the due process of settlement as provided in Forest Acts provided that these pertain to:
 - (i) tribals areas; or affect a wide cross section of rural poor in non-tribal areas; and
 - (ii) the claimants are in possession of the 'disputed land'.
- (b) Claims in tribal areas wherever there is prime facie evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/maps or lack of information to the affected persons, as prescribed by law, provided that:
 - (i) Such forest settlement pertains to a period after 1947; and (ii)
 - (ii) The claimants are in possession of the 'disputed land'.
- (c) Claims in tribal areas wherever the process of settlement is over but notification under section 20 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government/UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

- (i) In case of category 2.1(a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) In case of categories 2.1(b) and 2.1(c) the claimant was in possession of the disputed land when the notification showing Governments intention to declare reserved forest was issued under section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:

- (i) As far as possible, restoration of claims should not be result in honey combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere (e.g. non-forest Govt. land) should be exhausted.
- (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act, 1980, alongwith proposals for compensatory afforestation.

Disputes regarding pattas/leases/ grants involving forest land-- settlement thereof

An inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal-forest-interface has pointed out that a number of cases of pattas/leases/grants involving forest land in one way or the other, have become contentious issues between different departments of the State/U.T. Govt. Such pattas/leases/grants are said to have been issued under the proper authority and orders of the respective State/U.T. Govts. and the land in question continues in the possession of the allottees or under their authorised use but its status is under dispute between different departments. Some of such cases are listed below for illustration.

- 1.1 Protected forests in Madhya Pradesh, termed as "Orange Areas" which according to the State Govts. decision were to be transferred to Revenue Deptt. after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Deptt. which should have preceded allotment of pattas, was not effected.
 - 1.2 'Dali' lands in Maharashtra which are said to have been leased to the entire village community in the past by the State Government. The assignees continue to make use of these lands for various purposes as per original terms and conditions and some times, in accordance with the decision of the village community wherever such leases are for collective use of the community as a whole. But the formal status of these 'Dali' lands is not clear.
 - 1.3 Cases in which land was assigned by the Revenue Department supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.
 - 1.4 Leases granted by the State Governments for cultivation, agro-forestry or tree plantation; the leases continue to possess the land though these have not been renewed since enactment of the Forest (Conservation) Act, 1980.
2. An ambiguity about the status of the land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these and the neighbouring areas, apart from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter Ministerial Committee, it has been decided that inter departmental issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard.
- 2.1 All the cases of pattas, leases, grants involving forest land whether by intent, omission, oversight or accident, should be reviewed by the State/UT Government. Such review should enable the State/UT Government to identify those cases in which the pattas/leases/grants were awarded under proper authority. The assignees continue to be in possession of the land and the term of the pattas/leases/grant is yet to expire.
 - 2.2 In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individually or collectively, such pattas/leases/grants should be honoured and inter-departmental disputes should not affect the rights of the leases provided they are in physical possession of the land, and term of the patta/lease/grant has not yet expired. These cases should be examined by district level committees consisting of D.F.O., S.D.O. Revenue Department, a representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable orders of the State/UT Government or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case may be.
 - 2.3 Lease of a period prior to 25.10.1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/UT Government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision the lessees should not be dispossessed of the land.
- 2a. In cases where Forest (Conservation) Act is attracted proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation.

Conversion of forest villages into revenue villages and settlement of other old habitations

Forest villages, were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages well before 1980. Nevertheless there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorised houses/homesteads, dwellings of tribals who have been living in them in virtually pre-agrarian life styles, are suspected to exist in forest lands even though these may not have been recognised either as revenue villages or forest villages.

2. In March, 1984, the then Ministry of Agriculture suggested to the State/UT Govts. that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been addressed to in the National Forest Policy, 1988 which states that these should be developed on par with revenue villages. This issue was again examined by an inter-Ministerial Committee, set up this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.

3. Although the forest villagers have lived in harmony with their surrounding forests and the concept of forest villages prove an effective arrangement for sustained supply of manpower, yet it would not be appropriate to deny them legitimate rights over such lands which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter-Ministerial Committee in view, the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands.

3.1 Forest Villages

Forest villages may be converted into revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

- (i) the villagers are conferred heritable but inalienable rights;
- (ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

3.2 Other habitations

- (a) Habitations other than Forest Villages may be grouped into the following categories:
 - (i) Cases where dwelling belong to persons who have encroached on forest land for cultivation.
 - (ii) Dwellings of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue Villages nor Forest Villages.
- (b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:-
 - (i) In case of category (a)(i) above wherever encroachments for agricultural cultivation are regularised, the house sites and homesteads, too, may be regularised either in-situ or as near to the agricultural field as possible subject to certain safe-guards in the interest of forest protection and "eligibility" criteria as may be evolved by the State Government.
 - (ii) In case of category (a) (ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case, on merits for their amicable settlement.
 - (iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
 - (iv) All other unauthorised habitations must be evicted.
 - (v) Wherever provisions of Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/UT Govt. ensure that all the measures are taken simultaneously and effectively and are accompanied with proposals for compensatory afforestation.

GUIDELINES FOR LAYING TRANSMISSION LINES THROUGH FOREST AREAS

1. Where routing of transmission lines through the forest areas cannot be avoided, these should be aligned in such a way that it involves the least amount of tree cutting.
2. As far as possible, the route alignment through forest areas should not have any line deviation.
3. (i) The maximum width of right of way for the transmission lines on forest land shall be as follows:

Transmission Voltage (KV)	Width of Right of Way (Mts)
11	7
33	15
66	18
110	22
132	27
220	35
400	52
800	85

- (ii) Below each conductor, width clearance of 3 mts. would be permitted for taking the tension stringing equipment. The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.
- (iii) In the remaining width the right of way up to a maximum of 85 metres (for 800 KV lines) trees will be felled or lopped to the extent required, for preventing electrical hazards by maintaining the following:

Voltage (KV)	Minimum clearance between conductors and trees (Mts)
11	2.6
33	2.8
66	3.4
110	3.7
132	4.0
220	4.6
400	5.5

The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above.

- (iv) In the case of transmission lines to be constructed in hilly areas, where adequate clearance is already available, trees will not be cut.
4. Where the forest growth consists of coconut groves or similar tall trees, widths of right of way greater than those indicated at Sl. No. 3 may be permitted in consultation with the CEA.

CATEGORY OF PROPOSALS FOR WHICH COST-BENEFIT ANALYSIS IS APPLICABLE

Sl. No	Nature of Proposal	Applicable/not applicable	Remarks
1.	All categories of proposals involving forest land up to 20 hectares in plains and up to 5 hectares in hills.	Not applicable	These proposals are to be considered on case by case basis and value judgement.
2.	Proposal for defence installation purposes and oil prospecting (prospecting only)	Not applicable	In view of National Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land above is diverted for non-forest use.
3.	Habitation, establishment of industrial units, tourist lodges/complex and other building construction	Not applicable	These activities being detrimental to protection and conservation of forest, as a matter of policy, such proposals would be rarely entertained.
4.	All other proposals involving forest land more than 20 hectares in plains and more than 5 ha. in hills including roads, transmission lines, minor, medium and major irrigation projects, hydel projects mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centres, T.V. towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use is in the overall public interests.

ANNEXURE-VI (b)

PARAMETERS FOR EVALUATION OF LOSS OF FORESTS

Sl. N	Parameters	Roads, Tr. Lines & Railway lines	Minor irrigation projects, quarrying of stones/ metals	Medium & major irrigation, hydro electric, large mining & other misc. projects.
1.	Loss of value of timber, fuelwood and minor forest produce on an annual basis, including loss of manhours per annum of people who derived livelihood and wages from the harvest of these commodities.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
2.	Loss of animal husbandry productivity, including loss of fodder	-do-	-do-	-do-
3.	Cost of human resettlement	-do-	-do-	-do-
4.	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railways etc.) on forest land, or which would require forest land if these facilities were diverted due to the project.	-do-	-do-	-do-
5.	Environmental losses: (soil erosion, effect on hydrological cycle, wildlife habitat, microclimate upsetting of ecological balance).	Though technical judgement would be primarily applied in determining the losses, as a thumb rule the environmental value of one hectare of fully stocked forest (density 1.0) would be taken as Rs. 126.74 lakhs* to accrue over a period of 50 years. The value will reduce with density, for example, if density is 0.4, the value will work out at Rs. 50.696 lakhs. So if a project which requires disforestation of 1 hectare of forest of density 0.4 gives monetary returns worth over Rs. 50.696 lakhs over a period of 50 years, may be considered to give a positive cost benefit ratio. The figure of assumed environmental value will change if there is an increase in bank rate; the change will be proportional to percentage increase in the bank rate.		
6.	Suffering to oustees.	The social cost of rehabilitation of an oustee (in addition to the cost likely to be incurred in providing residence, occupation and social services to him) be worked out as 1.5 times of what he should have earned in two years had he been not shifted.		

Parameters for Evaluation of Benefit, notwithstanding Loss of Forests

Sl.No	Parameters	Nature of Proposal		
		Roads, Tr. Lines& Railway lines	Minor projects	Irrigation/ hydel projects & Others.
1.	Increase in productivity attributable to the specific project	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
2.	Benefits to economy	Value judgement	-do-	-do-
3.	No. of population benefited.	-do-	Value judgement	Value judgement
4.	Employment potential	-do-	-do-	-do-
5.	Cost of acquisition of facility on nonforest land wherever feasible	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
6.	Loss of (a) agriculture & (b) animal husbandry production due to diversion of forest land	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
7.	Cost of rehabilitating the displaced persons as different from compensatory amounts given for displacement	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
8.	Cost of supply of free fuel-wood to workers residing in or near forest area during the period of construction.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.

**GUIDELINES FOR PARTICIPATION OF PRIVATE SECTOR THROUGH INVOLVEMENT OF
NGOs & FOREST DEPARTMENT IN AFFORESTATION/REHABILITATION OF DEGRADED
FOREST**

PREAMBLE

Our National Forest Policy of 1988 envisages that one third of the geographical area of the country should be under forest/tree cover. The total recorded forest area in the country is about 23% of the geographical area. According to the State of Forest Report, 1997, the actual forest cover in the country is only about 19.27%. It has been further estimated by Forest Survey of India that out of this 19.27% only 11.17% is dense forest i.e. having density of more than 40%. About 7.95 (2.61310 sq. km) of the geographic area is open forest i.e. having density less than 10%. This degraded forest needs urgent attention and sufficient monetary input so that it is rehabilitated and fully covered. These forest areas were endowed with rich biological diversity and should be our immediate concern to rejuvenate at the earliest.

The Ministry is greatly concerned over the slow rate of afforestation owing to financial and other constraints. The afforestation has gone down from about 89,000 sq. km in the VII Five-Year Plan to about 70,000 sq. km in the VIII Plan. Even if it is presumed that there will be no further degradation of forest areas it will take more than 25 years to restock the degraded forest areas. Even if we take a conservative norm of Rs. 20,000 per hectare cost it will require a budgetary allocation of more than Rs. 600 billions to rehabilitate them.

It is, therefore clear that ministry is not in a position even to restore the existing degraded forests from the available resources: - leaving aside the goal of increasing the forest cover to 33% of the geographical area by afforestation.

It therefore requires some innovative policy decision wherein without compromising the basic provisions of our forest policy we can attain the goal. One of the proposals received from the Govt. of Maharashtra under the Forest (Conservation) Act, 1980 appears to be aimed in that direction. It has been proposed by the Govt. that about 100 ha of degraded forest land near Thane will be afforested/rehabilitated by BAIF an NGO through funding from NOCIL in consultation/guidance of the local Forest Department. It will be done through an agreement signed between BAIF-NOCIL and the State Government. BAIFNOCIL will have no rights over the land or the usufruct at anytime thereafter whatsoever.

It has been observed that a large number of likeminded industrial houses are willing to join hands in this green movement through NGOs and under the supervision and guidance of the forest department voluntarily without any rights whatsoever on the forest land or the usufruct. The executing NGO will work over the land for a time till the plantations/tree cover gets established.

GUIDELINES

The Ministry, therefore after due consideration has taken a decision to encourage this joint participation of Industrial houses, NGOs and Forest department in order to rehabilitate/reforest the vast degraded forest in the country. This will not only result in greening of the nation but will also result in employment generation. However, in order to have a clarity on the method and procedures. Ministry is issuing following guidelines.

1. There must be tri-partite agreement between the industrial house, an acceptable NGO of repute and the local Forest Department.
2. The agreement must have the commitment of the industrial house to bear the cost of the scheme: of the NGO to faithfully implement the scheme under the supervision and direction of the Forest Department.

3. The industrial house and the NGO will not claim any right whatsoever over the forest land or the produce anytime thereafter.
4. The rights of local people if any, over the forest land will not be affected by this agreement.
5. The agreement will be for a period of say 5 to 7 years during which the area is likely to be tackled including maintenance.
6. The scheme should be prepared in such a way so that naturally occurring species should be given priority in the rehabilitation and even plantations should be of local native species.
7. Only such forest lands that are less than 0.4 density and that cannot be regenerated with natural regeneration should be taken up under this scheme.
8. Any other condition that State Forest Departments considers essential to fulfill objectives and preamble of these guidelines.

ANNEXURE - IX

Guidelines for preparation of Cluster Mining Proposals

1. Cluster proposal may be prepared for such leases, which have contiguous boundaries.
2. All the existing mines proposals/fresh proposals in pipeline be included in that including non-forest lands, if within.
3. States will take individual proposals from different lessees in the proforma with relevant documents.
4. However, with covering letter, a comparative statement of all mines with area and other details be given and all leases with boundaries be shown on one map.
5. Even existing approved leases be included in the proposal so that they can be brought to the same time frame.
6. The condition of compensatory afforestation will apply on the basis of each individual lease rather than on pro-rata basis.
7. The safety zone shall be at the outer boundary of the cluster and condition of safety zone will apply on pro-rata basis.

This is to further clarify that where existing forest roads outside the lease areas/cluster are being used by lessees for transporting mined minerals, it is not desirable to insist inclusion of such forest areas in the lease proposal unless a new road is proposed for such lease or cluster. The State Governments should rather permit its use on the terms and conditions to be decided by the State Government.

Proforma for Site Inspections Reports by Regional Offices

1. Legal status of the forest land proposed for diversion.
2. Item wise break-up details of the forest land proposed for diversion.
3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.
4. Total cost of the project at present rates.
5. **Wildlife:-**
Whether forest area proposed for diversion is important from wildlife point of view or not.
6. **Vegetation:-**
Total number of trees to be felled.
Effect of removal of trees on the general ecosystem in the area.

Important species:-
Number of trees to be felled of girth below 60 cm. Number of trees to be felled of girth above 60 cm.
7. Background note on the proposal.
8. **Compensatory afforestation:-**
Whether land for compensatory afforestation is suitable from plantation and management point of view or not.
Whether land for compensatory afforestation is free from encroachments /other encumbrances.
Whether land for compensatory afforestation is important from Religious/ Archaeological point of view.
Land Identified for raising compensatory afforestation is in how many patches, whether patches are compact or not.
Map with details.
Total financial outlay.
9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.
10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not.
Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating oustees in around the said forest.
11. **Reclamation plan:** Details and financial allocation.
12. Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir
13. Cost benefit ratio.
14. Recommendations of the Principal Chief Conservator of Forests/State Government.
15. Recommendations of Regional Chief Conservator of Forests alongwith detailed reasons.
16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/alignment for locating the project on the non-forest land.
17. Utility of the project.
Numbers of Scheduled caste/Scheduled Tribes to be benefited by the project.
18. Whether land being diverted has any socio-cultural/religious value.
Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion.
Whether the land under diversion forms part of any unique eco-system.
19. Situation w.r.t. any P.A.
20. Any other information relating to the project.

LETTERS AND GUIDELINES/CLARIFICATIONS ON FCA ISSUED BY MOEF

Telephone: Telegram

: PARYAVARAN,

NEW DELHI

Telephone :

Telex : W-66185 DOE IN

Fax : 4360678

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

PARYAVARAN BHAVAN, C.G.O. COMPLEX

LODHI ROAD, NEW DELHI - 110 003

Dated: 04.05.2001

No. 11-9/98-FC

To

The Secretary (Forests),
All States & Union Territories

Sub:- Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 that are part of National Parks and Wildlife Sanctuaries

Sir,

I am directed to invite your attention to the guidelines circulated by this Ministry vide letter of even no. dated 4-12-98 regarding submission of proposals for diversion of forest land in Sanctuaries/National Park and Tiger Reserve areas. You may be aware that subsequent to the issue of this guidelines, the Hon'ble Supreme Court of India has passed two important orders relating to National Parks and Sanctuaries- one dt. 13.11.00 in WP No. 337/95, where they have directed that pending further orders, no de-reservation of Sanctuaries and National Parks shall be effected. In the other order dt. 14.02.00, in WP No. 202/95, the Hon'ble Supreme Court has restrained all the States from ordering even the removal of dead, diseased, dying or wind-fallen trees and grasses, etc., from any National Park or Sanctuary.

2. In view of the above orders of the Supreme Court, the State Governments are advised not to submit any proposal for diversion of forest land in National Parks and Sanctuaries under the Forest (Conservation) Act, 1980 without seeking prior permission of the Supreme Court. The earlier guideline issued by the Ministry may be considered modified to this extent.

Yours faithfully

Sd/-

(A. N. PRASAD)

Deputy Inspector General of Forests

Copy to:-

1. PCCFs/Chief Wildlife Wardens/Nodal Officers of all States & Union Territories
2. Regional CCFs (Central) and CF (Central) for information and necessary action.

Sd/-

(A. N. PRASAD)

Deputy Inspector General of Forests

Government of India
Ministry of Environment & Forests
Tel/Fax: 24360379

No. 7-16/2002-FC

Date: - 03.05.2002

To,

1. The Chief Secretary,
(All States/UTs)
2. The Secretary (Forest)
(All States/UTs)
3. The Principal Chief Conservator of Forests
(All States/UTs)

Sub: Eviction of illegal encroachment on forest lands in various States/UTs timebound action plan

Sir,

I am directed to draw your attention to the problem of encroachments of forest lands which is assuming a serious proportion in the country. These encroachments have been attracting the attention of Central Government and State Governments have been requested from time to time to take prompt action against the encroachers under various Acts and Rules. Such encroachments are generally done by the powerful lobbies and cause great harm to forest conservation particularly when these are carried out in the remote areas in a honey comb pattern. These encroachments are also seriously threatening the continuity of the Wild Life corridors between the various National Parks and Sanctuaries. Somehow, timely action is not being taken by the frontline staff for the eviction of the encroachers which further emboldens others also for similar action. As per the information received from various States approximately 12.50 lakh hectares of forest land is under encroachment. There may be many more unrecorded instances which will add to the overall tally.

Hon'ble Supreme Court has also been greatly concerned with this pernicious practice and in their order of 23.11.2001 in IA No. 703 in WP No. 202/95 have restrained the Central Government from regularization of encroachments in the country. There is now a need to frame a time bound programme for eviction of the encroachers from the forest lands for which following steps are suggested;

- (i) All encroachments which are not eligible for regularization as per guidelines issued by this Ministry vide No. 13.1/90-FP (1) dated 18.09.90 should be summarily evicted in a time bound manner and in any case not later than 30th September, 2002.
- (ii) A Cell should be constituted in the PCCF office headed by a CCF level officer to plan and monitor eviction of encroachments on forest lands on a continuous basis.
- (iii) Forest officers should be delegated powers under relevant Acts for trials of encroachers and adequate steps should be taken for the completion of the eviction process through summary trials in a time bound manner.

- (i) At the State level, a monitoring committee may be constituted under the Chairmanship of the Chief Secretary, which may meet biannually to take stock of the situation. The Committee while monitoring forest encroachments should also fix responsibility of the field formulation including the revenue officials for their failures to prevent/evict encroachments on the forest lands.
- (ii) At the forest Circle level, a committee should be constituted under the Chairmanship of Conservator of Forests with District Collector and Superintendent of Police as members which may meet every quarter and take effective steps to assist the Divisional Forest Officers or the Territorial Division/Wildlife Warden/National Park and Sanctuary Director for the eviction of the encroachers.
- (iii) A comprehensive list of encroachments in your State with current status of eviction process etc. may please be prepared as the base line information and a copy of the same be also sent to this Ministry preferably by June 30th, 2002. Principal Chief Conservator of Forests may be bound to give detail progress report of the action taken, area evicted and area reclaimed/planted etc. every quarter commencing from July, 2002.
- (iv) It may please be noted that the Ministry may be constrained to link processing of requests

for clearance under Forest (Conservation) Act 1980, approval of relevant Working Plan and, funding under Centrally Sponsored Schemes as well, to the progress shown in eviction of the encroachers as per the instant guidelines.

Yours faithfully,
Sd/-
(Dr. V. K. BAHUGUNA)
Inspector General of Forests

Copy for information and necessary action to:-

1. All Chief Conservators of Forests/Conservator of Forests (Central), Ministry of Environment and Forest, Government of India. They are requested to fix a meeting with the concerned senior functionary of the State Government to sensitise them about the urgency of the implementing these guidelines and monitor action taken by the States regularly. While giving approval of the working plans they may also insist for a detailed status report on encroachment and vacation thereof in that particular division.

Sd/-
(Dr. V. K. BAHUGUNA)
Inspector General of Forests

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
Tel/Fax: 24360379**

No. IGF/FC/2002

Date: 30.10.2002

To,

The Chief Secretary,
All States/UTs
The Secretary (Forests),
All States/UTs
The Principal Chief Conservator of Forests All States/UTs

Sub: Eviction of all illegal encroachments on forest lands in various States/UTs- Time Bound Action plan- Clarification thereof

Sir,

I would like to draw your attention to this Ministry's letter of even number dated 3.05.2002 on the above subject. This Ministry has received several communications from various individuals and organisations requesting us to stop the eviction of encroachments in various States. There is an apprehension in some quarters that the present communication supercedes the guidelines issued vide this Ministry No. 30.1/90-FP dated 18.09.1990 relating to regularization of encroachments on forest lands.

This is to clarify that there is no change in the policy of the Ministry with regard to regularisation of pre-1980 eligible encroachments and the commitment with reference to forest tribal-interface on the disputed settlement claims. In respect of disputed claims of eligible encroachment of the tribals for want of First Offence Report/non-settlement of rights, etc., the States may consider setting up Commission/Committees at the level of Districts involving Revenue, Forest and Tribal Welfare Department for their settlement provided other conditions are fulfilled. A copy of the guidelines issued by the Ministry in 1990 is enclosed. In such identified cases the State should submit their proposals to the Central Government so that final decision can be taken within a time-bound manner.

That State should simultaneously show progress on the eviction of ineligible encroachments. The States may consider 'in situ ' economic rehabilitation by involving these ineligible encroachers in forestry activities through Joint Forest Management. But forest land encroached for agriculture, building etc. will have to be vacated and put to forest use in the interest of Tribal Communities.

Yours faithfully,
Sd/-
(Dr. V. K. BAHUGUNA)
Inspector General of Forests

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS**

No. 8C/7/2002/ (FCW)

Date: 18.11.2002

To

The Secretary Forest
All State/UTs.

Sub: Guidelines for diversion of forest land for non-forestry purpose under Forest (Conservation) Act 1980

Sir,

I am directed to invite your attention to the guidelines issued under the Forest (Conservation) Act 1980 from time to time. Ministry has been receiving proposals from the State Govt./UTs where the State Govt./UTs themselves are of the view that the proposed activity cannot be allowed on forest land; such proposals have been sent to Govt. of India with recommendation for rejection.

In this connection it is clarified that for rejection of the proposal, except of the Central Govt. and its organization, approval of the Central Govt. is not required. The State Govt./UTs themselves can intimate the user agency directly of the decision not to allow diversion/denotification of any forest land for non-forestry activity. However, all the proposals involving requirement of forest land for the projects of the Central Govt. and its organization will be decided by the Central Govt. only.

Yours faithfully,

Sd/-

(G. C. Basumatary)
Director (FC)

Copy to -

1. The Chief Conservator of Forests (C)/Conservator of Forests of Regional Offices
2. Guard file.

**F. No. 5-1/98-FC (Pt II)
Ministry of Environment & Forests
Government of India
(FC Division)**

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110 003

New Delhi, the 17th/18th, September, 2003.

To,

The Secretary (Forests)
All States and Union Territories.

Sub: Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act 1980- Guidelines for collection of Net Present Value.

Sir,

I am directed to invite your attention to the orders of the Hon'ble Supreme Court of India dated 30/10/2002 and 01/08/2003 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995 in the matter of Compensatory Afforestation Fund regarding collection of Net Present Value (NPV) from the User Agencies, which have already been circulated by this Ministry's letters of even number dated 10/07/2003 and 11/08/2003.

In this regard this Ministry has received correspondences from some States/UTs and Regional Officers requesting to issue the guidelines. Considering the request of the State/UT Government and the Regional Offices, the Ministry of Environment and Forests issues following guidelines for the recovery/collection of Net Present value of the forest land being diverted for non forest purposes under Forest (Conservation) Act, 1980:

1. NPV shall be charged in all those cases which have been granted in-principle approval after 30.10.2002.

2. NPV shall be realized before Stage-II (Final) approval.
3. Hon'ble Court has given a range for the rates i.e. Rs. 5.80 lakhs per hectare to Rs. 9.20 lakhs per hectare for Net Present Value depending upon the quantity and density of land in question, converted for non-forestry use. Therefore, the State/UT Governments should charge NPV within the given rates depending upon the quality of forest, density and the type of species in the area.
2. The State/UT Governments shall transfer these funds to Compensatory Afforestation Management and Planning Agency (CAMPA), as and when created.

Yours faithfully,

Sd/-

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

Copy to:

1. All PCCF/Nodal Officers (All State/UTs).
2. All Regional Offices.
3. Director (FC)/AIGs (FC).

F. No. 5-1/98-FC (Pt II)
Ministry of Environment & Forests
Government of India
(FC Division)

Paryavaran Bhavan,
C.G.O, Complex, Lodi Road,
New Delhi-110 003

Date: - 19th/22nd, September, 2003.

To,

The Secretary (Forests),
All States and Union Territories.

Sub: - Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act 1980- Guidelines for collection of Net Present Value.

Sir,

In continuation of this Ministry's letter of even number dated 17.09.2003 regarding guarding guidelines for collection of Net Present Value in compliance to the orders of the Hon'ble Supreme Court of India dated 30/10/2002 and 0108/2003 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995, I am directed to clarify that NPV will be charged in all those cases which have been granted in-principle approval after 30.10.2002. NPV will be realized before Stage-II (Final) approval.

NPV will also charged in all those cases, where Stage-I approval has been granted after 30.10.2002 and final approval has also been granted.

All the States/UTs shall comply with the orders of the Hon'ble Court and complete the collection process of NPV for the cases approved under Forest (Conservation) Act, 1980 after 30.10.2002, within a period of two months and submit a compliance report through their respective Regional Offices of this Ministry. Regional Office shall submit the compliance report to the Ministry after due verification.

Yours faithfully,

Sd/-

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

Copy to:

1. All PCCF/Nodal Officers (All State/UTs).
2. Member Secretary, CEC for information.
3. All Regional Offices.
4. Director (FC)/AIGs (FC).
5. Shri A.D.N. Rao, Advocate, Supreme Court, New Delhi, for information.
6. File.

F. No. 11-9/98-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhavan,
C.G.O, Complex, Lodi Road,
New Delhi-110 003
Date: - 19.09.2003.

To,
The Secretary (Forests),
All States/UTs).

Sub: - Guidelines for diversion of forest land for non-forestry purposes under Forest the (Conservation) Act 1980.

Sir,

Detailed guidelines for submission of proposals for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 were finalised and circulated to all State Government/Union Territories on 25.10.1992. A constant review of these guidelines has been done from time to time.

After a review, the Ministry of Environment & Forests, Government of India vide letters of even number dated 16.10.2000, 31.10.2001 and 23.12.2002, had conveyed its general approval under Section-2 of the Forest (Conservation) Act, 1980 from time to time, for diversion of forest land for underground laying of optical fiber cables, underground electric cables, underground laying of telephone lines and underground laying of drinking water supply pipelines subject to certain parameters/conditions. Last general approval will expire on 15.10.2003. Considering requirement of infrastructure development in the country and for their expeditious implementation, the Ministry of Environment & Forests, Government of India further extends the period of general permission for a period of two years i.e. from 16.10.2003 to 15.10.2005, subject to all the parameters and conditions stipulated in the letters dated 16.10.2000, 31.10.2001 & 23.12.2002.

Yours faithfully,

Sd/-

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

Copy to:

1. The Secretary, Ministry of Communications and Information Technology, Govt. of India, Sanchar Bhawan, New Delhi
2. All PCCF/Nodal Officers (All States/UTs) for information and with a request to submit the complete details of forest land diverted for the purpose during 16.10.2000 to 15.10.2003 to the respective Regional Officers.
3. All Regional Offices with a request to submit a statue report on such diversions under their jurisdiction and to review whether the conditions on which this clearance was accorded are being complied with or not.
4. IGF (FC), Director (FC), AIGs (FC).

Sd/-

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 1st October, 2003

S.O. 1186 (E)- In pursuance of sub-rule (1) of rule 9 of the Forest (Conservation) Rules, 2003 the Central Government hereby authorizes the Chief Conservator of Forests, Regional Office, Ministry of Environment and Forests, having regional jurisdiction over the forest land in respect of which any offence under the Forests (Conservation) Act, 1980 is alleged to have been committed, to file complaints against persons prima-facie found guilty of such offence, in the court having jurisdiction in the matter.

[F. No. 5-5/98-FC]

N. K. JOSHI,

DIRECTOR GENERAL OF FORESTS
AND SPECIAL SECRETARY.

F. No. 2-1/2003-FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi-110003
Dated: 20.10.2003

To,

The Chief Secretary/ Administrator,
(All States/ UTs)

Sub:- **Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980.**

Sir,

Detailed guidelines for submission of proposals for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 were circulated to all the State Government/ Union Territories on 25.10.1992. Based on experience, a constant review of these guidelines has been done from time to time to maintain a logical balance between environmental conservation and developmental process.

After a recent review, the Ministry of Environment & Forests Government of India has approved certain modification in specific paras of the existing guidelines. The important modifications are as follows:-

1. **Para 1.1 (i)** defines "Forests" as understood in the dictionary sense in view of the Hon'ble Supreme Court's orders dated 12.12.96 in WP(C) no. 202/1995. Now, *all proposals for diversion of such forest areas to any non-forest purpose, irrespective of its ownership, would require the prior approved of the Central Government. However, the term "forest" shall not be applicable to the plantations raised on private lands, except notified private forests. Felling of trees in these private plantations shall be governed by the relevant provisions of various State Acts and Rules. Felling of trees in notified private forests will be as per the working plan/ management plan duly approved by Government of India.*
2. **Para 1.2 (iii)** now clarifies that rights and concessions cannot be enjoyed in the Protected Areas (PAs) in view of the orders of the Supreme Court dated 14.02.2000, restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc from any National Park or Game Sanctuary.
3. **Para 1.3 (i)** has stipulation that the provision of the Act shall not be attracted for investigations and surveys carried out in connection with development projects such as transmission lines, Hydro- electric projects, Seismic surveys, exploration for oil drilling, etc; **as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purposes of sighting.** Now in view of various representations from Ministry of mines, Government of India '**Mining**' has also been exempted from the permission under the Act, for investigations and surveys subject to same conditions.
4. In view of various representations from Ministry of Mines, Government of India, **Para 1.3(v)** has been modified and now it reads as "*Prospecting of any Mineral, done under prospecting licence granted under MMDR Act, which requires collection/ removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, test drilling upto 10 bore holes of maximum 4" diameter per 100 sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more than 10 number of bore holes, prior permission of the Central Government under the Act would be required*"
5. Now, **Para 1.8(iv)** clarifies that in National Parks and Sanctuaries where fellings are carried out for improvement of wildlife and its habitat only, forests would be managed according to a scientifically prepared management plan approved by the Chief Wildlife Warden, provided that *the removed forest produce shall be used for meeting bonafide needs of the people living in and around the National Park/ Sanctuary and shall not be used for any commercial purposes.*
6. **Para 2.2.(vii)-1** deals with underground mining. For better technical evaluation and feasibility, now

Para 2.2(vii)-1 makes it mandatory that *all mining plans in respect of coal and other major minerals should be accompanied with numerical modeling in 3- Dimension for subsidence prediction through an expert mining engineer/ organisation to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University, ISM, Dhanbad, any of the IITs located at Delhi, Kanpur, Mumbai, Kharagpur, Madras, Roorkee & Guwahati or M/s CMRI along with the mitigation measures suggested by them.*

7. **Para 2.8** is regarding **transfer of lease**. This para reads as ‘ *Where transfer of lease on forest land, from one user agency to another for the same purpose of which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no objection certificate for such transfer and the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/ State Government in future.*- 8. **Para 3.2(i)** deals with Compensatory Afforestation of non-forest land and takes into account the difficulty of States/ UTs in finding non-forest land for the purpose of Compensatory afforestation. This para now clarifies that the revenue land/ *zudpi jungle/ chhote/ bade jhar ka jungle/ jungle- jhari land/ civil-soyam lands and all other such category of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided that such lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.*- 9. **Para 3.5(ii)** gives details of orders of the Hon’ble Supreme Court dated 30.10.2002 in I.A. no. 566 in Writ Petition (Civil) No. 202 of 1995 regarding creation of a body for management of compensatory afforestation fund and collection of Net Present Value of forest lands i.e. “**Compensatory Afforestation Management & Planning Agency (CAMP A)**”
- 10. **Para 3.5(iii)** is regarding the Guidelines already circulated by the Ministry of Environment & Forests for collection of net present value of forest land diverted for non-forestry purposes in compliance with the orders of the Hon’ble Supreme Court date 30/10/2002 & 01/08/2003 in I.A. No. in WP (C) No. 202 of 1995.
- 11. **Para 4.2(i)** stipulates that *the non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, should be declared as RF/PF under the Indian Forest Act, 1927 prior to Stage- II approval.*
- 12. **Para 4.2(iv)** clarifies that *previously approved proposals shall not normally be reopened for review of the condition.*
- 10. **Para 4.14** clarifies that *the approval of the proposals for diversion of forest lands will depend upon the achievements of the State/ UT Governments in respect of compensatory afforestation.*
- 11. **Para 4.13** gives details of the Monitoring cell, which has been created in the Forest Conservation Division for data base management, up-dating of web-site, monitoring the movement of proposals in the State and at the Central Government level and also to monitor the compliance of the stipulated conditions of the approved cases.
- 12. In conformity with the National Forest Policy, 1988 and to provide boost to the development of tribal areas, new guidelines for “Development projects in tribal areas” are also being issued separately.

A comprehensive compilation of detailed Guidelines along with Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003, etc; in booklet form shall be issued separately.

Yours faithfully

Sd/-

(Dr. V. K. Bahuguna)

Inspector General of Forests

Copy to:-

1. The Secretary, Ministry of Mines, Govt. of India. Shastri Bhawan, New Delhi
2. The Secretary (Forests), All States/UTs
3. PCCF-All States/UTs
4. Nodal Officers - All States/UTs
5. All Regional Office of this Ministry
6. Director (FC), AIGs (FC)
7. Guard File

Sd/-

(Dr. V. K. Bahuguna)

Inspector General of Forests

F.No. 2-1/2003-FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi-110003
Dated:- 20.10.2003

To

The Chief Secretary/ Administrator,
(All States/ UTs)

Sub:- **Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980.**

Sir,

As you are aware, National Forest Policy, 1988 recognizes the symbiotic relationship between tribal people and forests. It emphasize that the primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forest as well as to provide gainful employment to people living in and around the forests. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to development of cooperatives, protection, regeneration and optimum collection of minor forest produce; development of forest villages at par with revenue villages; family oriented schemes and integrated area development programme to meet the needs of tribal economy.

Further, the Ministry of Environment & Forests has noticed that conflict between the Forest Administration and the tribals in various States/UTs exists, which is certainly not in the interest of the forest conservation. Government of India recognizes that development of tribals is an integral part of the conservation efforts. It has become relevant to issue separate Guidelines to execute the developmental projects in the tribal areas consistent with the provisions of the Forest (Conservation) Act, 1980 which is a tribal friendly Act.

Accordingly, in conformity with the National Forest Policy, 1988 and considering the fact that there is requirement of equitable development all over the country including tribal areas, after a recent review, the Ministry of Environment & Forest, Government of India, has approved certain specific Guidelines under the Forest (Conservation) Act, 1980 for stepping up the development projects in tribal areas'. We hope that your State/UT will take full advantage of these guidelines for the development of tribal area.

Recent review, the Ministry of Environment & Forests, Government of India, has approved certain specific "Guidelines under the Forest (Conservation) Act, 1980 for stepping up the development project in tribal areas". We hope that your State/UT will take full advantage of these guidelines for the development of tribal area

The guidelines are as follows;

- (i) It must be recognized by all that the maintenance of good forest cover is essential for sustaining the livelihood or tribal population. Therefore, only infrastructure development projects (other than commercial) should be encouraged in tribal areas
- (ii) For the purpose of implementation of these guidelines, tribal areas will be those areas which are recognized in the Schedule V and VI of the Constitution of India. With all the proposals, the latest census data clearly indicating size of tribal population shall be enclosed by the State/UT Governments.
- (i) In the tribal areas, there shall be general approval under Section-2 of the Forest (Conservation) Act, 1980 for underground laying of electricity cables and electric wires to individual households, drinking water supply/water pipelines, telephone lines, which involve felling of trees not exceeding 50 number per project (should be below 60 cm girth class) and are outside National Parks or Wildlife Sanctuary and are laid along the roads and within the existing right of way. This general approval shall be subject to the

condition that the Nodal Officer shall certify compliance. Records of such works undertaken shall be maintained by the Nodal Officer and the Territorial DFO. Nodal Officer shall send quarterly report to concerned Chief Conservator of Forest (Regional Office) for monitoring purpose. In lieu of felling of trees, five times of the number of felled trees shall be planted by the User agency at or near the site. Any deviation, shall require permission from the Central Government under the Forests (Conservation) Act, 1980.

- (ii) Infrastructure development projects like power, roads, railways, telephone line/cables, irrigation, drinking water facility, schools, hospitals etc. designed for tribal areas, should be given priority and forwarded by the State/UT Government in the prescribed time frame to the concerned Regional Office or Central Government as the case may be, for consideration.
- (iii) During the execution of the project, the State Government/ User Agency shall ensure maximum employment for the local tribals.
- (iv) While formulating a project in a tribal area, the User Agency shall earmark 5% the total project cost for the development of indigenous skill of tribals, basic amenities, education, health, sports facilities for children/youths/etc. in the area. The detailed plan should be enclosed along with the proposal. The funds for these components shall be deposited with Compensatory Afforestation Management and Planning Agency (CAMPA) to be created by Government of India.
- (v) All the project proposals involving diversion 40 ha. or more forest area in tribal areas, should have an important component of providing the alternative source of domestic energy on subsidized basis like distribution of LPG etc., to reduce pressure on the existing forests. The funds for these components shall be deposited with CAMPA.
- (vi) For regularization of encroachments, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P.(1) dated 18.09.90 shall be strictly followed in a time bound manner.
- (vii) For review of disputed claims over forest land, arising out of Forest Settlement, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (2) dated 18.09.90 shall be strictly followed in a time bound manner.
- (viii) For disputes regarding Pattas/Leases/Grants involving Forest Land- Settlement thereof-detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (3) dated 18.09.90 shall be strictly followed in a time bound manner.
- (ix) For conversion of forest villages into revenue villages, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (5.) dated 18.9.90 shall be strictly followed. Proposal for conversion of all forest villages into revenue villages should be submitted to Government of India in a time bound manner.
- (x) If the tribals are residing inside a National Park/Sanctuaries/Protected Area/Reserve, Para 2.7 (ii) of the guidelines shall remain applicable.

Yours faithfully

Sd/

(DR. V. K. BAHUGUNA)

Inspector General of Forests

Copy to:-

1. The Secretary, Ministry of Tribal Affairs, Govt. of India, Shastri Bhawan, New Delhi.
2. The Secretary (Forests), All States/UTs
3. PCCF-All States/UTs
4. Nodal Officers-All States/UTs.
5. All Regional Offices of this Ministry.
6. Director (FC), AIGs (FC).
7. Guard File.

Sd/-

(DR. V. K. BAHUGUNA)

Inspector General of Forests

Most Immediate

**F. No. 11-9/98-FC
Government of India
Ministry of Environment and Forests
F.C. Division**

Paryavaran Bhawan,
CGO Complex
Lodhi Road, New Delhi-110003
Dated:- 20/24th. 11.2003

To,
The Secretary (Forests),
(All States/ UTs)

Sub: - Mining leases in National Parks/ Sanctuaries etc.

Sir,

In continuation of this Ministry's letter of even number dated 4.05.2001 regarding the orders of the Hon'ble Supreme Court date 14-02-2000 in Writ Petition (C) No. 202 of 1995 and dated 13-11-2000 in Writ Petition (C) No. 337 of 1995 in respect of National Parks/Sanctuaries, I am directed to request you for strict compliance of the orders of the Supreme Court. Further , in all those cases also, where forestry clearances have been granted for diversion of forest land for mining leases before the orders of the Supreme Court of before the notification for setting up of National Parks/ Sanctuary in your State/UT, it is requested to ensure the suspension of all the mining activities till further orders.

Yours faithfully

Sd/-

24.11.2003

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

Copy to:-

1. All PCCF/ Nodal Officers/Chief Wildlife Wardens (All States/UTs)
2. All Regional Offices
3. IGF (FC), Director (FC), AIGs (FC).

Sd/-

24.11.2003

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

**F.No. 5-5/98-FC (pt.)
Government of India
Ministry of Environment and Forests
F.C. Division**

Paryavaran Bhawan,
CGO Complex Lodhi Road,
New Delhi-110003.
Dated: - 15.12.2003

To,
The Principal Secretary (Forests),
All State/UT Governments.

Sub: Forest (Conservation) Rules, 2003-Submission of DRP under Forest
(Conservation) Act, 1980.

Sir,

Forest (Conservation) Rules, 2003 notified on 10/03/2003, prescribe a new format for the submission of project proposals by the user agencies to the respective State/UT Governments. It has come to the notice of this Ministry that some of the State/UT Governments are returning even those proposals for resubmission in new format, to the respective user agencies which have been received by them prior to notification of Forest (Conservation) Rules, 2003.

In this context, I am directed to clarify that the new format is applicable to those project proposals which have been submitted by the User Agency to the respective State/UT Government on 10/01/2003 and thereafter. The proposal in the pipeline before 10/01/2003 should be processed.

Yours faithfully
Sd/-
(ANURAG BAJPAI)
Asstt. Inspector General of Forests

Copy to:-

1. PCCF, All State/UT Governments.
2. All Regional Offices
3. Nodal Officers, All State/UT Governments.
4. Director (FC), AIGs (FC).

F.No. 8-84/2002-FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex
Lodhi Road, New Delhi-110003
Dated: - 3rd February, 2004

To,

The Secretary (Forestry)
All State and Union Territories.

Subject:- Guidelines for diversion of forest land for non forestry purposes under the Forest (Conservation) Act, 1980- modification in Para 4.2 (i) regarding

Sir,

I am directed to inform you that detailed specific guidelines for submission of proposals for diversion of forest land for developmental projects under the Forest (Conservation) Act, 1980 were finalised and circulated to all the State Government/Union Territories by the Ministry of Environment & Forests vide letter number No. 2-1/2003-FC dated 20.10.2003. Para 4.2 (i) of the guidelines stipulated that "That non -forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, should be declared as RF/PF under the Indian Forest Act, 1927 prior to State-II approval".

In this regard, the Central Government has received representations from various State Governments/ User Agencies, more specifically from Karnataka Renewal Energy Development Limited (KREDL), an undertaking of Government of Karnataka, as the process of declaration of the non-forest land as RF/PF is a time taking process. This long duration may cause the unnecessary delay in implementation/execution of the development projects. Considering the fact that the responsibility of declaration of non-forest land as RF/PF rests with the State Forest Department and after examination of the whole issue, the Central Government hereby modifies Para 4.2 (i) of the Guidelines issued on 20.10.2003 under Forest (Conservation) Act, 1980. Now, para 4.2 (i) shall read as follows:

"The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, should be declared as RF/PF under the Indian Forest Act, 1927. The land shall be handed over to the User Agency after the same has been mutated in favour of Forest Department. Stage-II clearance shall be given after the land is mutated in favour of the Forest Department but the Nodal Officer must report compliance within a period of 6 months and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, to the Central Government for information and record."

These issues with the approval of the competent authority.

Yours faithfully
Sd/-
(ANURAG BAJPAI)
Asstt. Inspector General of Forests

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS**

No. 2-1/2003-FC (Pt.)

Tel: 24360379, Fax: 24365721

Dated: - 5.2.2004

To,

1. The Chief Secretary,
All the States/UTs
2. The Principal Secretary
All the States UTs
3. The Principal Chief Conservator of Forests
All the States/UTs

Sub: **Regularisation of the rights of the tribals on the forest lands**

Sir,

The Government of India have been receiving a number of representations for regularization of rights of tribal forest dwellers on forest lands in different parts of the country. The question has also been raised in various public discussions including meetings of various Standing Consultative Committees of Parliament attached to different Ministries, as also various State Governments, that the tribals have been living in harmony with the forests since time immemorial, and their rights on such lands should be recognized. However, while these areas where being brought under the purview of relevant Forest Acts their traditional rights could not be settled due to number of reason, making them encroachers in the eyes of the law. The Central Government in September, 1990 vide No. 13-1/90-FP (2) & (3) had requested the State Governments/UTs to settle the disputed claims, issue patta lease, etc of the tribal population on the forest land, but so far no such proposals have been received. Proposals have been received only under the category of regularisation of eligible encroachments only from a couple of States. This has deprived the tribals of natural justice as guidelines for regularisation of encroachment are different from the guidelines for settling disputed settlements claims.

This issue has been examined in its entirety in considerable depth by the Central Government and after careful consideration, the Central Government hereby takes the following decisions with a request to the State Governments/UT Administrations to take necessary follow up action as under:

1. The State Government/UT Administration should recognize the traditional rights of the tribal population on forest lands, and these rights should be incorporated into the relevant Acts, rules and regulations prevalent in the concerned States/UTs by following the prescribed procedure.
2. (i) In respect of these recognized rights of the tribal forest dwellers on the forest lands, the Central Government upon receipt of complete proposals from the State Government/UT Administration concerned, shall consider these proposals for diversion of continuously occupied forest land under the Forest (Conservation) Act, 1980 so that these tribals can get unfettered legal rights over such lands. The tribals shall have heritable but inalienable rights over such lands. This decision shall apply for those tribal dwellers who are in continuous occupation of such forest land at least since. 31.12.93.

(ii) The diversion proposals shall, however, be considered only if an integrated tribal rehabilitation scheme forms part of the proposal to be submitted by the State/UT, along with the financial commitments, so that the tribal population are retained at that particular land, and the problem is solved once and for all. In order to ensure in situ biodiversity conservation with the rehabilitation package, the programme should be implemented by the

tribal rehabilitation wing of the forest department. Where such wings do not exist these may be created. The model adopted by the Kerala Government for rehabilitation of the tribals is a case in point and the State Governments may follow this pattern.

(iii) As the Hon'ble Supreme Court vide their order dated 23.11.2001 in W.P.202/95 had restrained the Central Government from regularization of encroachments, the Central Government shall approach the court for modification of their order so that the instant decision taken in this regard by the Central Government is implemented.

3. In respect of any fresh occupation of forest land tribals and non-tribals in forest areas henceforth, the State Government/UT Administration shall hold the concerned District Magistrate and Collector, Superintendent of Police, and the Divisional Forest Officer personally responsible for such encroachment and they will be liable for disciplinary action in respect of any such encroachment.
4. Attention of State Government/UT Administration is invited to this office letter No. 7-16/2002- FC dated 3rd May, 2002 in which the constitution of State level and Circle level encroachment monitoring committees had been suggested. Apart from this, a district level committee consisting of District Magistrate & Collector, Superintendent of Police and the Divisional Forest Officer should also be constituted immediately for eviction of encroachment, and monitoring of the same should be done at the State level, the Circle level and the District level Committees at quarterly intervals. The notification constituting these committees and action taken by them shall also be part of the diversion proposal.
3. The State Government and UTs should make sincere efforts for making available an equivalent area of non-forest land wherever feasible for inclusion of such lands as reserved forests or protected forests.
4. It is also clarified that in respect of pre-1980 eligible encroachers, the Central Government has already approached the Supreme Court in October 2002 to permit to regularise such eligible encroachments as per the guidelines and policy of the Government.
5. The consideration of the proposals from the State Governments/UTs shall depend on the progress achieved by the concerned State/UT Administration in eviction of all pre-1980 and post 1980 ineligible non-tribal encroachers and all encroachers post 31.12.1993.
6. It may please be noted that this issue of tribal rights must be settled in a fixed time period of one year from the date of issue of this letter and no proposals shall be entertained thereafter.
7. The State level committee, headed by the Chief Secretary mentioned under Para 3 above, shall monitor the implementation on the above decision.

Yours faithfully

Sd/-
(DR. V. K. BAHUGUNA)
Inspector General of Forests (FC)

**THE GAZETTE OF INDIA
EXTRAORDINARY
Part II-Section 3-Sub-Section (ii)
Ministry of Environment and Forests**

**ORDER
New Delhi, the 23rd April, 2004**

S.O. 525 (E) - Whereas a Central Empowered Committee (hereinafter referred to as CEC) was constituted for examining the issues relating to compensatory afforestation, net present value of diverted forest land, other monies recoverable, received and utilized in this regard; and

Whereas, the CEC has inter-alia observed that it is desirable to create a separate fund for compensatory afforestation etc. wherein all the monies received from the user agencies are to be deposited and subsequently released directly to the implementing agencies as and when required; and

Whereas, the recommendations of the CEC have accepted by the Hon'ble Supreme Court and the Hon'ble Supreme Court in its order dated: 30-10-2002 in Interlocutory Application No.566 in Writ Petition (C) No. 202 of 1995 directed the Central Government to take necessary steps required for implementing the recommendations of the CEC;

And whereas, the Central Government considers it necessary and expedient to constitute a body for the management of compensatory afforestation funds; now, therefore,

In exercise of the powers conferred by Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), and in pursuance of the Hon'ble Supreme Court's order dated the 30th October 2002 in IA No. 566 in Writ Petition (Civil) No. 202 of 1995, the Central Government hereby constitutes an authority to be known as **Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as CAMPA)** with effect from the date of publication of this order for the purpose of management of money towards compensatory afforestation, Net Present Value and any other money recoverable in pursuance of the Hon'ble Supreme Court's order in this regard and in compliance of the conditions stipulated by the Central Government while according approval under Forest (Conservation) Act, 1980 (69 of 1980) for non-forestry uses of the forest land.

2. The CAMPA shall consist of the following Chairperson and Members and shall function through a Governing body and an Executive body namely.

2.1 GOVERNING BODY :

(i)	Minister for Environment and Forests, Government of India	-	Chairperson
(ii)	Secretary, Ministry of Environment and Forests, Government of India	-	Member
(iii)	Director General of Forests and Special Secretary, Ministry of Environment and Forests, Government of India	-	Member
(iv)	Addl. Director General of Forests (Forests) Ministry of Environment and Forests, Government of India	-	Member
(v)	Addl. Director General of Forests (Wildlife) Ministry of Environment and Forests, Government of India.	-	Member
(vi)	Joint Secretary and Financial Advisor, Ministry of Environment and Forests Government of India	-	Member
(vii)	Regional Chief Conservator of Forests (Bangalore, Bhopal, Bhubaneswar, Lucknow and Shillong regions) and Regional Conservator of Forests, Chandigarh	-	Member
(viii)	Six Principal Chief Conservator of Forests one each from six regions - to be nominated annually by MOEF on rotation basis	-	Member
(ix)	Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests, Government of India	-	Member
(x)	An eminent professional ecologist, not being from the Central and State Government, for a period of two years at a time, for up to two consecutive terms	-	Member
(xi)	Chief Executive Officer (CAMPA)	-	Members Secretary

2.2 EXECUTIVE BODY:-

(i)	Director General of Forests and Special Secretary, Ministry of Environment and Forests, Government of India	-	Chairperson
(ii)	Addl. Director General of Forests (Forests) Ministry of Environment and Forests, Government of India	-	Member
(iii)	Addl. Director General of Forests (Wildlife)	-	Member
(iv)	Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests, Government of India	-	Member
(v)	Joint Secretary and Financial Advisor, Ministry of Environment and Forests Government of India	-	Member
(vi)	Chief Executive Officer (CAMPA)	-	Member
(vii)	A professional ecologist, not being from the Central and State Government, for a period of two years at a time, for up to two consecutive terms	-	Member

2.3 The Chief Executive Officer (CEO) shall be an officer of the rank of Inspector General of forests.

2.4 In addition to the CEO, there shall be one Joint CEO of the level of Conservator of Forests and two Deputy CEOs of the rank of Deputy Conservator of Forests to assist the Executive Body. These officers shall be appointed by the CAMPA on deputation basis for a period not exceeding five years after obtaining required clearances from the competent authority in the Ministry of Environment and Forests. The Governing body can create posts in CAMPA at the level of Deputy Inspector General of Forests and Assistant Inspector General of Forests to be filled on deputation. They shall be appointed for a period not exceeding five years on terms and conditions to be decided by the CAMPA with the concurrence of the Central Government in Ministry of Environment and Forests.

3. POWER AND FUNCTIONS OF THE GOVERNING BODY:

The Governing Body shall -

- (i) review the broad policy framework of the CAMPA;
- (ii) monitor the progress of the utilization of funds released by the CAMPA;
- (iii) approve the annual budget of CAMPA for expenditure subject to overall ceiling of 10% of the average income from interest etc. on establishment and capital expenditure excluding income from funds received as per para 6.2 (iii);
- (iv) appoint the CEO, Joint CEO and Deputy CEO;
- (v) be empowered to create posts in CAMPA equivalent to the level the Deputy Inspector General of Forests and Asstt. Inspector General of Forests;
- (vi) approve the annual reports and audited accounts of the CAMPA.

4. MEETINGS:

The Governing body shall meet at least once in six months.

5. POWERS AND FUNCTIONS OF THE EXECUTIVE BODY:

The Executive Body shall decide-

- (a) deployment of staff on contractual basis or on deputations;
 - (b) financial procedure;
 - (c) delegation of financial or administrative powers;
 - (d) other day to-day working in respect of receipts of funds;
 - (e) investment of funds;
 - (f) expenditure on establishment and other overheads including office accommodation subject to the approval of the annual budget by the Governing Body.
- 6.1** The CAMPA shall be custodian of the Compensatory Afforestation Fund and shall have the following functions and powers relating to the Fund, namely:
- 6.2** There shall be constituted a fund to be called the Compensatory Afforestation Fund and there shall be created thereto-
- (i) Receipt of all monies from user agencies towards Compensatory Afforestation, Additional Compensatory Afforestation, Catchment Area Treatment Plan or for compliance of any

other condition (s) stipulated by the Central Government while according approval under the Forest (Conservation) Act, 1980.

- (ii) The unspent funds already realized by the States/Union Territories shall be transferred to the CAMPA by the respective States/Union Territories to user agencies within six months from the date of the issue of this Order and any Compensatory Afforestation Funds which have not yet been realized shall be realized by the States and Union Territories and transferred to the CAMPA.
- (iii) The funds recoverable from the user agencies in cases where forest land diverted falls within the protected areas i.e. area notified under Sections 18, 26-A or 35 of the Wildlife (Protection) Act, 1972 (53 of 1972) for undertaking activities related to protection of biodiversity and the Wildlife shall be maintained separately.
- (iv) Net Present Value (NPV) of the forest land diverted for non-forestry purposes which may be realized pursuant to the Hon'ble Supreme Court's order dated 30-10-2002 in I.A. No. 566 in Writ Petition (C) No. 202 of 1995.
- (v) Money receivable in pursuance of the orders of the Hon'ble Supreme Court or the Central Government or any other competent authority authorised in this regard by the Central Government.

6.3 MANAGEMENT OF THE FUND:

- (i) The amount collected by the CAMPA shall be invested in Reserve Bank of India, Nationalized Banks, Post Office, Government Securities, Government Bonds and deposits.
- (ii) The non-recurring as well as recurring cost for the management of CAMPA including the salary and allowances payable to its officers and staff shall be met by utilizing a part of the income by way of accrued interest on the funds invested by the CAMPA excluding income from funds received as per para 6.2 (iii).
- (iii) The expenditure incurred on independent monitoring and evaluation shall be borne by the CAMPA out of the income by way of interest on the funds invested by the CAMPA excluding income from funds received as per para 6.2 (iii).
- (iv) The CAMPA shall get the annual accounts audited internally as well as externally through chartered accountant (s) who are on the panel of the Comptroller and Auditor General of India and the auditor (s) shall be selected on the approval of the Governing Body.

6.4 DISBURSEMENT OF FUNDS:

- (i) The money received for compensatory afforestation, additional compensatory afforestation may be used as per the site specific schemes received from the States and Union Territories alongwith the proposals for diversion of forest land under the Forest (Conservation) Act, 1980.
- (ii) The money received towards Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.
- (iii) Monies realized from the user agencies in pursuance of the Hon'ble Supreme Court's orders or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form the corpus and the income therefrom shall be used exclusively for undertaking protection and conservation activities in protected areas of the States and the Union Territories and in exceptional circumstances, a part of the corpus may also be used subject to prior approval of the CAMPA.
- (iv) CAMPA shall release monies to the concerned State and Union Territory in predetermined installments through the State Level Management Committee as per the Annual Plan of Operation (APO) finalized by the concerned State and the Union Territory.
- (v) The monies received in CAMPA from a State and Union Territory as per para 6.2 and the income thereon after deducting expenditure incurred by the CAMPA on its establishment cost, monitoring and evaluation on a prorata basis shall be used only in that particular State or the Union Territory.

6.5 MONITORING AND EVALUATION OF THE WORKS:

- (i) An independent system for concurrent monitoring and evaluation of the works implemented in the States utilizing the funds released by the CAMPA shall be evolved and implemented to ensure effective and proper utilization of funds and services of the

Regional Offices of the Ministry of Environment and Forests in this regard may also be utilized.

- (ii) The CAMPA shall have the powers to order inspection and financial audit of works executed by utilizing CAMPA funds in any State or the Union Territory.
- (iii) On being satisfied that the funds released to a particular State or the Union Territory are not being utilized properly, the Executive Body of the CAMPA shall have the power to withhold or suspend the release of remaining funds or part thereof.

6.6 OTHER FUNCTIONS:

- (i) The CAMPA may establish Special Purpose Vehicles (SPV) for undertaking Compensatory Afforestation particularly by involving large public sector undertakings which frequently require forests land for their projects, in consultation and as far as possible with the concurrence of the CEC.
- (ii) The CAMPA may also consider evolving new mechanism to generate additional sources of fund for forest conservation works and to create capacity and data base for better conceptualization and management of fund.

7. Every State or the Union Territory shall have a Steering Committee and a Management Committee consisting of the following Chairperson and Members namely:

7.1 STATE LEVEL STEERING COMMITTEE:

(i)	Chief Secretary	Chairperson
(ii)	Principal Chief Conservator of Forests	Member
(iii)	Principal Secretary (Forests)	Member
(iv)	Principal Secretary (Finance)	Member
(v)	Principal Secretary (Planning)	Member
(vi)	Chief Wildlife Warden	Member
(vii)	Nodal Officer	Member
(viii)	An eminent Non-Government Official to be nominated by the State Government for a period of two years at a time who shall be eligible for renomination	Member
(ix)	Chief Conservator of Forests (Plan/Schemes)	Member Secretary

7.2 STATE MANAGEMENT COMMITTEE:

(i)	Principle Chief Conservator of Forests	Chairperson
(ii)	Chief Wildlife Warden	Member
(iii)	Chief Conservator of Forests (Planning/ Schemes)	Member
(iv)	Financial Controller/Financial Adviser in the Office of the Principal Chief Conservator of Forests	Member
(v)	An eminent Non-Government Official to be nominated by the State Government for a period of two years at a time who shall be eligible for renomination	Member
(vi)	Nodal Officer	Member Secretary

8. POWERS AND FUNCTIONS OF THE STATE STEERING COMMITTEE:

The Steering Committee shall-

- (i) facilitate and be responsible for policy decision;
- (ii) ensure inter departmental coordination;
- (iii) take steps for grant of special sanction for procurement;
- (iv) accord concurrence to the Annual Plan of Operation (hereinafter referred to APO)

8.1 MEETINGS :

The Steering Committee shall meet least one in six months.

9. POWERS AND FUNCTIONS OF THE STATE MANAGEMENT COMMITTEE SHALL BE AS UNDER:

- (i) Preparation of the Annual Plan of Operation (APO) of the State for various activities in conformity with para 6.4
- (ii) (a) Submission of the Annual Plan of Operation (APO) to the CAMPA after obtaining concurrence of Steering Committee for release of fund giving breakup of the proposed activities and estimated cost.
(b) The Annual Plan of Operation (APO) may include the expenditure on overhead and contingency expenses upto a maximum of 2% of the total annual expenditure.
- iii) (a) Qualitative and quantitative supervision of the works being implemented in the State out of the funds released from CAMPA.
(b) It shall also responsible for proper auditing of both receipt and expenditure of funds.
- iv) Development of the code for maintenance of the account at implementing agency level
- v) Submission of reports or clarifications to CAMPA.
- 10.** The mechanism for receipt and disbursement of funds by the State Management Committee shall be decided by CAMPA in consultation with the States or the Union Territories concerned.
- 11.** The CAMPA shall function under the supervision of the Central Government in the Ministry of Environment and Forests.
- 12.** The jurisdiction of the CAMPA shall be the whole of India.
- 13.** The Headquarters of the CAMPA shall be at New Delhi.

[File No. 5-1/98-FC]
DR. V. K. BAHUGUNA, INSPECTOR GENERAL OF FORESTS
(FOREST CONSERVATION)

F.No. 5-1/98-FC (Pt II)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex
Lodhi Road, New Delhi-110003
Dated: 25th May, 2004

To,

1. The Principal Secretary (Forests)
Government of Karnataka, Bangalore.
2. The Principle Chief Conservator of Forests,
Government of Karnataka, Bangalore.

Subject: **Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 -Collection of Net Present Value in compliance with the orders of the Supreme Court dated : 30.10.2002 in IA No. 566 in Writ Petition (C) No. 202 of 1995-Clarification thereof.**

Sir,

This has come to the notice of the Central Government that the State Government of Karnataka has charged/has been charging Net Present Value of diverted forest land in certain cases in which in-principle approval was granted prior to the orders of the Supreme Court dated: 30/10/2002 as mentioned above. In this connection, in continuation of the Ministry of Environment & Forests' letter of even number dated: 18-09-2003 and 22-09-2003, I am directed to clarify that the Net Present Value of diverted forest land shall be charged in following categories of cases.

- (i) In- principle approval granted after 30-10-2002 but final approval is yet be granted;
- (ii) In-principle approval granted after 30-10-2002 and final approval has also been granted subsequently;
- (iii) In those cases where in- principle approval was not required, single final approval has been granted after 30-10-2002.

Further, Net Present Value of diverted forest land shall not be changed in these cases where in-principle or final approval has been granted prior to 31-10-2002. The State Government is requested to ensure the circulation of the clarification to avoid any confusion at the field level. If any action incoherent with the guidelines has already been taken at the field level, the State Government may resort to necessary rectification measures to avoid harassment of the user agencies.

The State Government is requested to ensure the circulation of the clarification to avoid any confusion at the field level. If any action incoherent with the guidelines has already been taken at the field level, the State Government may resort to necessary rectification measures to avoid harassment of the user agencies.

This issues with the approval of the competent authority.

Yours faithfully,

Sd/-
(ANURAG BAJPAI)
Asstt. Inspector General of Forests

F.No.11-9/98-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhavan,
CGO Complex, Lodi Road
New Delhi – 110 003.
Dated: 15.06.2004

To

The Secretary (Forests)
(All States and Union Territories)

Sub: Guidelines for diversion of forestland for non-forest purposes under the Forest (Conservation) Act, 1980 - clarification thereof.

Sir,

In continuation of Ministry of Environment & Forests letter of even number dated 19-9-2003 on the above mentioned subject wherein a general approval was granted under Section 2 of Forest (Conservation) Act, 1980 by the Central Government for diversion of forest land for underground laying of optical fiber cables, underground electric cables, underground laying of telephone lines and underground laying of drinking water supply pipelines subject to certain conditions, the following clarification is hereby issued for further necessary action.

“Government of India has granted general approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of forest land for such public utility projects and delegated the power to the State/UT Governments, to expedite the disposal of such projects of public utility, subject to fulfillment of certain conditions as stipulated in the letter of even number dated 16-10-2000. Since, this general approval was given with the condition that such projects should not involve tree felling, therefore, the question of compensatory afforestation does not arise. In case tree felling is involved and the diverted forest area is upto 1 ha. plantation of 10 times the number of trees likely to be felled will have to be carried out by way of compensatory afforestation”.

Yours faithfully,

Sd/-

(ANURAG BAJPAI)

Assistant Inspector General of Forests

Copy to:-

1. All PCCFs/Nodal Officer of all States/UTs.
2. All Regional Offices, MOEF.
3. Director (FC), AIGs (FC).

F.No.8-227/87-FC
Government of India
Ministry of Environment of Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 510
Dated: 18th June, 2004.

To

1. The Principal Secretary (Forests)
2. The Principal Chief Conservator of Forests,
(All States)/UTs.

Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – preparation and implementation of Catchment Area Treatment (CAT) Plan – reg.

Sir,

The Ministry of Environment & Forests has been stipulating the condition of preparation and implementation of Catchment Area Treatment Plan in cases related to diversion of forest land for medium and major irrigation projects and for hydro-electric power projects. The

Catchment Area Treatment Plan is an essential document as it portrays the ecological health of the catchment area and various soil & moisture conservation and watershed management programmes required to arrest soil erosion, to improve free drainage in the area and to rejuvenate the degraded eco system in the catchment. However, it has been observed that the Catchment Area Treatment Plan have not made significant impact on the ecology of the area at many places as it is not focused on site specific treatment. It is therefore, suggested that while formulating the Catchment Area Treatment Plan following aspects should also be considered.

1. In the dense forest area major concentration should be on soil & water conservation including water harvesting for which various water harvesting structures like check dams, gully plugging, gabion dams, contour trenches and vegetative structures should be made.
2. In the open forest besides taking up soil & water conservation measures plantation of local indigenous tree and shrub species should be done. In higher altitudes *Devdar* can be planted but plantation of *Chir* should be avoided.
3. A lot of pressure of the cattle is on revenue forest/civil soyam forest and these forest form an important component of the catchment. The CAT plan should therefore, include a component of fodder development on the civil soyam forest or on revenue/private lands in order to meet the requirement of fodder/small timber/firewood and in turn reduce pressure on Reserve Forest for the purpose.
4. Plantation of rare/medicinal species should also be taken up.
5. The CAT plan should invariably have a component for socio-economic component like supply of gas connection to the project affected families. This component should be implemented through Van Panchayats or Joint Forest Management Committees.
6. The infrastructure component like construction of buildings, vehicles, salaries of staff etc. should constitute a very small percentage of the CAT Plan as the main emphasis is on soil and water conservation and ecological improvement of the area. Wherever development/procurement of infrastructure is required it should be site specific and should be supported by proper justification.
7. It is very essential that proper and regular monitoring is carried out for effective implementation of the CAT plan. The Chief Project Officer of the user agency must be associated in implementation as well as monitoring of the progress of CAT plan. The monitoring on monthly basis should be done by the concerned Conservator of Forests where respective DFO and representative of User Agency should participate. Monitoring on quarterly basis should be carried out by a committee of the following officials.

Committee for monitoring of the CAT Plan

PCCF	:	Chairman
Secretary (Agriculture) or his representative	:	Member
Secretary (Animal Husbandry) or his representative:	:	Member Project Officer-User Agency
	:	Member
Respective Conservator of Forests	:	Member
Nodal Officer	:	Member Secretary

Yours faithfully

Sd/-

(Pankaj Asthana)

Assistant Inspector General of Forests.

Copy to:

1. Nodal Officers-All States/UTs.
2. All Regional Offices of this Ministry.
3. Director (FC)/AIGs (FC)
4. File No. 2-1/2003-FC
5. Guard File.

Sd/-

(Pankaj Asthana)

Assistant Inspector General of Forests.

F.No. 11-14/2003- FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110003
Date: the 23rd June 2004

To

The Chief Conservator of Forests (Central),
Regional Office,
Bhopal.

Sub: **Guidelines for diversion of forest land for non-forest purposes under the Forests (Conservation) Act, 1980- clarification regarding processing of proposals for approach roads of the petrol pumps.**

Sir,

I am directed to invite your kind attention to the above mentioned subject. In this regard, it has come to the notice of the Ministry of Environment & Forests that the proposals of approach roads for the petrol pumps at different locations/districts in Gujarat for the same User Agency are being merged by the Regional Office, Bhopal and in that way the area becomes more than one hectare, There the User Agency is being asked for the Compensatory Afforestation over non- forest land.

In this context, I am directed to clarify that the proposals of approach roads for the petrol pumps at different locations districts could be processed as a bunch by the State Government but cannot be considered as a single proposal and have to be given approval separately for each case. For ease of working, approval can be conveyed for each bunch in single letter giving details of each proposal

This issues with the approval of competent authority

Yours faithfully,

ANURAG BAJPAI)

Asst. Inspector General of Forests

Copy to:

1. PCCFs of all States/UTs
2. Nodal Officers of all States/UTs
3. All Regional Offices of Ministry of Environment & Forests
4. Director (FC)/AIGs(FC)
5. File

F.No.11-29/2004-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan,
CGO Complex, Lodi Road
New Delhi – 110 003.
Dated: 15th July 2004

To

1. The Principal Secretary (Forests)
2. The Principal Chief Conservator of Forests
All States/UTs.

Sub: **Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Procedure for utilizing the land for approach/exit road to petrol pumps – reg.**

Sir,

The Ministry of Environment and Forests is receiving several proposals for diversion of forest land for approach/exit road/passage to the retail petrol pumps located on road/highways. Development of infrastructure like roads/national highways is essential for the development of the country, as it will facilitate faster movement of passenger and goods traffic. However, several petrol pumps are coming along these roads and highways, resulting in large scale destruction of roadside forest/plantations, which are declared as Protected Forest. A meeting was organized in the Ministry to discuss the above issue with various stakeholders like Indian Oil Corporation, Bharat Petroleum

Corporation, Reliance Industries and official of National Highway Authority of India. The above issue was also examined by the Forest Advisory Committee in its meeting held on 21.6.2004. Ministry is aware that because of requirement of large number of petrol pumps, as per the new guidelines of Ministry of Road Transport and Highways, there will be significant loss of social forestry plantations along the road side which have been declared as protected forests by the State. Therefore, based on the recommendations of the Forests Advisory Committee, and taking a holistic view of the matter to minimize the loss of forest, it has been decided that the following procedure should be adopted for consideration of proposals for diversion of forest land for approach/exit road to petrol pumps under Forest (Conservation) Act, 1980.

The entry to the petrol pump/fuel station should be through an approach road of maximum of 70 metre length and 5.5. metre width and exit should be through approach road having maximum length of 100 metre and width 5.5 metre as per the norms issued by the Ministry of Road Transport and Highways.

- i The minimum distance between 2 fuel stations, on each side of the road, should not be less than 5 kms, outside the city limits on highways. If 2 or more fuel stations are to be constructed in close proximity or adjacent to each other for some reasons, a common access and exit shall be provided. However, this condition shall not apply if no tree felling is involved.
- ii If the forest land has already been diverted for construction/widening of the road/national highway by one user agency and if another user agency wants to construct approach road/culvert for petrol pumps, the user agency shall take the permission of the Central Government after obtaining a no objection certificate from the first user agency about the use of the diverted land and after giving an undertaking that they will comply with all the conditions already stipulated while diverting the forest and for widening of road.
- iii Fuel stations should generally be a part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops etc. Proper planning should be done by the user agencies, in advance, for construction of such complexes along the highways so that destruction of road side forest is minimized.
- iv Suitable signs and markings showing the location of the fuel station may be provided without disturbing the road side plantations.
- v Separate proposals for diversion of forest land for approach road to each fuel station/petrol pump should be submitted by the User Agency for consideration by the Central Government as per the provisions of the Forest (Conservation) Act, 1980. Each proposal of diversion of forest land shall be dealt separately.
- vi Suitable plantations should be raised by the user agency along the approach roads, Separator Island and other vacant areas in addition to the Compensatory Afforestation, if the area is more than 1 ha. or plantation of 10 times or more number of the trees that are likely to be felled in such diversion proposals.

Yours faithfully,

Sd/-

(Pankaj Asthana)

Assistant Inspector General of Forests

Copy to:

1. The Secretary, Ministry of Road Transport and Highways, Transport Bhavan, Parliament Street, New Delhi.
2. The Secretary, Ministry of Petroleum, New Delhi.
3. The Chairman, National Highway Authority of India, New Delhi.
4. Nodal Offices – All States/UTs
5. All Regional Offices of this Ministry.
6. Director (FC)/AIGs (FC).
7. CMD, Indian Oil Corporation
8. CMD, Bharat Petroleum Corporation Limited
9. CMD, Reliance Industries
10. File No.2-1/2003-FC
11. Guard file.

(Pankaj Asthana)

Assistant Inspector General of Forests

F.No.11-1/2004-FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated: 6-9-2004

To

1. The Principal Secretary (Forests)
2. The Principal Chief Conservator of Forests
(All States/UTs)

Sub: **Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – For installation of temporary Crushing and Screening Plants in the mining lease areas already approved for diversion by Central Government thereof.**

Sir,

Ministry of Environment and Forests has received many representations from the Ministry of Mines, Government of India, State Government, User Agencies and the Regional Office, Bangalore for the uniform guidelines for installation of temporary Crushing and Screening Plants in the already approved mining lease areas. The matter was examined by this Ministry in consultation with mining experts and was placed before Forest Advisory Committee (FAC) constituted under Section 3 of Forest (Conservation) Act, 1980 on 26-7-2004 and 24-8-2004. After careful examination of the matter by the FAC, and as per their recommendations, Central Government issues following guidelines under Forest (Conservation) Act, 1980 for installation of temporary Crushing and Screening Plants in the mining lease areas already approved for diversion by Central Government.

Crushing, sizing, grading and screening operations by dry methods create significant air pollution, which have adverse effect on the health of humans and plants. Either dust extraction – a close system with dust collectors/cyclones or dust suppression measures should be provided to control the pollution. However, in a Mobile unit, a close system with dust extractions is not possible. In order to control the pollution from such units, following guidelines are issued:

1. To suppress the fugitive dust at crushing screen mobile plants, special water jets with mist spray, should be provided at dumper platform, crusher screens, transfer points and unloading points. At all transfer points, sprinkling of water with the help of spray nozzles will suppress the fugitive dust.
2. In sensitive areas, mobile crusher-screening unit should adopt wet dust suppression measures augmented by foam injection to control dust from the material handling and processing operations, if found necessary
3. As an administrative control, any movement of these mobile plants should be informed to the State Pollution Control Board or Regional office of Ministry of Environment and Forests, to keep a track of their location and check pollution control measures taken by the operators.
4. As far as possible, no such unit should be located within 2 km from a Forest Colony/ National or State Highway without effective wet dust suppressing measures at the crusher, screen, transfer and unloading points.
5. There should be significant safeguards against noise pollution and safe noise levels should be maintained
6. If found necessary for better control in such locations, prior permission to operate, shall be taken from the State Forest Department and the State Pollution Control Board
7. Since all these are mobile operations, the local administration and forest officials should be kept posted with the change of location and possible time period of its operations within the leasehold.

8. Necessary permission under relevant Acts like Environment (Protection) Act, 1986 and the Air Act shall be taken by the user agency.

Yours faithfully,

(Anurag Bajpai)

Asstt. Inspector General of Forests

Copy to:-

1. All Regional Offices, Ministry of Environment & Forests
2. Nodal Officers, All States/ UTs
3. Director(Fc), AIG/FC @, AIG/FC-(S)/ S.O (FC)
4. File No.2-1/2003-FC
5. Guard File.

F.No.2-1/2003-FC (Part-IV)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan, C.G.O.Complex
Lodi Road, New Delhi-110 003
New Delhi, the 6th December, 2004

To
The Principal Secretary (Forests)
All State/UT Governments.

Sub: **Guidelines in respect of pre-1980 underground mining leases for extraction of mineral involving extension of already broken up underground forest land.**

Sir,

The Central Government have been receiving representations seeking clarifications in respect of renewal of underground mining leases granted prior to commencement of Forest (Conservation), Act, 1980 i.e. 25.10.1980. The desired clarification revolves around the issue whether extraction of minerals from an underground mine involving extension of already broken up underground forest land requires prior permission of the Central Government under Forest (Conservation) Act, 1980.

After considering the issue in holistic manner including the relevant provisions of Indian Forest Act, 1927, the Central Government hereby clarifies that for underground mine, in respect whereof lease was granted prior to commencement of Forest (Conservation) Act, 1980, i.e. 25-10-1980 prior approval of the Central Government under the Act must be obtained for:

1. Extraction of minerals from an underground mine unworked till 25-10-1980: or
2. Extraction of minerals involving extension after 25-10-1980, of the forest land broken underground (in case of those mines from which extraction of mineral took place before 25-10-1980 atleast from a part of the leased area).

Therefore, for those pre-1980 underground mining leases, which are still operative and breaking up of fresh forest land after 25-10-1980 for extraction of mineral, constitutes violation of the Forest (Conservation) Act, 1980. Ex-post facto approval of the Central Government for the underground area broken, if any, after 25-10-1980 till date, along with the permission for underground mining, if required, must be obtained under Forest (Conservation) Act, 1980.

Yours faithfully,

(Anurag Bajpai)

Asstt. Inspector General of Forests

F.No. 2-1/2003-FC (Part-IV)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-110 003.
Dated: the 6th December, 2004
7th December, 2004

To

The Principal Secretary (Forests),
All State/UT Governments.

Sub : Guidelines in respect of pre-1980 underground mining leases for extraction of minerals involving extension of already broken up underground forest land.

Sir,

The Central Government have been receiving representations seeking clarifications in respect of renewal of underground mining leases granted prior to commencement of Forest (Conservation) Act, 1980 i.e., 25-10-1980. The desired clarification revolves around the issue whether extraction of minerals from an underground mine involving extension of already broken up underground forest land requires prior permission of the Central Government under Forest (Conservation) Act, 1980.

After considering the issue in holistic manner including the relevant provisions of Indian Forest Act, 1927, the Central Government hereby clarifies that for underground mines, in respect whereof lease was granted prior to commencement of Forest (Conservation) Act, 1980 i.e., 25-10-1980, prior approval of the Central Government under the Act must be obtained for :

1. Extraction of minerals from an underground mine unworked till 25-10-1980; or
2. Extraction of minerals involving extension after 25-10-1980, of the forest land broken underground (in case of those mines from which extraction of mineral took place before 25-10-1980 atleast from a part of the lease area).

Therefore, for those pre-1980 underground mining leases, which are still operative and are yet to expire, breaking up of fresh forest land after 25-10-1980 for extraction of mineral, constitutes violation of the Forest (Conservation) Act, 1980. Ex-post facto approval of the Central Government for the underground area broken, if any, after 25-10-1980 till date, along with the permission for underground mining, if required, must be obtained under Forest (Conservation) Act, 1980.

Yours faithfully,

(Sandeep Kumar)

Assistant Inspector General of Forests

F. No. 2-1/2003-FC (Pt.II)
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 003.
Dated: 14-12-2004

To

The Principal Secretary (Forests),
(All States/UTs)

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Revision of the para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, issued under Forest (Conservation) Act, 1980 thereof.

Sir,

During the course of implementation of para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, issued under Forest (Conservation) Act, 1980, the Central Government has experienced the lack of communication of vital information between the State Government and the Central Government. Further, Supreme Court has also issued various important orders from time to time regarding mining in forests, national parks/ sanctuary, charging of net present value etc., which have

additional implications, and so need to be taken note of. Therefore, Central Government found it appropriate to revisit para 4.17 of the existing guidelines. The matter was examined by the Central Government in a holistic manner. After detailed examination of the matter and to make the mechanism more effective and accountable, the Central Government hereby issues revised para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, under Forest (Conservation) Act, 1980. **New para 4.17 will read as follows:**

- 4.17 (i) If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency to the State/UT Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposal for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on a simple application of the user agency **in the prescribed format (Annexure)**, may grant temporary working permission (TWP) over already broken up area for a **maximum period of one year**, provided that the mining lease area does not form a part of National Park/ Sanctuary/ Protected area and no violation of Forest (Conservation) Act, 1980 has been committed by the User Agency during the previous mining lease. Within this period, the State/ UT Government shall take a decision on the proposal and forward it to No.202 of 1995 regarding collection of Net Present Value of diverted forest land, Net Present Value shall be paid by the user agency for the already broken up area within the period of first six months of the temporary working permission. Subsequent extension of TWP, if any, shall be considered only on the production of receipt of payment of Net Present Value to the Central Government. If the proposal is not received from the State/UT Government on expiry of the period of TWP, it will be deemed to have been rejected till the State/UT Government sends in specific recommendations.
- 4.17 (ii) In view of the Supreme Court order dated 30-10-2002 in Writ Petition (C) t Value to the State/UT Government. This fund shall be maintained by the respective State/ UT Governments in the name of concerned DFO/Nodal Officer in fixed deposits in a nationalized bank. In the event of reject of the proposal, the amount shall be refunded to the concerned user agency after deducting the cost of reclamation of that particular broken up area, as determined by the concerned State/UT Governments.
- 4.17 (iii) To ensure the refund of the money deposited towards the Net Present Value of the area being operated under TWP by the user agency, following procedure shall be adopted:
- The funds shall be collected by the concerned DFO as security deposits.
 - Funds shall be maintained by the concerned Divisional Forest Officer (DFO) or Nodal Officer (Forest Conservation), in fixed deposits in a Nationalized Bank in the name of the Divisional Forest Officer or Nodal Officer (Forest Conservation).
 - Concerned DFO shall maintain records of such security deposits collected towards Net Present Value for the area under TWP, under intimation to Nodal Officer (Forest Conservation) of the State/UT.
 - In the event of rejection of the proposal, the concerned DFO shall assess the cost of reclamation of broken up area.
 - After deducting the cost of reclamation of the broken up area and allied costs if any, from the total deposits including interest earned on them, balance money will be refunded to the concerned user agency within a period of one month by the concerned DFO/Nodal Officer (Forest Conservation) of the State/UT.
 - These guidelines are issued in supersession of this Ministry's earlier guidelines regarding para 4.17, issued vide letter No. 5-5/86-FC dated 23-12-2002 and printed in the Handbook published by this Ministry in June, 2004. These guidelines shall come into force with immediate effect.

Yours faithfully,

(ANURAG BAJPAI)

Assistant Inspector General of Forests

Copy to:

- Secretary, Ministry of Coal, Govt. of India, New Delhi
- Secretary, Ministry of Mines, Govt. of India, New Delhi.
- All PCCFs/Nodal Officers (All States/UTs).
- All Regional Offices, Ministry of Environment and Forests.
- Director (FC)/ AIGs (FC).
- File No. 2-1/2003-FC
- Guard File.

F.No. 11-96/2000-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-110 003.

Dated: 04-02-2005
07/2/2005

To

1. The Principal Secretary (Forests),
Government of Haryana,
Chandigarh.
2. The Principal Secretary (Forests),
Government of Punjab,
Chandigarh.

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Clarification regarding charging the cost of Compensatory Afforestation.

Sir,

With reference to Northern Railways letter No. 56-W/237/ W.Spl/ Estt/ Pt. IV dated: 13-1-2005 on the above mentioned subject, I am directed to inform you that para 3.2 (vi) of the guidelines issued under Forest (Conservation) Act, 1980, is applicable when the land belongs to the State Forest Department. But, in the cases, where the land has been acquired by the user agency long back and part of it has been utilized for raising plantations by the State Forest Department and subsequently declared as 'Protected forests', para 2.5 (ii) shall be applicable which reads as follows :

*"Such lands which we acquired by the above departments (Road/Rail/Canal) and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. **While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.**"*

This issues with the approval of the competent authority.

Yours faithfully,

(Anurag Bajpai)
Assistant Inspector General of Forests

Copy to:-

1. All PCCFs/Nodal Officers (All States/UTs).
 2. All Regional Offices, Ministry of Environment and Forests
 3. Director (FC)/AIGs (FC)
 4. Chief Engineer, Const/NC (Attn. Shri M. R. Choudhary), Northern Railways,
Headquarters Office, Kashmere Gate, Delhi.
 5. File No. 2-1/2—3-FC
 6. Guard File.
- F.No. 11-29/2004-FC

Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-110 003.

Dated: 10th February, 2005

To

1. The Principal Secretary (Forests),
2. The Principal Chief Conservator of Forests,
(All States)/UTs.

Sub: Diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 – Procedure for utilizing the land for approach/exit road to petrol pumps – reg.

Sir,

The Ministry of Environment and Forests has received several representations regarding applicability of the conditions related to distance of 5 kms. between two petrol pumps, stipulated in its guidelines issued on 15.07.2004. There was a general grievance that commissioning of the petrol pumps had been affected due to coming into force of these guidelines especially in respect of those cases wherein the formalities had already been completed, or the proposals for diversion of forest land for approach road were in final stages of processing at the State level.

After examining the issue holistically in detail, it is clarified that in respect of all those cases where, as on 15.07.2004, formalities had been completed like issuance of Letter of Intent in case of public sector Petroleum Agencies, or in case of private sector Petroleum Agencies any documentary evidence like deposition of NPV/cost of CA, or any other document to show that the case was under process in the respective State, on or before 15.07.2004, the condition, of distance of 5 kms. between two petrol pumps with respects to diversion of forest land will not apply.

The Regional Offices should ascertain the admissibility of the proposals for diversion of forest land for approach/exit road to petrol pumps accordingly. The Petroleum Agencies should also take all necessary measures for strict compliance of various conditions stipulated in the guidelines.

Yours faithfully,

(Pankaj Asthana)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary, Ministry of Road Transport and Highways, Transport Bhavan, Parliament Street, New Delhi.
2. The Secretary, Ministry of Petroleum, New Delhi.
3. The Chairman, National Highway Authority of India, New Delhi.
4. Nodal Officers – All States/UTs.
5. All Regional Offices of this Ministry.
6. Director (FC)/AIGs (FC).
7. The CMD, Indian Oil Corporation.
8. The CMD, Bharat Petroleum Corporation Limited.
9. The CMD, Reliance Industries.
10. File No. 2-1/2003-FC.
11. Guard File.

(Pankaj Asthana)

Assistant Inspector General of Forests

F.No.5-1/98-FC (Pt.II)
Government of India
Ministry of Environment & Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated: 29th March, 2005

To

The Principal Chief Conservator of Forests,
Sikkim,
Gangtok, Deorali – 737102.

Sub: Disposal of the trees standing on the forest land diverted for non-forestry use under the Forest (Conservation) Act, 1980, clarification – regarding.

Sir,

With reference to the subject mentioned above, kindly refer to your letter No.795 (870) FCA/FEWMD dated 05.01.2005 seeking clarification regarding disposal of the trees standing on the forest diverted for non-forestry use under the Forest (Conservation) Act, 1980. The matter has been considered holistically, and I am directed to furnish following opinion of the Ministry in this regard:-

Sl. No	Category of land/ forests	Operational Works (felling of trees, dragging of timber, etc)	Disposal of timber and sale proceeds
1	Notified forests	Operational cost to be deposited by the User Agency directly in the name of the concerned Divisional Forest Officer or the Nodal Officer. Such operation shall be carried out by the State Forest Department	Timber shall be disposed of by the State Forest Department in the manner as deemed fit by it and the sale proceeds shall also accrue to the department.
2	Forest/Plantations Notified as protected Forest on the lands owned by the Government Department (other than Forest Department)	The User Agency shall be responsible for the operation at the project cost under supervision of the land owning Government Department, or According to any other arrangement reached between the User Agency and the land owing Government Department	Timber shall be disposed of by the land owning government Department in consultation with the State Forest Department, and the sale proceeds shall also accrue to the land owning department, or According to any other arrangement reached between the User Agency and the land owning Government Department in consultation with the State Forest Department.
3	Government land other than Notified forests		
4	Private land	The User Agency shall be responsible for the operation of the project cost under supervision of the land owner, or According to any other arrangement reached between the User Agency and the land owner	Timber shall be disposed of by the land owner in consultation with the State Forest Department, and the sale proceeds shall also accrue to him, or According to any other arrangement reached between the User Agency and the land owner in

			consultation with the State Forest Department.

Yours faithfully,
(Sandeep Kumar)

Assistant Inspector General of Forests

- In all cases, felling and transit regulation framed/adopted by the concerned State/UT Government shall apply.

Copy for information to:-

1. Secretary (Forests), All States/UTs.
2. The Principal Chief Conservator of Forests, All States/UTs.
3. The Nodal Officer (FCA), O/o the PCCFs, All States/UTs.
4. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneswar, Lucknow and Chandigarh.
5. The RO (HQ), MoEF, New Delhi.
6. All AIGs (FC), Director (FC).
7. Guard File.

(Sandeep Kumar)

Assistant Inspector General of Forests

F.No.11-48/2002-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi-110 003.
Dated, the 29/30th April 2005.

To

The Principal Secretary (Forests),
All States/UTs.

Sub: Guidelines under Forest (Conservation) Act, 1980, for up-gradation of 'Kutchra roads constructed prior to 1980 in forest areas, to Pucca roads'.

Sir,

In continuation of this Ministry's letter of even number dated 14-9-2004 regarding guidelines for repair and maintenance or roads constructed on forest lands prior to 1980, and with reference to the abovementioned subject, I am directed to convey the approval of the Central government to the following guidelines, meant for up-gradation of 'Kutchra roads constructed prior to 1980 in forest areas, to Pucca roads'.

1. The up-gradation of roads constructed in forest areas prior to 1980 from 'Kutchra to Pucca' is allowed to the extent that these roads are not black topped/tarred, and if during the process of up-gradation, these roads need to be black topped/tarred, prior environmental clearance shall be sought by the user agency in this regard.
2. For such up-gradation in protected areas like National Park/Sanctuaries, prior permission of National Board of Wildlife and Supreme Court shall be taken by the State/UT Government.
3. Fire for melting of coal tar and mixing, shall be lit at a safe distance from the trees vegetation, which shall be decided by the concerned Divisional Forest Officer. For such constructions, it is better to avoid dry/hot windy seasons. For this purpose, fuel wood shall be purchased by the implementing agency in advance from the depot of State Forest Development Corporation.
4. No crushing/breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such roads.
5. Both sides of the upgraded roads shall be reinforced with brick/stone works reinforced, and vegetative increases to check soil erosion, at the project cost in consultation with the Divisional Forest Officers.
6. No tree felling shall be allowed.
7. No widening of roads shall be undertaken without prior permission of the Central Government under Forest (Conservation) Act, 1980-.

8. No breaking of fresh forest land shall be carried out.
9. Plantation activities, if the concerned Divisional Forest Officer finds it necessary, shall be taken up along the road at the project cost immediately. The plantation shall be maintained at the project cost.
10. No labour camp shall be established on the forest lands.
11. No work shall be allowed after sunset.
12. Any other condition that the Divisional Forest Officer may impose from time to time for the protection and improvement of flora and fauna in the forest area, shall be applicable.
13. Any damage to forest area due to such up-gradation works shall be compensated by the implementing agency from the project cost. The extent of damage shall be assessed by the concerned Divisional Forest Officers.
14. State Forest Department shall establish permanent check posts on strategic locations on such roads which are already up-graded/ under up-gradation.

Yours faithfully

Sd/-

(Anurag Bajpai)

Assistant Inspector General of Forests.

Copy to

1. Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. Secretary, Ministry of Rural Development, Government of India, New Delhi.
3. Secretary, Ministry of Tribal Affairs, Government of India, New Delhi.
4. Secretary, Ministry of Panchayat Raj, Government of India, New Delhi.
5. The Principal Chief Conservator of Forests, All States and UTs.
6. The Chief Conservator of Forests (Central), All Regional Offices, Ministry of Environment & Forests.
7. The Nodal Officer (FC), Forest Department, All States/UTs.
8. Director(FC)
9. AIGF(P)/AIGF(S)
10. Guard file.

F.No.5-1/1998-FC (Pt.II)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan,
 CGO Complex, Lodi Road
 New Delhi – 110 003.
 Dated: 17th May, 2005

To

The Secretary (Forests)
 All States and Union Territories

Sub: Guidelines for diversion of forestland for non-forestry purposes under the Forest (Conservation) Act, 1980 – Net Present Value of the diverted forest land for underground mining – clarification - reg.

Sir,

The Ministry of Environment & Forests has received various representations seeking clarification regarding payment of the Net Present Value (NPV) of the diverted forest land under the Forest (Conservation) Act, 1980 for the purpose of underground mining.

2. In this connection, I am directed to say that NPV is chargeable in all cases of diversion of forest land under the Forest (Conservation), Act, 1980 in compliance of the orders of the Hon'ble Supreme Court of India dated 30-10-2002 and 1-3-2003 in IA No.566 in WP(C) No.202/1995 and as per the guidelines issued by this Ministry vide letter No. 5-1/93-FC (Pt.II) dated 18.9.2003 and 22.9.2003 in this regard. Kindly refer to this Ministry's letter No.2-1/2003-FC (Part-IV) dated 7.12.2004 wherein it has already been clarified that extraction of minerals, etc. from an underground and amounts to breaking up of fresh forest land, and hence, it required diversion under the Forest (Conservation), Act, 1980. This being so, NPV becomes

chargeable in all cases of underground mining as well as other underground works for which forest land is diverted under the Forest (Conservation) Act, 1980.

3. This is issued in suppression of this Ministry's letter No. 11-13/2004-FC dated 23rd June 2004 regarding charging of NPV for underground works including underground mining.

Yours faithfully,
(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to:-

1. The PCCFs/Nodal Officer of all States/UTs.
2. The Nodal Officer, Forest Department, all States/UTs.
3. All Regional Offices, MOEF.
4. Guard file
5. All AIGs (FC)/Director (FC), MOEF, New Delhi.

(Sandeep Kumar)

Assistant Inspector General of Forests

F.No.11-79/2005-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110 003.
Dated: 27th October 2005

To

1. The Principal Secretary (Forests),
2. The Principal Chief Conservator of Forests,
(All States)/UTs.

Sub: **Issue related to imposition of additional conditions by the State Government in respect of proposals involving forest land where permission for diversion of such forest lands has been granted by the Ministry of Environment and Forests.**

Sir,

While granting the final approval for diversion of forest land for non- forestry use under Forest (Conservation) Act, 1980, the Central Government stipulates various conditions. These conditions inter-alia, include a general condition which states that "Any other condition which the State Government or Chief Conservator of Forests (Central), Regional Office, may stipulate from time to time in the interest of afforestation and protection and improvement of flora and fauna of the area shall also be applicable". This stipulation more often than not has been used by the State/UT Government in imposing additional unreasonable conditions.

The Committee of Secretaries (CoS) while discussing the issues related to Central-State and Inter-Ministerial bottlenecks in the ongoing National Highway Development Programme Projects also took note of the issue related to additional conditions imposed by the State/UT Governments. CoS felt that the State Forest Departments impose further conditions, in addition to the conditions imposed by the Central Government, and these additional conditions are sometimes very unrealistic and affect the financial viability of the project. It was decided by the CoS that Ministry of Environment and Forests should examine the issue of unreasonable conditions subsequently imposed by the State/UT Government in case of forestry clearances and develop a uniform instructions to be followed by the State/UTs in the matter.

The above issue was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980. The Committee noted that the Central Government, while granting forestry clearances, imposes certain conditions to mitigate the adverse effects arising out of diversion of forestland for non-forestry use. Although, the State Governments, being the custodians of the forestlands, are competent to **impose conditions** for protection and conservation of forests, **but the Committee observed that such conditions should, at the same time, cannot be allowed to affect the viability of the project after it has been granted forestry clearance by the Central Government.**

After examining the whole issue in great detail and on the recommendations of the Advisory Committee, it had been decided by the Central Government that while forwarding any proposal for diversion of forest land, the State/UT Government should state and include all the

conditions, which it desires to be imposed, in the original proposal itself, for compliance by the user agency.

The Central Government after considering the conditions proposed by the State/UT Government shall stipulate such conditions as it deems fit. No additional conditions thereafter can be imposed by the State/UT Government. Such a mechanism will obviate any contradictions and undue hardships that may affect the viability of the project subsequent to grant of forestry clearance, and will also facilitate consolidation of stipulations at one place (in the approval letter of the Central Government).

All the State/UT Governments are requested to ensure compliance of the above instructions.

Yours faithfully

Sd/-

(Pankaj Asthana)

Assistant Inspector General of Forests.

F.No.8-286/88-FC (Pt.)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan,
CGO Complex, Lodi Road
New Delhi – 110 003.

Dated: 16th November, 2005

To

The Principal Secretary/Secretary (Forests)
All States and Union Territories

Sub: **Extension of mining lease period granted under the Forest (Conservation) Act, 1980 making it co-terminus with the lease period granted under the Mining Act, charging of NPV - reg.**

Sir/Madam,

With reference to the subject mentioned above, I am directed to say that the matter of charging of the Net Present Value (NPV) of the forest land has been recently reviewed in the Ministry with regard to extension of the period of mining lease granted under the Forest (Conservation) Act, 1980 making it co-terminus with the period of mining lease granted under the relevant Mining Act. The matter has been examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980 in the light of the Orders of the Hon'ble Supreme Court of India dated 30.10.2002 and 1.8.2003 in IA No.566 in WP (C) No.202/1995 regarding NPV.

2. On the basis of the recommendations of the Committee, it has been decided that NPV shall be charged in all such cases which were originally approved by the Ministry prior to the Supreme Court order, but subsequently got their lease period extended by the Ministry under the Forest (Conservation) Act, 1980 to make these co-terminus with the existing mining lease(s) granted under the MMRD Act, 1957 after the date of issuance of the Supreme Court order. Compliance of conditions stipulated by the Central Government which issuing the approval under the Forest (Conservation), Act, 1980 may please be issued.

Yours faithfully,

(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all States/UTs.
2. Nodal Officer, O/o the PCCF, all States/UTs.
3. All Regional Offices, MOEF.
4. RO (HQ), MOEF, New Delhi.
5. AIGs (FC), MOEF, New Delhi.
6. PS to IGF (FC), MOEF, New Delhi
7. Guard file

(Sandeep Kumar)

Assistant Inspector General of Forests

F.No.11-9/98-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110 003.
Dated 21st November 2005

To

1. The Principal Secretary (Forests)
2. The Principal Chief Conservator of Forests,
(All States)/UTs.

Sub: Guidelines for diversion of forest land for non-forestry purpose under the Forest (Conservation) Act, 1980 – guidelines related to general approval for underground laying of optical fibre cables, underground laying of telephone lines and underground laying of drinking water supply pipelines.

Sir,

Detailed guidelines were issued on 16-10-2000, granting general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for underground laying of optical fibre cables, underground laying of telephone lines and underground laying of drinking water supply pipelines. The general approval granted was subject to various parameters/conditions which involve, in addition to others, no tree felling, area being outside the National Park or Sanctuaries, and that lines are laid out along the roads and within the existing right of way and the maximum size of trench is 2 mtr. deep and 1 mtr wide. The validity period of these guidelines was extended vide letters of even no. dated 31-10-2001, 23-12-2002 and 19-09-2003. The validity period of the guidelines has since expired on 15-10-2005. The issue of further extension of these guidelines was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980.

Considering the facts that these guidelines are related to development of basic infrastructure and are for public utility in nature, and on the basis of the recommendations of the Committee, the Central Government extends the validity period of general approval for a further period of 2 years, i.e. upto 15-10-2007 subject to the parameters and conditions already stipulated in this office letter of even no. dated 16-10-2000.

All the State/UT Governments are also requested to submit the details of all proposals approved earlier by them under these guidelines.

All the State/UT Governments are requested to ensure compliance of the above instructions.

Yours faithfully

Sd/-
(Pankaj Asthana)
Assistant Inspector General of Forests.

F.No. 5-1/98-FC (Pt-II)
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi-110 003.

Dated: 19th December 2005

To

1. The Principal Secretary (Forests),
2. The Principal Chief Conservator of Forests, (All States)/UTs.

Sub: **Exemption of certain Government projects from payment of Net Present Value (NPV) – Guidelines for collection of NPV under Forest (Conservation) Act, 1980 for diversion of forest land for non-forestry use.**

Sir,

The Supreme Court of India vide its order dated 30.10.2002 in IA No.566 in Writ Petition (Civil) No. 202 of 1995 has directed that NPV of the forest area diverted for non-forestry use shall be collected from the user agency. The orders of the Supreme Court have been communicated vide this office letters of even no. dated 10.07.2003 and 11.08.2003 and subsequently guidelines, in this regard, were issued vide letters of even no. dated 17/18.09.2003 and 19/22.09.2003.

The Supreme Court in its order dated 26.09.2005 in IA No. 826 in IA No.566 in Writ Petition (Civil) No.202 of 1995 has concluded in addition to others, that *"except for Government projects like, hospitals, dispensaries and schools referred to in the body of the judgment, all other projects shall be required to pay NPV though the final decision on this matter will be taken after receipt of the Expert Committee report"*.

The issue of exemption of certain Government projects was examined by the Forest Advisory Committee (FAC). On the basis of the recommendations of the FAC and since the issue of exemption of projects from payment of NPV is being examined by the Expert Committee constituted by the Supreme Court, and final decision is to be taken by the Court on receipt of the report of the Institute of Economic Growth Committee, the Central Government hereby directs that Government projects like hospitals, dispensaries, non-commercial government ventures like, school, rain water harvesting, tanks, sewer lines, village roads, which are meant for public welfare may be allowed after taking an undertaking from the user agency that in case it is finally decided by the Supreme Court that such projects are not exempt from payment of NPV, the user agency will pay the amount of NPV as determined and ordered by the Supreme Court.

In respect of other cases, the NPV at usual rates, as communicated earlier will continue to be paid by the user agency, i.e., at the rate of Rs. 5.8 lakhs to Rs. 9.2 lakhs per hectare. In addition, for such proposals, the user agency shall submit an undertaking that in case of any upward revision of rates of NPV, the user agency will pay the amount of differential NPV.

Yours faithfully,

(Pankaj Asthana)
Assistant Inspector General of Forests

Copy to:-

1. The Nodal Officers – All States/UTs.
2. All Regional Offices of this Ministry.
3. Director (FC)/AIGs (FC).
4. File No. 2-1/2003-FC.
5. Guard File.

(Pankaj Asthana)
Assistant Inspector General of Forests

F.No. 15-26-ROHQ/2004-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan,
CGO Complex,
Lodhi Road,
New Delhi-110 003.
Dated: 14th April, 2006

To

1. The Principal Secretary/Secretary (Forests),
All States/Union Territory Governments
2. Principal Chief Conservator of Forests,
All States/Union Territories

Sub: Removal of already quarried and stacked material/mineral from mining lease.
Sir,

The Ministry has been receiving references regarding removal of already quarried and stacked material/minerals from the mining lease area. It has been brought to the notice of the Ministry that the User Agencies are not being able to remove already quarried and stacked material/mineral from the mining lease area in respect of which Temporary Working Permission (TWP) granted by the Central Government under the Forest (Conservation) Act, 1980 was withdrawn/because in fructuous due to the ban imposed by the Hon'ble Supreme Court of India on grant of TWP vide order dated 16-09-2005 in I.A. No. 1000 in WP (c) No. 202 f 1995.

2. In this connection, I am directed to say that the matter has been examined by the Forest Advisory Committee constituted under Section 3 of the Forest (Conservation) Act, 1980 and on the basis of the recommendations of the Committee, it has been decided by the Central Government that *"The State/Union Territory Governments may be asked to provide inventory of already quarried material/mineral lying over-ground, if any, in the mining lease areas, alongwith background of the case, for prior approval of the Central Government for transportation of such mineral outside the mining lease area. Such transportation shall be done by the Forest Department in the project cost. Only those area shall be covered under these guidelines in respect of which Temporary Working Permission was withdrawn or became in fructuous in view of the order of the Hon'ble Supreme Court dated 16-09-2005 IA No. 1000 in WP (C) No. 202/ 1995."*

Yours faithfully,
(Sandeep Kumar)

Assistant Inspector General of Forests

No.11-82/2006-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan,
CGO Complex, Lodi Road
New Delhi – 110 003.
Dated: 10th May, 2006

To

1. The Principal Secretary/Secretary (Forests)
All States and Union Territories
2. Principal Chief Conservator of Forests
All States/Union Territories.

Sub: Exemption from payment of Net Present Value NPV) for relocation of villages from National Parks/Sanctuaries - reg.

Sir,

With reference to the subject mentioned above, I am directed to inform you that vide order dated 28.4.2006, the Hon'ble Supreme Court of India has directed that "subject to final orders that may be passed on the report of the Expert Committee constituted in IA No.566

regarding the NPV, the ministry of environment and Forests (MOEF) may approve diversion of forest land under the Forest Conservation Act for relocation of villages from National Parks/Sanctuaries without for the present payment of NPV.”

2. In view of the above order of all Hon'ble Supreme Court, it is informed that the State/Union Territory Government may proceed to implement the approval(s) granted by Ministry of Environment and Forests under the Forest (Conservation) Act, 1980 for relocation of villages from National Parks/Sanctuaries without, for the present charging the NPV of the diverted forest land. However, in such cases, the final orders that may be passed by the Hon'ble Supreme Court on the report of the Expert Committee constituted in IA. No.566 regarding the NPV, shall be applicable.

Yours faithfully,

(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to:-

1. Nodal Officer, O/o the PCCF.
2. The Director, (Project Tiger), Ministry of Environment and Forests, Bikaner House, New Delhi.
3. All Regional Offices, MOEF.
4. IGF (FC)/DIG (Wildlife)/AIGs (FC)/Director (FC), MOEF, New Delhi.
5. RO (HQ), MOEF, New Delhi.
6. Monitoring Cell, FC Division, MOEF, New Delhi
7. Guard file

(Sandeep Kumar)

Assistant Inspector General of Forests

F.No. 11-79/2005-FC
Government of India
Ministry of Environment & Forests,
(FC Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated: 01st June, 2006

To,

Joint Secretary to Government of Tripura,
O/o the Principal Chief Conservator of Forests,
Aranya Bhavan, Pandit Nehru Complex,
Kunjaban, Agartala.

Sub :- Imposing of additional conditions by the State Government in respect of diversion of forest land granted by the Central Government under the Forest (Conservation) Act, 1980.

Sir,

I am directed to refer to your letter No. F. 6-259/FC/For-05/Pt-I/708, dated 17.02.2006 on the subject mentioned above, and to say that the matter has already been critically examined in detail by the Forest Advisory Committee, and on the basis of the recommendations of the Committee, decision of the Ministry was conveyed in the matter vide its letter of even number dated 27.10.2005 to the effect that there was no scope for imposing any additional conditions by the State Government once the proposal had finally been cleared by the Central Government. Intension of the Central Government is not to curtail the powers and prerogative of the State/Union Territory (UT) Governments in the matter of imposing reasonable conditions to compensate for the loss of forest land / cover, but to ensure that such stipulations are within the limits of reasonability. It is in this spirit that the instructions issued by the Ministry, inter-alia, provide that the State/UT Government should intimate the Central Government, along with the original proposal submitted for diversion of forest and for non-forestry purposes, about the conditions to be imposed by them (State / UT Government). While examining the proposal, the Central Government shall also examine the conditions proposed by the State/UT Government, and include such conditions as it shall deem fit. This mechanism has been put in place to remove

possibilities of similar conditions) being _____ twice, as well as of non-examination of condition(s) by the Authority competent to grant approval which might, _____ contradictions/ undue hardship and affect the viability of the project subsequent to grant of forestry clearance by the Central Government.

2. Your request has been examined again the Ministry whereupon it is informed that if, subsequent to the approval granted by the Central Government under the Forest (Conservation) Act, 1980, the State / UT Government feels that exceptional / unforeseen situation warrants imposition of any additional condition (s), prior approval of the Central Government must be sought by the concerned State / UT Government justifying imposition of such additional conditions(s).

Yours faithfully,

(Sandeep Kumar)

Assistant Inspector General of Forests

F. No. 11-9/98-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003

Dated: 14th September, 2006

To

Principal Secretary/ (Forests),
(All States/UTs)

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – General approval under Section 2 of Forest (Conservation) Act, 1980- modification thereof.

Sir,

The State Government of Jharkhand has raised the issue of extending general approval, granted vide this office letter of even no. dated 03.01.2005, to 33KV/11 KV transmission lines also, so as to facilitate laying of transmission lines in rural areas.

The Ministry has granted general approval under Section 2 of the Forest (Conservation) Act, 1980 on 03.01.2005 for diversion of up to 1.00 ha. of forest land for various projects to be executed by the Government Departments, with a view to facilitating developmental activities in the rural areas of States. The general approval dated 03.01.2005 granted by the Central Government already includes electric lines. The State Government of Jharkhand may, therefore, lay 11 KV/33 KV Transmission Lines (TL) as per the conditions already stipulated in the general approval granted on 03.01.2005.

However, for laying of such TL on already diverted forest land for road, railway tracks, electric lines, no separate clearance under Forest (Conservation) Act, 1980 will be required. In such cases, the TL may be laid, after submission of a proposal by the user agency, and after getting the approval for change in land use of already diverted forest land from the Principal Chief Conservator of Forests/ Nodal Officer (FC) of the State Government.

All other States/Union Territories Government may also take similar action in respect of above mentioned transmission lines.

Yours faithfully,

Sd/-

(Pankaj Asthana)

Assistant Inspector General of Forests

Copy to:

1. All PCCFs/ Nodal Officers (All States/UTs).
2. All Regional Offices, Ministry of Environment and Forests.
3. Director (FC)/AIGs(FC).
4. File No.2-1/2003-FC.
5. Guard file.

Sd/-

(Pankaj Asthana)

Assistant Inspector General of Forests

F.No. 5-2/2006-FC
COMPENSATORY AFFORESTATION FUND MANAGEMENT
AND PLANNING AUTHORITY (COMPA)
(AD-HOC BODY)
(Constituted by Hon'ble Supreme Court of India)

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated: 03rd October, 2006

To,
Chief Secretary / Administrative
All State / Union Territory Governments.

Sub :- **Recovery of Net Present Value (NPV) of the forest land diverted under the Forest (Conservation) Act, 1980 in compliance of the order dated 15th September 2006 of the Hon'ble Supreme Court of India.**

Sir,

I am directed to refer to the subject mentioned above, and to say that in a recent judgment dated 15th September 2006 in I.As. No. 1473 and 1620 in WP(C) No. 202 of 1995, the Hon'ble Supreme Court of India has held that *"..... NPV is required to be recovered in all cases approved by the Ministry for change of User Agency under the Forest (Conservation) Act, 1980 after 29th / 30th October, 2012 irrespective of the date on which in-principle (State one) clearance may have been granted..... The Ministry is directed to forthwith take steps to recover from the User Agency the NPV in terms of orders dated 29th / 30th October 2012 and 01st August 2003....."*

2. Be it mentioned that the Ministry has already instructed the State/Union Territory (UT) Governments to recover NPV for the cases for which in-principle approval has been granted after 30th October 2002 vide letters No.5-1/98-FC (Pt.II) dated 17th / 18th September 2003 and 19th / 22nd September 2003. In view of the above order of the Hon'ble Supreme Court; NPV is payable in all cases of diversion of forest land under the Forest (Conservation) Act, 1980 for which final approval has either already been granted on or after 30th October, 2002, or shall be granted hereafter, irrespective of the date of in-principle approval.

3, (i) In compliance of the above order dated 15th September 2006 of the Hon'ble Supreme Court, you are requested to recover NPV of the forest land diverted under the Forest (Conservation) Act, 1980 for those cases also for which in Principle approval was granted before 30th October 2002, and for which final approval has either already been granted on or after 30th October 2002 or shall be granted hereafter,

(ii) Charging of NPV in request of the cases for which in- principle approval has been granted on after 30th October 2002 shall continue without change, in accordance with the Ministry's directions vide letters No. 5-1798-FC(Pt. H) dated 17th & 18 September 2003 and 19th /22nd September 2003

(iii) The recovered amount of NPV shall be deposited in Ad- hoe CAMPAs, as already intimated vide D.O. letter of even number dated 20th May, 2006 of the Director General of Forests and special Secretary, Ministry Environment and Forests

4. Progress of recovery of NPV in request of the cases explained herein before in para3 (i) may be submitted under the signature of the chief Secretary /Administrator of the State/UT Government, as the case may be, on 1st day of every month, so that the report may be filed before the Hon'ble Supreme Court. The matter may be treated on the top Priority

5. The Ministry's letters No. 5-1/98-FC (Pt.II) dated 17th /18th September 2003 and 19th /22nd September 2003 stand modified to the above extent

Yours faithfully,
(Sandeep Kumar)
Assistant Inspector General of Forests

Copy to:

1. Principal Secretary /Secretary (Forests), All State/UT Governments
2. Principal Chief Conservator of Forests, All States/UTs
3. Nodal Officer , O/o PCCF, All States /UTs
4. All Regional Officers of the Ministry of Environment and Forests. Government of India
5. RO(HQ), MoEF, New Delhi
6. Monitoring Cell, FC Division, MoEF, New Delhi
7. Guard File.

F.No.11-47/2006-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex,
Lodhi Road,
New Delhi – 110 003
Dated: 6th October, 2006

To

1. Principal Secretary/Secretary (Forests),
All State/Union Territory Governments
2. Principal Chief Conservator of Forests
All States/Union Territories

Sub: Guidelines for preparation of projects to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for construction of roads passing through a number of Divisions/Districts/States.

Sir,

The Ministry has been receiving references in respect of practical difficulties being faced at the State level for preparation of projects to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for construction of roads passing through a number of Divisions/Districts/States. The existing guidelines in this regard under the Forest (Conservation) Act, 1980 have been recently revisited in consultation with various stakeholders (National Highways Authority of India/State Governments) and on the basis of the recommendations of the Forest Advisory Committee constituted under Section-3 of the said Act, following revised guidelines are hereby issued by the Central Government:

1. All completed proposals of Sub-Projects (of NHAI) shall be submitted to the Ministry of Environment and Forests (MoEF) or its Regional Offices, as the case may be, for obtaining forestry clearance in the form of single consolidated proposal. Basic unit of project proposal for diversion of forest land for construction of road shall be the Sub-Project for consideration under the provisions of Forest (Conservation) Act, 1980.
2. Entire forest land involved in all such Sub-Projects shall be considered in the consolidated proposal for diversion by the Central Government
3. Each consolidated proposal for forestry clearance shall be essentially accompanied by a detailed Route Map of roads intended to be upgraded/renovated/reconstructed /realigned in the entire State, and also in the adjoining States (wherever possible). The Route Map shall be depicted on a Survey of India toposheet of 1:50,000 scale, or in a case of non-availability of Survey of India toposheet on a detailed map of suitable scale. This map should be essentially superimposed (preferably using GIS technology), on forest cover map of the area, showing clearly the road route through different categories of forest areas, e.g., Reserved Forest/Protected Forest/Deemed Forest/National Parks/Sanctuaries/other wildlife areas etc. The sub category (i.e. natural forest, plantation etc.), density, species etc. of the forest areas should be clearly indicated on the map.
1. An undertaking shall be furnished by the User Agency along with each Sub-Project to the effect that in case of the road, or part thereof, passing through any National Park/Sanctuary, prior permission of the National Board for Wildlife (NBWL) and Hon'ble Supreme Court shall be obtained before posing the proposal for clearance under the Forest (Conservation) Act, 1980, and that in case the Hon'ble Supreme Court, in its order, directs the User Agency to avoid use of forest land in a particular National Park/Sanctuary, the User Agency shall forthwith comply with the Court's directions by immediately effecting the change in alignment of the proposed road to detour the National Park/Sanctuary. The User Agency shall also give an undertaking that forestry clearance

of other stretches of the same or other Sub-Projects shall not be cited as reason for clearance of any particular stretch in future

Para 2.2(iii) of the guidelines issued by the Ministry of Environment and Forests under the Forest (Conservation) Act, 1980 stand modified to the above extent.

This issues with the approval of the Competent Authority.

Yours faithfully,

Sd/-

(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to:

1. Nodal Officers (FC) O/o the PCCF, All States/Union Territories.
2. Chairman, National Highways Authorities of India (Ministry of Shipping, Road Transport and Highways), G-5 & 6, Dwarka, New Delhi- 110 075
3. All Regional Offices of Ministry of Environment and Forests
4. RO(HQ), MoEF, New Delhi.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard file.

Sd/-

(Sandeep Kumar)

Assistant Inspector General of Forests

**IN THE SUPREME COURT OF INDIA
WRIT PETITION NO. 460/2004
GOA FOUNDATION V/S UNION OF INDIA
ORDER DATED 4.12.2006
UPON hearing counsel the Court made the following**

O R D E R

The order dated 16th October, 2006 refers to a letter dated 27th May, 2005 which was addressed by the Ministry of Environment and Forests (MoEF) to the Chief Wildlife Wardens of all States/Union Territories requiring them to initiate measures for identification of suitable areas and submit detailed proposals at the earliest. The order passed on that date was that MoEF shall file an affidavit stating whether the proposals received pursuant to the letter of 27th May, 2005 have been referred to the Standing Committee of National Board for Wildlife under the Wild Life (Protection) Act, 1972 or not. It was further directed that such of the States/Union Territories who have not responded to the letter dated 27th May, 2005 shall do the needful within four weeks of the communication of the directions of this Court by the Ministry to them.

It seems that despite the letter dated 27th May, 2005 and despite the Ministry having issued reminders and also bringing to the notice of the States/Union Territories the orders of this Court dated 16th October, 2006, the States/Union Territories have not responded. However, we are told that the State of Goa alone has sent the proposal but that too does not appear to be in full conformity with what was sought for in the letter dated 27th May, 2005.

The order earlier passed on 30th January, 2006 refers to the decision which was taken on 21st January, 2002 to notify the areas within 10 km. of the boundaries of national parks and sanctuaries as eco-sensitive areas. The letter dated 27th May, 2005 is a departure from the decision of 21st January, 2002. For the present, in this case, we are not considering the correctness of this departure. That is being examined in another case separately. Be that as it may, it is evident that the States/Union Territories have not given the importance that is required to be given to most of the laws to protect environment made after Rio Declaration, 1972.

The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its letter dated 27th May, 2005. The State of Goa also is permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communication sent to the States/Union Territories shall make it clear that if the proposals are

not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21st January, 2002, namely, notification of the areas within 10 km. of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril.

The MoEF would also refer to the Standing Committee of the National Board for Wildlife, under Sections 5 (b) and 5 (c) (ii) of the Wild Life (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km. zone.
List the matter after eight weeks.

(N. Annapurna) 5/12/06
Court Master

(V.P. Tyagi) 5/12/06
Asstt. Registrar.

F.No.11-66/2004-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavarn Bhavan
CGO Complex
Lodhi Road
New Delhi -110 003
Dated: 13.11.2007

To,
The Principal Secretary/Secretary (Forests)
(All State/UTs)

Sub: Applicability of Forest (Conservation) Act, 1980 for activities that are necessary for ex-situ conservation of wild animals including upkeep and management of animals through Zoological Parks/ Zoos/ Biological Parks over forest land.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representations seeking clarification in respect of applicability of Forest (Conservation) Act, 1980 for activities that are necessary for ex-situ conservation of wild animals including upkeep and management of animals through Zoological Parks/Zoos/Biological Parks located in forest areas.

After careful examination of the proposal of the respective Chief Wildlife Wardens of various State Governments and on the basis of the recommendations of the Forest Advisory Committee. The Central Governmental hereby conveys that activities required to be done in zoo as per the approved management plan will not attract the provisions of the Forest (Conservation) Act, 1980 provided such activities are necessary for management of animals & imparting education and have the prior approval of CZA.

(C.D. Singh)
Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs.
2. The Nodal Office (FC), O/o the PCCFs, All States/UTs.
3. All the Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
4. The RO (HQ), MoEF, New Delhi.
5. Monitoring Cell, FC Division, MoEF, New Delhi
6. Guard File.

(C.D. Singh)
Assistant Inspector General of Forests

F.No. 5-2/2007-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated 17.01.2008

To
The Principal Secretary/ Secretary (Forests)
All State/ UT Governments

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – designating an authority to approve the mining plan in respect of minor and major minerals.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representation seeking clarification in respect of competent authority for approval of mining plan for coal – whether it is the Controller of Coal or Ministry of Coal & Mines.

After careful examination of the proposal and in view of the opinion of the Coal Controller, Ministry of Coal & Mines and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its approval for modification of the existing provision given under 2.1 (7)(2) of the Handbook of Forest (Conservation) Act, 1980 – Guidelines and Clarifications. The modified provisions will read as "*mining plan should be approved by the competent authority for concerned minerals e.g. for coal it should be approved by Ministry of Coal & Mines and for major minerals by IBM and so on*"

(C.D. Singh)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs.
2. The Nodal Officer (FC), O/o the PCCFs, All States/ UTs.
3. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
4. The RO (HQ), MoEF, New Delhi.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

(C.D. Singh)

Assistant Inspector General of Forests

F.No. 5-1/2007-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110510
Date: 11th December 2008

To,

The Principal Secretary/Secretary (Forests)
All State/UT Governments.

Sub: Clarification on payment towards cutting, felling logging and transportation charges of project affected trees in addition to Compensatory Afforestation (CA) and Net Present Value (NPV) under the Forest (Conservation) Act, 1980.

Sir,

I am directed to refer to various communication received from different state/UT Government and different User/Project implementing Agencies on the subject cited above seeking clarification on payment towards cutting , felling logging and transportation charges of trees to the state Forest Departments I addition to compensatory Afforestation (CA) and Net Present Value (NPV).

In this connection, I am directed to say that the matter has been examined in the Ministry in terms of various orders of Hon'ble Supreme Court of India and other relevant Acts/Rules/Guidelines on the subject including the Hon'ble Supreme Court's judgment dated: 28.3.2008 and to inform that the User/Project Implementing Agencies are not required to pay

the cost of trees to the State Forest Departments but are required to make payment towards cutting, felling logging and transportation charges of project affected trees to the State Forest Department in addition to Compensatory Afforestation (CA) and Net Present Value (NPV) . The guidelines issued vide our letter no. 5-1/98-FC (Pt-II) dated: 29-3-2005 (copy enclosed) are relevant and in force. These Contain detailed procedure in this regard.

It is also requested to bring this to the knowledge of all concerned

Yours faithfully,

(C. D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests , All States
2. The Nodal Officer (FCA), Forest Department, All States
3. The Chief Conservation of Forests (Central), Regional Office , All Regions
4. The User Agency/Directorate General Border Roads, New Delhi with reference to their letter no. 2183/FC/DGBR/L64/LTP (Plg) dated:-05.11.2008.
5. Monitoring Cell
6. Guard File

Yours faithfully,

(C. D. Singh)

Sr. Assistant Inspector General of Forests

F.No. 5-2/2007-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated 17.01.2008

To

The Principal Secretary/ Secretary (Forests)
All State/ UT Governments

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – designating an authority to approve the mining plan in respect of minor and major minerals.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representation seeking clarification in respect of competent authority for approval of mining plan for coal – whether it is the Controller of Cost or Ministry of Coal & Mines.

After careful examination of the proposal and in view of the opinion of the Cost Controller, Ministry of Coal & Mines and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its approval for modification of the existing provision given under 2.1 (7)(2) of the Handbook of Forest (Conservation) Act, 1980 – Guidelines and Clarifications. The modified provisions will read as "*mining plan should be approved by the competent authority for concerned minerals e.g. for coal it should be approved by Ministry of Coal & Mines and for major minerals by IBM and so on*"

(C.D. Singh)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs.
2. The Nodal Officer (FC), O/o the PCCFs, All States/ UTs.
3. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
4. The RO (HQ), MoEF, New Delhi.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

(C.D. Singh)

Assistant Inspector General of Forests

F.No.01-9/1998-FC (Pt)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhavan,
CGO Complex, Lodhi Road
New Delhi-110 510
Dated: 03.08.2009

To

The Chief Secretary/Administrator
(All State/UT Government except J&K)

Subject: Diversion of forest land for non-forest purposes under the Forest (Conservation), Act, 1980 – ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights), Act 2006.

In continuation to this Ministry's letter of even number dated 30.7.2009, I am directed to invite the attention of the State Government to the operationalization of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which has become effective from 01.01.2008. It is observed that the proposals under the Forest (Conservation), Act, 1980 are being received from different state/UT Governments with the submission that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed later on.

Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980. The State/UT Governments are, wherever the process of settlement of Rights under FRA has been completed or currently under process, required to enclose **evidences for having initiated and completed the above process, especially among other sectors, Sections 3(1)(f), 3(1)(e) and 4(5).** These enclosures of evidence shall be in the form of following:

- a. A letter from the State Government certifying that that complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held ;
- b. A letter from the State Government certifying that proposal for such diversion (with full details of the project of the project and its implications, in vernacular/local languages) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- c. A letter from each of the concerned Gram Sabhas, indicating that all formalities/processes under the FRA have been carried out, and **that they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any**, having understood the purposes and details of proposed diversion.
- d. A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under Section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it.
- e. A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;
- f. Obtaining the written consent or rejection of the Gram Sabha to the proposal.
- g. A letter from the State Government certifying that the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable, have been specifically safeguarded as per Section 3(1)(e) of the FRA.**
- h. Any other aspect having bearing on operationalisation of the FRA.

The State/UT Governments, where process of settlement of Rights under the RFA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

This is issued with approval of the Ministry of Environment and Forests.

Sd/
(C.D. Singh)
Sr. Assistant Inspector General of Forests

F.No.5-3/2007-FC (Pt.II)
Government of India
Ministry of Environment & Forests
F.C. Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 510.

Dated: 8th September, 2009

To
The Principal Secretary / Secretary (Forests),
All States/UT Governments.

Sub: Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – Guidelines for relocation/rehabilitation of villages from National parks / wildlife sanctuaries / Tiger Reserves – regarding.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving representations from different State / UT Governments stating that the clause 'legal status of forest land shall remain unchanged' precludes possibility of relocated villages, who are by and large tribals, from becoming absolute owners of the land allocated to them and by retaining the status of land as 'forests', several ongoing developmental works in the district are not implemented in the area, which deprives the relocated people from their due benefits. After careful examination of the issue, the matter was taken up with the Central Empowered Committee (CEC) which recommended to the Supreme Court for relaxation of its order dated 13.11.2000 in WP (C.) No.337/1995, to permit Ministry of Environment and Forests (MoEF), to allow change in the legal status of the forest land approved for diversion under the Forest (Conservation) Act, 1980 for the relocation of villages from the National Parks/ Sanctuaries.

The Hon'ble Supreme Court of India vide its order dated 21.11.2008 in IA 1658 in WP (C.) No. 202/1995, referring to the CEC's report for permission for change in the legal status of the forest land diverted under Forest (Conservation) Act, 1980 by the MoEF, for rehabilitation of villagers of three villagers in Andhari Wildlife Sanctuary, Maharashtra, ordered that "... we make it clear that despite the order passed by this Court on 13.11.2000, the MoEF is permitted to change in the legal status of the forest land approved under the Forest (Conservation) Act, 1980 for relocation of these villages for the purpose of extending the boundary and for rehabilitation of the tribal people residing there". It is also informed that the Hon'ble Supreme Court of India vide its order dated 09.05.2008 regarding correction of the judgment dated 28.03.2008 has already accorded 'full exemption' from payment of Net Present Value (NPV) to the relocation / rehabilitation of villages from National parks/wildlife sanctuaries/Tiger Reserves to alternate forest land. In this connection, this Ministry's letter of even number dated 05.02.2009 may kindly be referred to.

In view of the above, I am directed to convey the approval of the Central Government for changing the legal status of forest land, with retrospective effect covering all such cases of diversion of forest land, diverted under Forest (Conservation) Act, 1980 for relocation/ rehabilitation of villages from National parks/ wildlife sanctuaries/ Tiger Reserves from 'forest land' to 'revenue land'.

It is further reiterated that this stipulation is strictly restricted to relocation/ rehabilitation of villages from National parks/ wildlife sanctuaries/Tiger Reserves.

This is issues with the approval of competent authority.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs.
2. The Chief Wildlife Wardens, All States/UTs.
3. The Nodal Officer (FCA), O/o the PCCFs, All States/UTs.
4. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneswar, Lucknow and Chandigarh.
5. The RO (HQ), MoEF, New Delhi.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard File.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

F.No. 11-9/1998-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110 510.
Dated: 3rd May, 2010

To
The Principal Secretary/ Secretary (Forests)
All State/ UT Governments

Sub: Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980. Guidelines for 'Transfer of Lease' from one user agency to another user agency regarding.

Sir,

The Ministry of Environment & Forests, Government of India has been receiving representations from various project proponents/ individuals through different State/ UT Governments seeking directions/ guidelines of the Central Government on transfer of lease, particularly mining lease, with respect to area limit, cases of death or inheritance of individual incumbent, liquidation of companies, etc., the questions have been raised about imposition of transaction/ transfer fee for such transfers of leases.

In this connection, it is submitted that similar matter was taken up in the Forest Advisory Committee (FAC) on 17.09.2009 and the FAC recommended that transfer of leases, being an administrative issue need not be brought before the FAC, and the Administrative Ministry may take a decision in this regard. Accordingly, the matter was analyzed in the Ministry and it was noted that any diversion of forest land is for a specific purpose for a specific applicant/ user, however, transfer can be considered for the same purpose and under the same conditions.

In view of the above, I am directed to convey the approval of the Central Government to levy 10% Net Present Value (NPV) or Rs. 1,0,000/- whichever is less, as transfer fee to discourage middle man from processing proposals and then selling it to others under the provisions of the Forest (Conservation) Act, 1980. This, however, is not applicable in case of Wind Power Generation, which involves large number of transferees.

This is issued with the approval of competent authority.

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/ UTs
2. The Chief Wildlife Wardens, All States/ UTs
3. The Nodal Office, (FCA), O/o the PCCFs, All States/UTs

F. No. 5-3/2007-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110510
Date: 17th May, 2010

To,
The Principal Secretary/Secretary (Forests)
All State/UT Governments.

Sub: Clarification regarding the construction of permanent structures for Eco- Tourism in the forest areas.

Sir,

I am directed to refer the letter No. 4334 dated. 22.03.2010 from the Principal Chief Conservator of Forest Haryana on the subject mentioned above seeking clarifications on the construction of permanent structure for Eco- tourism in the forest areas. In this connection, the matter has been examined in the Ministry and the Eco- tourism has been regarded as non-forest

activity. As such taking up of any non forest activity including permanent structures amounts in violation of the provisions of the Forest (Conservation) Act, 1980.

In view of the above , I am directed to request the state Government to provide the list of all such activities undertaken in the forest area without the prior approval of the Central Government under the Forests (Conservation) Act, 1980, Further , the officers responsible for the violation of the Forest (Conservation) Act, 1980 in permitting the non-forestry activities including construction of facilities for Eco-tourism in the forest areas be identified and action should be initiated against such erring officials. The action taken report on this may please be sent to this Ministry urgently.

This is issued with the approval of competent authority.

Yours faithfully,

(C. D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests , Government of Haryana, Chandigarh, for information and necessary action,
2. The Nodal Office, (FCA), O/o the PCCFs, Haryana for information
3. The Regional Chief conservator of Forests, Regional Office, Chandigarh for information

Yours faithfully,

(C. D. Singh)

Sr. Assistant Inspector General of Forests

F.No. 5-3/2007-FC (Pt.I)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110 510.

Dated: 24th May, 2010

To

The Principal Secretary/ Secretary (Forests)

All State/ UT Governments

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980-modification in para 2.5 (ii) – regarding.

Sir,

This is with reference to the disharmony in terms of delegation of powers noticed in para 2.5 (ii), para 4.1 (ii) and para 4.1 (v) of the guidelines compiled in the Handbook of Forest (Conservation) Act, 1980 Guidelines and Clarifications to the Regional Offices of the Ministry of Environment & Forests. It has been felt that this disharmony has impacted valuable avenue delegated to Regional Offices for dealing/ recommending cases of forest diversion under guidelines 4.1 (ii) and 4.1 V(a) and the matter was placed before the FAC which recommended the need to mention the limit of 40 ha under guideline 2.5 (ii) as well.

In view of the above, the approval of the Central Government is hereby conveyed to modify the provisions of the guidelines and replace the words "**irrespective of the area**" under para 2.5 (ii) with "**subject to the provisions under guidelines para 4.1 (ii) and para 4.1 (v) (a)**"

This is issued with the approval of competent authority.

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs.
2. The Nodal Office, (FCA), O/o the PCCFs, All States/ UTs.
3. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneswar, Lucknow and Chandigarh.
4. F.No. 2-1/203-FC and F.No.5-5/98-FC
5. The RO (HQ), MoEF, New Delhi.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. PS to IGF (FC)
8. Guard File.

F.No. 5-3/2007-FC (Pt.I)
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110 510.
Dated: 29th June, 2010

To
The Principal Secretary/ Secretary (Forests)
All State/ UT Governments

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980-modification in para 2.5 (ii) – regarding.

Sir,

This is with reference to the disharmony in terms of delegation of powers noticed in para 2.5 (ii), para 4.1 (ii) and para 4.1 (v) (a) of the guidelines compiled in the Handbook of Forest (Conservation) Act, 1980 Guidelines and Clarifications to the Regional Offices of the Ministry of Environment & Forests. It has been felt that this disharmony has impacted valuable avenue plantations and thus serene ambience along the roads/canals/railway lines, etc. The powers delegated to Regional Offices for dealing/recommending cases of forest diversion under guidelines 4.1 (ii) and 4.1 V (a) is upto 40 ha, whereas under 2.5 is without any restriction.

The above disharmony was examined in the Ministry in light of provisions given under guidelines 2.5 (ii), para 4.1 (ii) and para 4.1 (v) (a) and the matter was placed before the FAC which recommended the need to mention the limit of 40 ha under guideline 2.5 (ii) as well.

In view of the above, the approval of the Central Government is hereby conveyed to modify the provisions of the guidelines and replace the words "**irrespective of the area**" under para 2.5 (ii) with "**subject to the provisions under guidelines para 4.1 (ii) and para 4.1 (v) (a)**".

Yours faithfully,
(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs.
2. The Nodal Office, (FCA), O/o the PCCFs, All States/ UTs.
3. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
4. F.No. 2-1/203-FC and F.No.5-5/98-FC
5. The RO (HQ), MoEF, New Delhi.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. PS to IGF (FC)
8. Guard File.

(Umakant)

Assistant Inspector General of Forests

F. No. 5-3/2007-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavarn Bhavan
CGO Complex, Lodhi Road
New Delhi -110 003
Dated: 19th August, 2010

To,
The Principal Secretary/Secretary (Forests)
(All States)/UT Governments.

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representations from various Ministries and the State/UT Governments seeking

clarification in respect of norms for Survey and Investigation (Prospecting of ores) on forest land. The Ministry of Mines requested for special dispensation in the form of exemption under the provisions of guidelines 1.3(v) of the handbook of Forest (Conservation) Act, 1980 to the Geological Survey of India (GSI) on the plea that GSI's activities are of general survey nature, to be done systematically all over the Country, for locating mineralization for better land use planning.

The matter was referred to the Forest Advisory Committee, which listened to the presentations made by the representatives of Ministry of Mines, Ministry of Coal, GSI, Indian Bureau of Mines (BM), & Mineral Exploration Corporation Limited (MECL) highlighting their role in prospecting of mineral resources and their requirement and noted the different requirements of different organizations. The suggested modification in the guidelines by the Ministry of Mines for allowing Geo-scientific investigation by GSI and other Government agencies for prospecting exploration (G3) under prospecting license, which may involve shallow pitting, trenching and sampling, including collection of samples of rock, soil, fossils, water, stream sediment, etc., without attracting the provisions of the Forest (Conservation) Act, 1980 provided there is no felling of trees.

After careful examination of the proposal and on the basis of recommendations of the Experts and on the basis of recommendations of the Forest Advisory Committee, the Central Government hereby conveys its approval for replacing the existing provision given under 1.3 (v) under Investigation and Survey of the Handbook of Forest (Conservation), Act, 1980 – Guidelines Clarifications (up to June 2004) guidelines (circulated vide this ministry's letter of even number dated 16.12.2008) with the provision as given below :

*"Prospecting of any Mineral, done under prospecting license granted under MMRD Act, which requires collection/ removal of samples from the forest land, would be stage between survey and investigation and grant of mining lease and as such permission under Forest (Conservation), Act, 1980 would be required. However, **in case of coal, lignite and metallic ores** – test drilling upto 20 boreholes of maximum 8" dia per 10 sq km **and in case of non-metallic ores excluding coal and lignite** – test drilling up to 16 boreholes of maximum 6.6" dia per 10 sq km for prospecting exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act, In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.*

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The PMO (kind attention, PMO)
2. The Secretary, Ministry of Mines, Shastri Bhawan, New Delhi for information
3. The Secretary, Ministry of Coal, Shastri Bhawan, New Delhi for information
4. The Principal Chief Conservator of Forests, All States/UTs.
5. The Nodal Officer (FCA), O/o. the PCCFs, All States/UTs.
6. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
7. The Chief Controller of Mines, 2nd Floor, block 'B' Indra Bhawan, Civil Lines, Nagpur -440 102 for information and necessary action (Fax-712-2565488)
8. The HOD (Exploration), Mineral Exploration Corporation Ltd., (MECL), Dr. Babasaheb Ambedkar Bhavan, Highland drive Road, Seminary Hills, Nagpur -440006 for information and necessary action (Fax-0712-2510133)
9. The Director General, Geological Survey of India (GS, 27. J.L. Nehru Road, Kolkatta- 700016, West Bengal for information and necessary action. (Fax-033-22861656)
10. All DIGFs/Sr.AIGFs/AIGFs/RO(HQ), MoEF, New Delhi
11. Monitoring Cell, FC Division, MoEF, New Delhi
12. Guard File.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

F.No.5-3/2007-FC
Government of India
Ministry of Environment and Forests
F.C. Divison

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110 003.
Dated: 10th January, 2011

To

The Principal Secretary/Secretary (Forests),
All States/UT Governments.

**Sub: Diversion of forest land for non forestry purposes under Forest (Conservation) Act, 1980
– Guidelines for construction of school buildings for benefit of the people – reg.**

Sir,

The Ministry of Environment & Forests at New Delhi and its Regional Offices are receiving large number of proposals from different states/UTs, including the newly constituted states like Uttarakhand, seeking prior approval of the Central Government under Section -2 of the Forest (Conservation) Act, 1980 for diversion of Forest Land for the purpose of schools, hospitals and any other buildings, which are for the benefit of the people. The proposals also include offices and other residential buildings for the newly created district/sub division/block level offices.

The matter has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section -3 of the Forest (Conservation) Act, 1980 wherein it has been noted that the Kendriya Vidyalaya Sangthan, an organisation under the Ministry of Human Resource Development, has laid Guidelines for minimum and desirable requirements of areas for opening of Kendriya Vidyalayas (Central School) at various locations including hilly areas.

Sl.No.	Location	Min. requirement (in acres)	Desirable extent(in acres)
1.	Metropolitan City	2	4
2.	Hilly areas	4	8
3.	Urban area	4	8
4.	Semi-Urban/rural areas	5	10

The Kendriya Vidyalaya Sangthan's circular also highlights that the sponsoring authority will be liable to provide as per the 'desirable norms' but where that does not become possible best efforts, they would be under obligation to make available land at least to the extent of minimum norms, free of cost. The FAC, after taking all above factors into account, recommended the "minimum" area norm in hilly areas for construction of schools, where non forest land is not available.

In view of the above, I am directed to convey the approval of the Central Government for "minimum" norm in hilly areas (i.e 4 acres or 1.62 ha.) for construction of schools, where non forests land is not available with the following conditions:

- a. A certificate from the district Magistrate that non-forest land is not available for the school building/other building construction in the area.
- b. Reserve forest land with density more than 0.4 shall not be allowed.
- c. Felling more than 75 trees per hectare shall not be considered in any kind of forest.
- d. Besides Compensatory Afforestation as per the Guidelines, the concerned authority should be ensure plantation in vacant areas, wherever available within the school premises.

It is further reiterated that this stipulation is strictly restricted to construction of schools in hilly areas where non-forest land is not available.

Yours faithfully,

Sd-

(C. D. Singh)

Deputy Inspector General of Forests

Copy to:

1. The PMO (kind attention: Director, PMO)
2. The Member Secretary, Planning Commission, Yojana Bhawan, New Delhi.
3. The Secretary, Ministry of Human Resource Development, Shastri Bhawan, New Delhi.
4. The Principal Chief Conservator of Forests, All States/UTs.
5. The Nodal Officer (FCA), o/o the PCCFs, All States/UTs.

6. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneswar, Lucknow and Chandigarh.
7. The RO (HQ), MoEF, New Delhi.
8. Monitoring Cell, FC Division, MoEF, New Delhi.
9. Guard file.

Sd-
(C.D. Singh)

Deputy Inspector General of Forests

F.No. 5-3/2007-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110510
Date: 17th January 2011

To,

The Principal Secretary/Secretary (Forests)
All State/UT Governments.

Sub: Guidelines under Forest (Conservation) Act, 1980 for black topping and bituminous work under Pradhan Mantri Gramin Sadak Yojana (PMGSY) using cold mix.

Sir,

The Ministry of Environment and Forests Government of India has been receiving number of representations from various Ministries and the State /UT Governments seeking black topping and bituminous work of PMGSY using cold mix. Similar references were also may by the Improved Group of Officers, constituted by Cabinet Secretariat to suggest measures for accelerated development of Left Wing Extremism (LWE) affected areas.

The matter has been examines in the Ministry by the Forest Advisory Committee (Fact) constituted by the Central Government under section-3 of the Forest (Conservation) Act ,1980, where in it has been noted that forest management roads are normally kateha fair-weather roads, constructed for forest management, including protection and conservation works, without the approval under the Forest (Conservation) Act and are appearing in the Working Plan of the forest area, It was also noted that there is already a provision under the guidelines to convert forests management roads, constructed before 25.10.1980 into pucca road without attracting the provisions of Forest (Conservation) Act , 1980.

The Committee further noted that forest management roads, constructed after 25.10.1980, are not only used for protection, management and conservation of forests, but also often used by tribal & local forest dwellers living in & around forests. These roads act as fire lines and help in protection of forests from forest fires. During rainy season, these roads get cur off for 4 months making the movement of people difficult especially in LWE affected area, The FAC, after taking all above factors into account, recommended the black topping and bituminous work of forests management roads under Pradhan Mantri Gramin Sadak Yojana (PMGSY) using cold mix.

In view of the above, I am directed to convey the approval of the Central Government under the provisions of Forest (Conservation) Act, 1980 for black topping and bituminous work of those management roads, which have been brought under Pradhan Mantri Gramin Sadak Yojana (PMGSY) subject to fulfillment of the following conditions:

1. Bitumen cold mix for black topping should be prepared outside the forest or at an approved site by the DFO.
2. The project proponent shall maintain the curves of the roads inside the forest and will not straighten the same.
3. The project proponent shall install speed breakers and speed control signages at regular intervals to avoid accident with wild animals.
4. The project proponent shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road
5. The project proponent shall provide side drains for proper drainage.

Yours faithfully,
(C. D. Singh)

Deputy Inspector General of Forests

F.No. L-UP/952/1996-FC-V
Government of India
Ministry of Environment of Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 510
Dated: 11th February, 2011.

To

The Chief Conservator of Forest (Central)
Central Regional Office,
Kendriya Bhawan, 5th Floor,
Aliganj, Lucknow.

Sub: Guidelines under Forest (Conservation) Act, 1980 for diversion of private forest land for construction of residential buildings – reg.

Sir,

The Ministry of Environment & Forests at New Delhi and its Regional Office, Lucknow have been receiving proposals from different individuals of the State of Uttarakhand seeking 'No objection certificate'/FC clearance under Forest (Conservation) Act, 1980 for construction of residential buildings/dwelling house on their private forest land in light of Ministry's letter No.11-2/98-FC dated 31.3.2000 & 28.2.2001, *inter-alia*, stating the State Government will forward all such cases of construction of building on private forest land in Mussorie to Central Government for seeking ex-post facto approval and the Central Government will process these proposal in accordance with the rules framed under the FC Act 1980 without making any final order: and FC Act is attracted for all types of forests including dictionary sense. Accordingly, the proposals of construction of houses for residential purpose, even over private forest land, are not being considered in view of Para 4.5 of FCA guidelines which states that "*the Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling house*".

The proposal of the Regional Office, Lucknow for diversion of private forest land for construction of residential buildings/dwelling houses was placed before the Forest Advisory Committee (FAC), which noted that more than 1000 cases of construction of houses in Mussorie Dehradun Development Authority (MDDA) area are pending for final decision as they have been referred to the Hon'ble Supreme Court by the Supreme Court Monitoring Committee. The Supreme Court, in its judgement dated 19.01.2009, has directed, *inter-alia*, the High Court of Uttarakhand at Nainital to hear such cases of MDDA individually and pass suitable directions. It was informed that part works in some of the cases had already been carried out, before it was stopped as per the direction of Supreme Court in Writ Petition © No. 749/1995 in the year 1996. It was also noted that there is no such restriction on construction is bonafide residential buildings in other hill areas of the country.

Taking above factors into account and looking into the merit of the cases pending for FC clearance in Regional Office, Lucknow, and on the basis of the recommendations of the FAC, the approval of Central Government is hereby conveyed to modify the para 4.5 of the guidelines under the Forest (Conservation) Act, 1980 to allow construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand subject to fulfillment of following conditions:

1. Construction activity for residential purpose in private forest area shall be allowed only for domestic purposes and shall not be extended to any institutional building or commercial development.
2. The construction activities shall be restricted to a maximum of 250 sq m of built up area in each case.
3. The construction of residential buildings in private forests is permitted in MDDA areas and other parts of Uttarkhand State only in order to alleviate hardship of homestead owners for constructing/completing their bona-fide residential buildings.
4. The permission will be subject to:
 - i. Tree felling should be minimum.
 - ii. Sufficient soil conservation measures should be taken.
 - iii. Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.

5. All other standard conditions required for such projects including planting of tree species and NPV.

It is further reiterated that this stipulated is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand, where non-forest land is not available.

Yours faithfully,

Sd-

(C. D. Singh)

Deputy Inspector General of Forests

Copy to:

1. The Principal Secretary (Forests), Government of Uttarakhand, Dehradun for information.
2. The Principal Chief Conservator of Forests, Government of Uttarakhand, Dehradun.
3. The Nodal Officer (FCA). O/o the PCCFs. Government of Uttarakhand, Dehradun.
4. Regional Offices of MoEF, Bhopal, Shillong, Bangalore, Bhubaneshwar & Chandigarh.
5. The RO (HQ), MoEF, New Delhi.
6. All Sr. AIGF/AIGF of FC Division.
7. Monitoring Cell, FC Division
8. Guard file.
9. File No.5-3/2007-FC

(C.D. Singh)

Deputy Inspector General of Forests

F.No. 11-9/ 98-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
Dated: 8th July, 2011

To

The Principal Secretary (Forests)

All State/ Union Territory Governments except Jammu and Kashmir.

Sub: Submission of Geo-referenced digital data for applications under Forest (Conservation) Act, 1980.

Sir,

I am directed to say that to ensure accurate delineation of the forest area proposed to be diverted, in future all applications seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose must be accompanied with geo-referenced boundary in shape file. The application should also contain a digital map along with a hard copy duly authenticated by competent authority in the State Government, of the forest land proposed for diversion, prepared by using Total Station or differential GPS. In case the applicant desires, the above digital mapping of the area should be done by the respective State Forest Department by realizing appropriate cost from the user agency.

Yours faithfully,

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all State/ UT Governments except Jammu and Kashmir.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/. UT Governments except Jammu and Kashmir.
3. All Regional Offices, Ministry of Environment & Forests
4. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
5. Dy. Secretary, R.O. (HQ), Ministry of Environment & Forests, New Delhi.
6. Guard File.

(H.C. Chaudhary)

Assistant Inspector General of Forests

F.No. 8-66/2009-FC-pt
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110510
Date: 30th September 2011

To

The Principal Secretary (Forests)
All states/UT Governments except Jammu and Kashmir

Sub: Guidelines for re-diversion of forest land under the Forest (Conservation) Act, 1980
Sir,

I am directed to say that this ministry received proposals for re-diversion of a part or whole of the forest land that has already been diverted under the Forest (Conservation) Act 1980. To facilitate decisions on such proposals, this Ministry, on the basis of the recommendations made by the Forest Advisory Committee constituted under Section 3 of the aforementioned Act, hereby issues following guidelines:

- (i) "Re-diversion" may be defined as the diversion of a part of already diverted forest land for using for another non-forest use by some other user agency while continuing the use of whole of the diverted land by the primary user agency in whose favour the land has already been diverted earlier.
- (ii) The procedure in respect of re-diversion (second and unrelated use) of forest land shall be as below
 - (a) Re-diversion of forest land to another user agency of already diverted forest land shall normally be considered if the proposed new use / activity (both for public utility or otherwise) is compatible with and does not hinder its use for which the forest land already stands diverted. However, with prior written consent of the primary user agency, permission for re-diversion may be accorded for the activities which are not fully compatible with the activity for which the forest land has already been diverted. No amount shall however be levied by the primary user agency for grant of such consent. Declaration that no amount has been levied by him to accord the consent shall be integral part of his consent.
 - (b) In case the primary user agency feels that re-diversion of forest land although not incompatible but may hinder compliance of any of the conditions stipulated while according approval for its diversion in its favour, details of such conditions along with desired amendment may be indicated in its consent letter.
 - (c) All proposals seeking re-diversion shall be accompanied with a written consent (along with a declaration that no amount has been levied while giving the consent) of the primary user agency. However, in case the applicant user agency seeking re-diversion is of the view that though the proposed use/activity by him is fully compatible with and does not hinder in any manner execution of the activity for which the forest land has already been diverted in favour of the primary user agency, but the primary user agency has refused to accord his consent, it may request the Nodal Officer, giving him the full details of the activities for which the forest land has been diverted in favour of the primary user agency and the activities proposed to be undertaken by it to accept the proposal without proper consent of the primary user agency. On receipt of any such request if the Nodal Officer may after hearing the primary user agency (after giving him advance notice) is satisfied that the such activities are compatible, he may accept the proposal for re-diversion even without the consent of the original user agency. In such cases in lieu of the consent from the original user agency, a note from the Nodal Officer giving full details of the basis on which such decision has been taken by him shall be enclosed with the proposal.
 - (d) In case Central Government is satisfied that re-diversion of the forest land may hinder compliance of any of the conditions stipulated for diversion of forest land in favour of the original user agency, the Central Government while according approval for re-diversion may appropriately amend such conditions. Any additional condition to be fulfilled by the original user agency to facilitate the new user agency to use the forest land re-diverted

in its favour shall also be stipulated by the Central Government on case-to-case basis while according its approval for re-diversion.

- (e) Conditions to be fulfilled by the secondary user agency (including its rights and responsibilities) shall be stipulated by the Central Government on a case-to-case basis while according approval for re-diversion.
- (f) Full amount of NPV for the re-diverted land, at the rate applicable on the date of re-diversion, shall be realized from the second user agency by the State/UT Governments concerned.
- (g) Cost to raise compensatory afforestation shall however be recovered from the secondary user agency if the same in respect of the forest land proposed for re-diversion has not already been recovered from the primary user agency.
- (h) Boundary of the re-diverted forest land shall be clearly demarcated on the ground by the secondary user agency.
- (i) To prevent any speculative trade in forest land, no amount in the name of lease rent, annual fee/rent or any other such name shall be levied by the primary user agency from the secondary user agency in whose favour the forest land is re-diverted. However, in case the activity to be undertaken by the secondary user agency results in damage to the structure/property of the primary user agency, the same shall be restored by the secondary user agency to the full satisfaction of the primary user agency.

Yours faithfully,

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. Principal Chief Conservator of Forests, all State/UT Governments except Jammu and Kashmir.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments except Jammu and Kashmir.
3. All Regional Offices, Ministry of Environment and Forests.
4. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
5. Dy. Secretary, R.O. (HQ), RO(HQ), Ministry of Environment and Forests, New Delhi.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard file.

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

F.N.11-423/2011-FC

Government of India

**Ministry of Environment and Forests
(FC Division)**

Paryavaran Bhawan,
CGO Complex, Lodhi, Road,
New Delhi-110 510.
Dated: 13th February, 2012

To

The Principal Secretary (Forests),
All States/Union Territory Governments except Jammu and Kashmir

Sub:- Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Non-availability of forest land for creation of compensatory Afforestation.

Sir,

I am directed to say that para 3.2 (iv) and 3.2 (v) of the guidelines issued by the Ministry for implementation of the Forest (Conservation) Act, 1980 provide as below:-

“3.2(iv) Where non-forest lands are not available or non-forest land is available in less extent to the forest area being diverted, compensatory afforestation may be carried out over degraded forest twice in extent to the area being diverted or to the difference between forest land being diverted and available non-forest land, as the case may be

3.2 (v) The non-availability of suitable non-forest land for compensatory Afforestation in the entire State/UT would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/UT Government to that effect.”

To ensure that such certificates are issued after thorough scrutiny, it has been decided by this Ministry that the following may further be added in the said para 3.2(v):

“Provided, no such certificate be issued by the Chief Secretary, unless he/she obtains joint certificates to this effect from each district collector and Division Forest Officer in respect of area under their jurisdiction. Provided further that in case it is found by the Central Government that after issue of any such certificate by the Chief Secretary, non-forest land has been made available for raising plantations of forestry and/or commercial/horticulture tree species by Government departments, the Central Government may issue direction to the State/UT Government concerned, to transfer and mutate such land in favour of the State/UT Forest Department and notify such non-forest land as Reserved Forest/Protected Forest in accordance with the provisions of the Indian Forest Act, 1927 or the concerned local Act. Provided further that certificate of non-availability of non-forest land shall be accepted only from those States having area of forest land more than 50% of their geographical area.”

This issues with approval of the competent authority.

Yours faithfully,

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all State/UT Governments except Jammu and Kashmir.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments except Jammu and Kashmir.
3. All Regional Offices, Ministry of Environment & Forests.
4. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
5. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
6. Guard File.

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

F.N.11-362/2012-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi, Road,
New Delhi-110 510.
Dated: 1st February, 2013

To

- 1. The Principal Secretary (Forests),**
All State/Union Territory Governments
- 2. The Principal Secretary (Environment),**
All State/Union Territory Governments

Sub:- Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Submission of proposals to obtain approval for diversion of entire forest land located within the mining lease and grant of environment clearance to mining projects.

Sir,

It has been observed that the Central Government is receiving proposals from various State/Union Territory Governments to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) for diversion of a part of the forest land located within the mining leases. The Central Government after examination of the matter observed that no forest land can be leased/assigned without first obtaining the approval under the FC Act. Therefore, the forest area approved under the FC Act should not be lesser than the total forest area included in the mining lease approved under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Both necessarily have to be the same.

The issue has been examined in its entirety in considerable depth by this Ministry and after careful considerations; this Ministry hereby takes the following decisions:

- (i) Henceforth, in case of mining leases having forest land in part or in full, approval under the FC Act for diversion of entire forest land located within the mining shall be obtained before execution/renewal of the lease under the MMDR Act. Applications seeking prior approval under FC Act for diversion of the entire forest land (and not a portion thereof) located within the area proposed to be assigned on lease shall only be accepted by the Nodal Officers in the concerned State/Union Territory Governments.
- (ii) All State/UT Governments shall within a period of three months submit to this Ministry details of all such mines where approval under the FC Act for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government. The State Governments in all such cases shall request the concerned user agencies to submit application to obtain approval under the FC Act for diversion of the remaining forest land located within the mining lease. Mining in such leases after two years will be allowed only if the user agency either obtains approval under the FC Act for the entire forest land located within the mining lease or surrenders such forest land for which approval under FC Act has not been obtained and execute a revised mining lease for the reduced lease area.
- (iii) As regards Environment Clearance (EC) cases of existing mining operations, where approval under the FC Act for the full forest area in the mining lease area is not available, granting of EC may be considered and the following process will be adopted for processing such cases:
 - (a) Grant of EC may be considered only for the non-forest area plus the forest area within the mining lease for which FC is available. No mining activities will be allowed in forest area for which the FC is not available; and
 - (b) The project proponent will seek and obtain approval under the FC Act for diversion of the entire forest land located within the mining lease within a period of two years from the date of issue of these guidelines, failing which the mining lease area will be reduced to the non forest area plus the forest area for which the project proponent has been able to obtain the FC at the end of this time period. In the case of reduction in mine lease area, the project proponent will need to get a revised mining plan approved from the competent authority for reduced area and enter into a new mining lease as per reduced lease area. The EC will be constructed to be available for the mining lease area as per the revised mining lease deed.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Secretary, Ministry of Mines, Government of India.
2. Secretary, Ministry of Coal, Government of India.
3. Secretary, Ministry of Steel, Government of India.
4. Principal Chief Conservator of Forests, all State/UT Governments.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT.
6. All Regional Offices, Ministry of Environment & Forests.
7. Joint Secretary, In-charge, Impact Assessment Division, MoEF.
8. Chairman, State Environment Impact Assessment Authority, all State/UT Governments.
9. Member-Secretary, State Environment Impact Assessment Authority, all State/UT Governments.
10. All Advisors/Directors/Dy. Directors in the Impact Assessment Division, MoEF.
11. All Assistant Inspect General of Forests in Forest Conservation Division, MoEF.
12. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
13. Monitoring Cell, Forest Conservation Division, MoEF for placing a copy of the extant guidelines on website of the Ministry.
14. Guard File.

Sd/-

(H.C. Chaudhary)

Assistant Inspector General of Forests

F.No.11-9/98-FC (pt.)
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi, Road,
New Delhi-110003
Dated: 20th September, 2012

To

The Principal Secretary (Forests),
Himachal Pradesh, Shimla.

Sub:- Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980-ensuring compliance of the Scheduled Tribes and Other Tradition Forest Dwellers (Recognition of forest right) Act, 2006.

Sir,

In continuation of this Ministry's letter of even of number dated 3.8.2009 on the above-mentioned subject, I am directed to say that this Ministry has considered specific situation as intimated by the Hon'ble Chief Minister, Himachal Pradesh vide his D.O. No. MPP-F-(10)5/2013 dated 19.04.2012 where according to Hon'ble Chief Minister rights and concessions on forest land throughout the State including the tribal areas have been settled long back and recorded in settlement reports, and that no FRA compliance issues exist which need to be settled.

Accordingly, I am directed to say that after examination of the matter, this Ministry has accepted the request of the Hon'ble Chief Minister, Himachal Pradesh that in case of Himachal Pradesh a certificate issued by Collector Cum District Commissioner of the district concerned that no claim under Scheduled Tribes and Other Traditional Forest Division Dwellers (recognition of Forest Right) Act, 2006 exists or pending in respect of forest land be considered as sufficient evidence to meet procedural requirement of the afore-mentioned Act. To ensure proper scrutiny, in all such cases, Stage-II approval will however, be accorded only after obtaining specific approval from the competent Authority.

These issues with approval of the Hon'ble Minister of State (Independent Charges) for Environment and Forests.

Yours faithfully,

(H.C. Chaudhary)
Assistant Inspector General of Forests

Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.
Dated: 9th November, 2012.

To

The Principal Secretary (Forests),
All State-UT Governments.

Sub: **Guidelines issued under the Forest (Conservation) Act, 1980- Realization of amount required for implementation of CAT Plan in more than one installment for small hydel projects having installed capacity less than 25 MW.**

Sir,

The Government of India have been receiving representations for receiving amount required for implementation of Catchment Area Treatment (CAT) Plan in more than one installment for small hydel projects.

The matter has been examined in the Ministry, and after careful consideration, the Central Government hereby decides that the amount required for implementation of the Catchment Area Treatment (CAT) Plan for hydel projects having installed capacity less than 25

MW may be realized in more than one installment, subject to fulfillment of the following conditions:

- (i) It shall be applicable only to the small hydel projects having installed capacity less than 25 MW;
- (ii) The last installment shall be realized atleast six months prior to commission of the project; and
- (iii) State Government shall submit an undertaking that the annual installment of funds realized from the user agency for implementation of the CAT Plan shall be transferred to Ad-hoc CAMPA within fifteen days from its receipt.

This issues with the approval of the competent authority.

Yours faithfully,

Sd/-

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, all State/ UT Governments.
2. The Nodal Officer, Forest Department, all State/UT Governments.
3. The CCF (Central), All Regional Offices of the MoEF.
4. All AIGs in the Forest Conservation Division, MoEF.
5. The Director (RoHQ), MoEF.
6. The OSD, Adhoc CAMPA.
7. Monitoring Cell, FC Division, MoEF, New Delhi.
8. Guard File.

.....

F. No. 11-134/2011-FC (pt.)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.

Dated: 12th November, 2012.

To

The Principal Secretary (Forests),
All State-Union Territory Governments.

Sub: **Recommendations of the Committee on Allocation of Natural Resources (CANR) Accepted by the Government.**

Sir,

I am directed to say that the Committee on Allocation of Natural Resources (CANR) which was set up in pursuance of decision of the Group of Ministers (GoM) on 'Measures that can be taken by the government to tackle corruption' *inter-alia* recommended as below:

"In the Committee's view, it is essential to ensure that all Form A/B submissions should be made available on the website of the Ministry of Environment and Forests and the respective state forest departments so that stakeholder comments can be received early in the process.

The Committee also suggests that all Minutes of the meetings of the SAGs should be made available on the website of the Ministry of Environment and Forests and the respective state forest departments to provide a sounder and more public basis for understanding and communicating the allocation decision."

The said recommendations of the CANR have been accepted by the Central Government.

Accordingly, I am directed to request that the All State/ Union Territory Governments may kindly take necessary action to ensure that a copy of the Form A/B i.e. the applications seeking prior approval of the Central Government under the Forest (Conservation)

Act, 1980 for diversion of forest land for non-forest purpose along with connected reports etc. and minutes of SAG meetings is made available on website of the State/ UT Forest Departments.

Yours faithfully,

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all State/ UT Governments.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments.
3. All Regional Offices, Ministry of Environment & Forests.
4. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
5. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
6. Sr. PPS to DGF & SS, MoEF.
7. Sr. PPS to Addl. DGF (FC), MoEF.
8. PPS to IGF (FC)
9. Guard File.

Sd/-

(H. C. Chaudhary)

Assistant Inspector General of Forests

F. No. 16-13/2011-FC (I)

Government of India

Ministry of Environment and Forests

(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.

Dated: 20th November, 2012.

To

1. Additional Chief Secretary (Forests)/Principal Secretary (Forests) All State/UTs. (Except Jammu and Kashmir)
2. Principal Chief Conservator of Forests All States/UTs. (Except Jammu and Kashmir)
3. Nodal Officer (Forest Conservation), All States/UTs. (Except Jammu and Kashmir)

Sub: **Display of information related to proposals for diversion of forest land for non-forestry purposes on the website of the Ministry- reg.**

Sir,

I am directed to refer to the decision taken by the Central Information Commission (CIC) in the complaint file by Ms. Shibani Gosh under the RTI Act, 2005 seeking display of Form A/Form B of proposals for diversion of forest land for non-forestry purposes, and the letter of even reference in this regard dated 26th July, 2012. The CIC had directed that Ministry will display above forms within 10 days of placing the project on the Agenda of the FAC and information related to additional documents/reports/studies within 10 days of receipt of information.

For the above purpose, suitable arrangement to upload and display the information appropriately on the website of Ministry and its access has been made by the Ministry.

The State Governments are requested to upload the proposal details in the new webs-based proposal monitoring system alongwith scanned copy of Form A/B in accordance with direction given vide letter of even no. dated 26th July 2012. The State Governments are also requested to print the certificate from the website in this regard and submit alongwith the proposals. In respect of those proposals which are under consideration in the Ministry or in the Regional Office and whose details have not been posted on the system, the State Governments are requested to feed them on the website within a period of one month.

The Ministry as well as the Regional Offices shall process only those proposals whose details alongwith Form A/B have been uploaded and the certificate printed from the website in this regard is submitted alongwith the proposal.

Yours faithfully,

Sd/-

(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

Copy to:

1. Additional PCCF, all Regional Offices of the Ministry;
2. All Sr. AIG, FC Division/Technical Officer, FC Division;
3. Director (ROHQ) MoEF with a request to ensure compliance of the above order;
4. Technical Director, NIC with a request to ensure smooth functioning of the system;
5. Sr. PPS to DGF&SS, Sr. PPS to ADG(FC), PPS to IGF(FC);
6. Section Officer, FC Division;
7. Monitoring Cell, MoEF with a request to upload the above order on the website of the Ministry.

Sd/-

(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

F. No. 11-362/2012-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 510.

Dated: 1st February, 2013.

To

1. The Principal Secretary (Forests), All State/ Union Territory Government.
2. The Principal Secretary (Environment), All State/ Union Territory Governments.

Sub: **Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 – Submission of proposals to obtain approval for diversion of entire forest land located within the mining lease and grant of environment clearance to mining projects.**

Sir,

It has been observed that the Central Government is receiving proposals from various State /Unions Territory Governments to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) for diversion of a part of the forest land located within the mining leases. The Central Government after examination of the matter observed that no forest land can be leased/ assigned without first obtaining the approval under the FC Act. Therefore, the forest areas approved under the FC Act should not be lesser than the total forest area included in the mining lease approved under the Mines and Mineral (Development and Regulation) Act, 1957 (MMDR Act). Both necessarily have to be the same.

The issue has been examined in its entirety in considerable depth by this Ministry and after careful considerations; this Ministry hereby takes the following decisions:

- (i) Henceforth, in case of mining leases having forest land in part or in full, approval under the FC Act for diversion of entire forest land located within the mining shall be obtained before execution/renewal of the lease under the MMDR Act. Applications seeking prior approval under FC Act for diversion of the entire forest

land (and not a portion thereof) located within the area proposed to be assigned on lease shall only be accepted by the Nodal Officers in the concerned State/Union Territory Governments.

- (ii) All State/UT Governments shall within a period of three months submit to this Ministry details of all such mines where approval under the FC Act for diversion of only a part of forest land has either been obtained or is presently under examination in the State/ Central Government. The State Governments in all such cases shall request the concerned user agencies to submit application to obtain approval under the FC Act for diversion of the remaining forest land located within the mining lease. Mining in such leases after two years will be allowed only if the user agency either obtains approval under the FC Act for the entire forest land located within the mining lease or surrenders such forest land for which approval under FC Act has not been obtained and execute a revised mining lease for the reduced lease area.
- (iii) As regards Environment Clearance (EC) cases of existing mining operations where approval under the FC Act for the full forest area in the mining is not available, granting of EC may be considered and the flowing process will be adopted for processing such cases:
- (a) Grant of EC may be considered only for the non-forest area plus the forest area within the mining lease for which FC is available. No mining activities will be allowed in forest area for which the FC is not available; and
- (b) The project proponent will seek and obtain approval under the FC Act for diversion of the entire forest land located within the mining lease within a period of two years from the date of issue of these guidelines, failing which the mining lease area will be reduced to the non forest area plus the forest area for which the project proponent has been able to obtain the FC at the end of this time period. In the case of reduction in mine lease, area, the project proponent will need to get a revised mining plan approved from the competent authority for reduced area and entire into a new mining lease as per reduced lease area. The EC will be construed to be available for the mining lease area as per he revised mining lease deed.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,

Sd/-

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Secretary, Ministry of Mines, Government of India.
2. Secretary, Ministry of Coal, Government of India.
3. Secretary, Ministry of Steel, Government of India.
4. Principal Chief Conservator of Forests, all State/UT Government.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT.
6. All Regional Offices, Ministry of Environment & Forests.
7. Joint Secretary, In-charge, Impact Assessment Division, MoEF.
8. Chairman, State Environment Impact Assessment Authority, all State/UT Governments.
9. Member-Secretary, State Environment Impact Assessment Authority, All State/UT Governments.
10. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEF.
11. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
12. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
13. Monitoring Cell, Forest Conservation Division, MoEF for placing a copy of the extant guidelines on website of the Ministry.
14. Guard File.

Sd/-

(H. C. Chaudhary)

Assistant Inspector General of Forests

F. No.8-84/2013-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.

Dated: 20th February, 2014.

To

The Principal Secretary (Forests),
All State/ Union Territory Governments.

Sub: **Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Raising of plantations along stretches of roads proposed to be widened.**

Sir,

I am directed to say that after examination of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for widening of roads it has been observed that along with matured trees, a number of small plants are also marked for felling. This situation has arisen when even after decision to widen such roads is taken, State Governments continues to raise plantations along these stretches. As these plantations are required to be felled during widening of road, expenditure incurred in raising these plantation becomes infructuous.

Accordingly, I am directed to say that once a decision to widen a road is taken by the concerned authority/ department, same shall immediately be intimated to the concerned State Forest Department so as to avoid raising of new plantations along such stretches, till their widening is completed.

Yours faithfully,

Sd/-

(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. Chairman, National Highways Authority of India (NHAI).
3. Director General, Border Roads Organization, New Delhi.
4. Principal Secretary, Public Works Departments, all State/ UT Governments.
5. Principal Chief Conservator of Forests, all State/ UT Governments.
6. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments.
7. All Regional Offices, Ministry of Environment & Forests.
8. Joint Secretary in-charge, Impact Assessment Division, MoEF.
9. All Assistant Inspector General of Forests/ Director in the Forest Conservation Division, MoEF.
10. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
11. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
12. Sr. PPS to the Secretary, Environment and Forests.
13. Sr. PPS to the Director General of Forests & Special Secretary, MoEF.
14. Sr. PPS to the Addl. Director General of Forests (Forest Conservation) MoEF.
15. PS to the Inspector General of Forests (Forest Conservation) MoEF.
16. Guard File.

Sd/-

(H. C. Chaudhary)

Assistant Inspector General of Forests

F. No. 11-552/2013-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 510.
Dated: 24th February, 2014.

To

The Principal Secretary (Forests),
All State/ Union Territory Governments.

Sub:

Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980- General approval under Section -2 of Forest (Conservation) Act, 1980.

Sir,

I am directed to draw attention to Paragraph 2.2 (vii).1 of Guidelines issued under the Forest (Conservation) Act, 1980 which reads as below:

"Mining plan for underground mining coal and other major minerals in stratified deposits in forest areas should include the predicated subsidence, slope and strain values and their impact on forest and surface and their mitigation. The maximum tensile strain of 20 mm per meter and thereby the surface cracks of width of about 200-300 mm is to be permitted in forest areas. Accordingly, the mine plans should be made to restrict the subsidence movement within these limits with the provision of mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modeling in 3-Dimension for subsidence prediction through an expert mining engineer/organization to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University; ISM, Dhanbad; any of the IITs located at Delhi, Kanpur, Mumbai, Kharagpur, Madras, Roorkee & Guwahati, or M/s. CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land, and wherever feasible, the surface facilities should be planned over non-forest areas"

It has however, been observed that this Ministry is receiving proposals to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for underground mining projects where numerical modeling in 3-Dimension predicts maximum tensile strain of more than 20 mm per meter.

After examination of the matter it has been observed that in case surface strain for an underground mining project is within the stipulated limited of 20 mm per meter, underground mining does not cause significant impact on surface vegetation. Such underground mining projects in forest areas are therefore, exempted from the requirement of compensatory afforestation. NPV of the forest land diverted for underground mining is also levied at fifty percent of the normal rates. However, in case maximum tensile strain predicted by numerical modeling in 3-Dimension for underground mining project is more than the stipulated limit of 20 mm per meter, even if the project may not pose any safety hazard, it may cause long term irreversible damage on surface vegetation. To compensate damage to the surface vegetation for the purpose of compensatory afforestation and NPV it is appropriate to treat such underground projects open cast.

Accordingly, I am directed to say that to deal with such cases, the following is added to para 2.2 (vii)1 of guidelines issued under the Forest (Conservation) Act, 1980;

"In case numerical modeling in 3-Dimension predicts maximum tensile strain more than 20 mm per meter, to compensate damage to the surface vegetation, for the purpose of compensatory afforestation and NPV, such underground mining project shall be treated as open case mining project."

Yours faithfully,
(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. Principal Chief Conservator of Forests, all State/UT Governments.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Government.
3. All Regional Offices, Ministry of Environment & Forests.
4. Joint Secretary in-charge, Impact Assessment Division, MoEF.

5. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEF.
6. Director R.O. (HQ), Ministry of Environment and Forests, Government of India, New Delhi.
7. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
8. Sr. PPS to the Secretary, Environment and Forests.
9. Sr. PPC to the Director General of Forests & Special Secretary, MoEF.
10. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF.
11. PS to the Inspector General of Forests (Forest Conservation), MoEF.
12. Guard File.

(H. C. Chaudhary)

Assistant Inspector General of Forests

Government of India

Ministry of Environment and Forests

F. No. A-11013/1/2014-ROC/4526-4534

Dated: March 20, 2014.

Northern Regional Office,
Bays No. 24 & 25, Sector 31-A
Dakshin Marg, Chandigarh-160 030.

To

Shri Tarun Shridhar, IAS,
Principal Secretary (Forests),
Government of Himachal Pradesh,
Shimla-171001.

Sub: **Strengthening and expansion of Regional Offices vide Resolution no. 4-7/2012-ROHQ dated 08.01.2014.**

Sir,

Ministry of Environment and Forests, Government of India, New Delhi vide resolution under subject created four Regional Offices at Dehradun, Ranchi, Nagpur and Chennai. Due to creation of new Regional Offices and consequent reorganization, Himachal Pradesh has been included under the jurisdiction of newly created Regional Office at Dehradun. The resolution under subject was effected from its date of notification.

In view of the above, Regional Office at Chandigarh is under the process of shifting entire record and files related to diversion of forest land, environmental clearances, court cases, management plan and other miscellaneous correspondences, in respect of Government of Himachal, to Regional Office at Dehradun. The process of transferring of records and files pertain to Government of Himachal Pradesh from Regional Office, Chandigarh to Regional Office, Dehradun will be completed by 31st March, 2014. You are therefore requested to send new proposals and other relevant correspondences to Regional Office, Dehradun from 25th March, 2014.

Yours faithfully,

Sd/-

(Ishwar Singh)

O/o Addl. Pr. Chief Conservator of Forests (Central)

Copy to:

1. Additional Director General of Forests (FC), Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003.
2. Joint Secretary (IA), Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003.
3. Additional Pr. Chief Conservator of Forests, Ministry of Environment and Forests, Regional Office, (CZ), Kendriya Sadan, 5th Floor, Sector H, Aliganj, Lucknow-226020.
4. Additional Pr. Chief Conservator of Forests, Ministry of Environment and Forests, Regional Office, Dehradun, C/o Forest Research Institute, P.O. New Forest Dehradun.
5. Principal Chief Conservator of Forests (HoFF), Government of Himachal Pradesh, Himachal Pradesh Forest Department, Talland, Shimla-171001.
6. Director (Environment) Government of Himachal Pradesh, Shimla.
7. Director, R.(HQ), Ministry of Environment and Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003.
8. Director Industry/ Director Mining/ Director Infrastructure/ Director Thermal Power /Director River Valley, Ministry of Environment and Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003.

**CHECK-LIST
OF
DOCUMENTS/INFORMATION REQUIRED FOR PROPOSAL FOR DIVERSION OF FOREST
LAND FOR NON FORESTRY USE UNDER FOREST (CONSERVATION) ACT, 1980**

FOR STAGE-I APPROVALS

S.No.	Name of the Document (s)	Provided or Not	If not Provided Why?	Page Number
I	Documents/Information Required for All Proposals			
1	Check-list of the project proposal			
2	Main application form from Part-I to V as prescribed in the Rules under the Forest (Conservation) Act, 1980 (FCA) with all its columns duly filled up and signed by the competent authority with date, place and official seal. All the information in part-I of form-A including item-wise breakup of the forest area required must be given in the form itself by expanding the columns with complete address, email date, Place and seal. <i>(if available)</i>			
3	Detailed note on the project for which diversion proposed. It must include the information regarding the number of villages and number of persons to be benefited from the project including employment generation.			
4	Map of the project site/forest area demanded clearly showing forest boundaries and adjoining areas with their land use in district colours in 1:50000 or any suitable scale on original Survey of India topo sheet. If the area is very small, in addition in above, an index map may be submitted showing forest boundaries and a location map on a larger scale with land use of the area required duly signed by DFO/CF concerned. Forest and non-forest areas to be shown in distinct colours.			
5	Layout plan of the project site. In case of linear diversions of forest land, linear map or a diagrammatic map of the project site should be enclosed.			
6	Statement showing the details of forest area involved i.e. Survey No./Coupe No./Compartment No., etc., and item-wise break up of forest area proposed for diversion duly signed by DFO <i>(in the prescribed format)</i> .			
7	Statement showing the details of non-forest area involved in the proposal <i>(in the prescribed format)</i> .			
8	Certificate from the Collector/Deputy Commissioner that no alternative suitable non-forest land is available for the project in question except in cases			

	where the project is not proposed on the forest land and only right of way (ROW) is required.			
9	Justification for locating the project in forest area to be submitted by the User Agency and countersigned by DFO.			
10	Certificate for minimum use of forest land to be submitted by the user agency, giving details of the area and trees involved in the alternatives examined, and reasons for their rejection duly countersigned by DFO (<i>in the prescribed format</i>).			
11	Undertaking by the User Agency to bear the cost of compensatory afforestation duly countersigned by the DFO (<i>in the prescribed format</i>).			
12	Undertaking by the User Agency to pay the Net Present Value (NPV) of the forest land involved duly countersigned by DFO (<i>in the prescribed format</i>).			
13	A certificate from the competent authority in the State that all the forest rights under the Forest Rights Act, 2006 have been settled in respect of the forest area proposed for diversion, wherever applicable.			
14	Species wise and girth class wise enumeration list and abstract of trees (<i>abstract to be given at the end of the list</i>) standing on the forest area in question neatly typed or computerized and duly signed by the DFO. Wherever possible, English and botanical names of the vegetation should be mentioned			
15	Site inspection report of the forest area involved in the project proposal by the DEO concerned or higher level forest officer (<i>in the prescribed format</i>). However, if the area involved is more than five ha or number of trees marked for felling is 200 or more, it should be inspected by the CF.			
16	Details of non-forest land/degraded forest area identified for compensatory afforestation viz. Survey No./Compartment No./Khasra No./Khatoni No., Village, Tehsil, District, etc., along with map in appropriate scale showing the boundaries of adjoining forest areas with their use in distinct colours (<i>in the prescribed format</i>).			
17	Detailed scheme for compensatory afforestation on identified non-forest area/ degraded forest area at prevalent wage rates duly signed by the DFO and counter signed by the CF concerned. The CA scheme must include all the technical details, details of work schedule, total			

	financial outlay and proposed monitoring mechanism (<i>in the prescribed format</i>).			
18	Certificate from the DFO, that non-forest land/forest land selected for compensatory afforestation is in a compact block and contiguous to forest area or is in closed proximity of forest area and suitable raising plantation and from the management and protection point of view, and is free from all sorts of encumbrances and encroachments (<i>in the prescribed format</i>).			
19	In case of violation of the provisions of the FCA, 1980 or any other Forest Act, a detailed report on the violation to be submitted (<i>in the prescribed format</i>).			
20	Certificate from the Chief Secretary regarding non-availability of non-forest land in the state for raising compensatory afforestation, wherever applicable			
21	Approval of the proposal for which diversion of forest land is proposed by the competent authority of the concerned organizations.			
22	In case of proposal which requires entry/exit through Protected Forest strips along roads/railway lines/canals, the following information/documents must be given :- No Objection Certificate (NOC) of the land owning agency i.e. NHAI/PWD, Railways or Canal/ Irrigation Department. No Objection Certificate (NOC) in-principle approval for Change of Land Use from the Town and Country Planning/ local body any other competent authority.			
I I	Documents/Information Required for Proposals for Roads, Railway Lines, Canals and Transmission Lines			
23	<i>The following information/ documents must be given :-</i> a) Length and width of road/railway line/ canals/ transmission line passing through forest and non-forest area. b) In case of expansion of the already existing road/railway line/canal, linear plan clearly showing in distinct colours the already existing width of the proposed road/railway line/canal to be expanded and the remaining width of the protect forest strip which would be left after expansion. c) In case of transmission line, the following details may also be given :- i) Number of towers to be erected both in forest and non-forest area.			

	ii) Width of the right of way for transmission line.			
III	Documents/Information Required for Proposals for Hydro Electric Projects			
24	<i>The following information / document must be given :-</i> (a) Component-wise Total Area Requirement (b) Copy of Memorandum of Understanding (c) Copy of Techno-economic Clearance (d) Copy of Implementation Agreement (e) NOC from Irrigation and Public Health Departments (f) NOC from Fisheries Department (g) Authorization to the applicant by Project the Authority			
IV	Documents/Information Required for Proposals for Mining			
25	<i>The following information/ documents must be given :-</i> I New Proposals a) Certificate from the competent authority like District Mining Officer/Geologist, regarding non-availability of the same mineral/ore in a nearby non-forest area. b) Complete details of existing or proposed leases in that particular forest area with their present status should be indicated on Survey of India Topo-sheet in appropriate scale c) Estimated reserve of each mineral/ore in the forest area and non- forest area d) Total area demanded and extent of forest area involved in the proposed mining lease shown in distinct colours on relevant maps e) Proposed period of mining lease f) Minimum distance of the proposed site from a Wildlife Sanctuary or a National Park g) A copy of the mining plan duly approved by the State Mining Department enclosed h) Phased reclamation plan of the project area i) Copy of lease deed/agreement entered into with the district authorities j) The details of the Safety zone area for mining as per para 4.7 of the guidelines. An undertaking from project authority to bear the cost of fencing of safety zone area and afforestation over one and a half			

	times of degraded forest area. The details of safety zone to be ascertained by the competent authority viz. Indian Bureau of Mines/ Deptt. of Geology and Mining of the state Government II) In case of Renewal of Mining Lease c) A brief profile of the lessee/ company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted of minerals; d) Complete details of existing/ proposed leases in that particular forest area with their present status should be indicated on the Survey of India Topo- sheet in appropriate scale, e) The State Government shall forward complete proposal to the MoEF at least six months prior to the expiry of the existing lease. In case of any delay, a details report elaborate the cause of delay shall be forwarded along with the proposal. f) A resolution of Gram Panchayat/Local Body of the area endorsing the proposal that the project is in the interest of the people living in and around the proposed forest land.			
V	Documents/Information Required for Proposals for Retail Outlets of Oil Companies			
26	<i>The following information/ documents must be given :-</i> a) Copy of the letter of intent issued by the oil Company. b) Site selection certificate as per Govt. of India guidelines. The DFO should certify the distance between two retail outlets on either side of the outlet in question) Layout plan showing dimensions of proposed approach road for entry and exit with clear area calculations. d) The area calculations for the curves should invariably be given in the layout plan. e) NOC from NHAI/PWD/Urban or local body			

	f) NOC from Town and Country Planning/ local body g) Certificate by the User Agency to the effect that no High Tension line is passing above the proposed site duly countersigned by the DFO h) A Certificate by the User Agency to the effect that no LP Gas godown is located near the proposed site, duly countersigned by DFO			
27	Status of clearance under the Environment (Protection) Act, 1986. Wherever it is required, a copy of the same/an undertaking (<i>along with a copy of the application</i>) that the User Agency has applied for environment clearance.			
28	NOC of the State Pollution Control Board for establishment of the project, wherever required.			
29	For the proposals involving diversion of forest land where construction of buildings is proposed, the built-up area and raw materials to be used should be clearly mentioned.			
30	Detailed scheme for rehabilitation of the project affected persons, wherever required.			
31	Detailed Catchment Area Treatment Plan, wherever required. The CAT Plan should be prepared on the basis of actual survey of area and its classification in various categories requiring different engineering/ afforestation and other treatments in a phased manner.			
32	Detailed Reclamation Plan, wherever required. It should be realistic, exhaustive and complete in all respects alongwith relevant maps in distinct colours. It should also include the details of back fillings, afforestation and execution of such works, wherever required.			
33	Cost benefit analysis as per the guidelines issued under Forest (Conservation) Act, 1980 in prescribed format, wherever required.			
34	Any other information/documents attached. Please specify			

Date.....

Divisional Forests Officer

Place.....

.....Forest Division

Office Seal_____

Countersigned by

Conservator of Forests

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

Appendix

(See Rule 6)

FORM-‘A’

Form for seeking prior approval under section 2 of the proposals by the State Government and other authorities

PART-I

(To be filled by user agency)

1. Project details:
 - i. Short narrative of the proposal and project/scheme for which the forest land is required.
 - ii. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - iii. Cost of the project
 - iv. Justification for locating the project in forest area
 - v. Cost benefit analysis (to be attached)
 - vi. Employment likely to be generated
2. Purpose - wise break-up of the total land required
3. Details of displacement of people due to the project, if any:
 - (i) Number of families
 - (ii) Number of Scheduled Castes/Scheduled Tribe families
 - (iii) Rehabilitation plan (To be enclosed)
4. Whether clearance under the Environment (Protection) Act, 1986 is required? (Yes/No)
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the state Government (undertaking to be enclosed)
6. Details of Certificates/documents enclosed as required under the instructions.

Signature
(Name in Block letters)

Designation
Address (of User Agency)

Date:

Place:

State serial No. of proposal _____

(To be filled up by the Nodal Officer with date of receipt)

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

PART – II

(To be filled by the concerned Deputy Conservator of Forests)

State Serial No. of Proposal _____

7. Location of the Project/schem
 - (i) State/Union Territory
 - (ii) District
 - (iii) Forest Division
 - (iv) Area of Forest land proposed for diversion (in ha.)
 - (v) Legal status of the Forest
 - (vi) Density of vegetation
 - (vii) Species-wise (Scientific names) and diameter class-wise enumeration of tress to be enclosed. In case of irrigation/hydel projects, enumeration at FRL, FRL-2 meter & FRL-4 meter also to be enclosed.
 - (viii) Brief note on vulnerability of the forest area to erosion.
 - (ix) Approximate the distance of proposed site for diversion from the boundary of forests.
 - (x) Whether forms part of a nation park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (if so, the details of the area, and comments of the Chief Wildlife Warden to be annexed).
 - (xi) Whether any rare/endangered/unique species of flora and fauna found in the area-if so details thereof.
 - (xii) Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority.
8. Whether the requirement of forest land as proposed by the user agency in col. 2 of part-I is unavoidable and barest minimum for the project, if no, recommended area item- wise with details of alternatives examined.
9. Whether any work in violation of various Forest Acts has been carried out (Yes/No). If yes, details of the same including period of work done, action taken against the erring officials. Whether work done in violation is still in progress.
10. Details of compensatory afforestation scheme:
 - (i) Details of non-forest area/ degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
 - (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
 - (iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
 - (iv) Total financial outlay for compensatory afforestation scheme.

- (v) Certificate from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned italics Deputy Conservator of Forests.
11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7 (xi, xii), 8 and 9 above.
12. Division/District profile:
- (i) Geographical area of the district.
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases.
 - (iv) Total compensatory afforestation stipulated in the district/division since 1980 on
 - (a) Forest land including penal compensatory afforestation,
 - (b) Non Forest land.
 - (v) Progress of compensatory afforestation as on (date)_____on
 - (a) Forest land.
 - (b) Non-Forest land.
13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reason.

Signature

Date:-_____

Name

Place:-_____

Official Seal

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

PART – III

(To be filled by the concerned Conservator of Forests)

14.	Whether site, where the forestland involved in the case is located has been inspected by the concerned Conservator of Forests? If yes, the date of inspection of observations made in the form of inspection note to be enclosed.	Yes / No
15.	Whether the concerned Conservator of Forests agrees with the information given in Part-B and the recommendations of the Deputy Conservator of Forests.	
16	Specific recommendations of the concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.	

Date:_____

Place:_____

Signature

Name

Office Seal

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator Forests or Head of Forest Dept.)

17. Detailed opinion and specific recommendations of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(while giving opinion, the adverse comments made by the concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon)

Date:-_____

Place:-_____

Signature

Name

Official Seal

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

PART-V

(To be filled in by the Secretary in-charge of the Forest Department or by any other authorized officer of the State Govt. not below the rank of Under Secretary)

18. Recommendations of the State Government (Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Date:-_____

Place:-_____

Signature

Name

Official Seal

Full Title of the Project: _____
File No. : _____
Date of Proposal: _____

CHECK LIST SERIAL NUMBER-06

**STATEMENT SHOWING DETAILS OF FOREST AREA
PROPOSED FOR DIVERSION**

S.No	District	Division	Range/Tehsil/ Village	Khasra/ Survey or Compartment Number of Km. Stone	Forest Area proposed for Diversion (Ha.)	Legal status of Forest Area	Rem- arks
1	2	3	4	5	6	7	8
							-
Date..... Place..... Division Seal_____ Divisional Forest Officer Forest Office							

Full Title of the Project: _____
 File No. : _____
 Date of Proposal: _____

CHECK LIST SERIAL NUMBER-07

STATEMENT SHOWING DETAILS OF NON-FOREST AREA INVOLVED IN THE PROPOSAL

S.No.	District	Division	Range/Tehsil /Village	Khasra/ Survey or Compartment Number of Km. Stone	Non Forest Area involved in the proposal (Ha.)	Present land Use	Remarks
1	2	3	4	5	6	7	8

Place:

Date:.....

Signature of User Agency
Office Seal
Forwarded by :-

Divisional Forests Officer
.....Forest Division
Office Seal_____

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER-10

CERTIFICATE FOR MINIMUM USE OF FOREST LAND

This is to certify that the forest area involved in the proposal is unavoidable and barest minimum i.e. _____ ha which is proposed diversion.

Place:.....

Signature of User Agency
Office Seal

Date:

Countersigned -

Divisional Forests Officer

.....Forest Division

Office Seal_____

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER-11

UNDERTAKING FOR PAYMENT OF COST OF COMPENSATORY AFFORESTATION

I/We _____, hereby, undertake to pay the entire amount for compensatory afforestation in lieu of the forest area diverted for _____ as per the prevailing wage rates at the time of undertaking the plantation activities.

Place:

Signature of User Agency

Office Seal

Date:

Counter signed by :-

Divisional Forests Officer

.....Forest Division

Office Seal_____

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER-12

UNDERTAKING FOR PAYMENT OF NET PRESENT VALUE OF FOREST AREA

It is to certify that I/We _____ have applied for diversion of _____ ha. of forest area for the purpose of _____ I/We, hereby, undertake to pay the net present value (NPV) of the above forest land.

Place:

Signature of User Agency

Office Seal

Date:

Counter signed by :-

Divisional Forests Officer

.....Forest Division

Office Seal_____

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER: 15

SITE INSPECTION REPORT NOT BELOW THE RANK OF DCF/DFO

(For the Forest land to be diverted under FCA)

A proposal has been received by this office from _____ **for** diversion (under FCA-1980) of _____ ha. of forest land for non-forestry purpose. The subject envisages the use of forest land for_____. The site inspection of the land involved in the proposal has been done by me on dated.....

2 On inspection of the site, it is found that the land required by the user agency is a forest area measuring _____ ha.

3 The requirement of forest land as proposed by the user agency in Col. 2 of part-I is unavoidable and is barest minimum required for the project.

4 Whether any rare/ endangered/ unique species of flora and fauna found in the area. If so, the details thereof.

5 Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from the competent authority.

- 6 (a) The user agency has not violated the provisions of Forest (Conservation) Act, 1980 and no work has been started without proper sanction.
- (b) It has been found that the user agency has violated the provisions of the Forest (Conservation) Act, 1980 Indian Forest Act, 1927/ any other forest Act. A detailed report as per para 1.9 of Chapter 1, Part C of Hand-book of Forest (Conservation) Act, 1980 is attached).

(Note: Whichever of the above is applicable should be shown in bold letters)

Specific recommendation for acceptance or otherwise of the proposal.

Place:

(Signature)

Date:

Name

Designation.....

Office Seal.....

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER: 16

LOCATION MAP

Location Map of Non-forest/Degraded Forest Area identified for Compensatory Afforestation in lieu of the proposal for diversion of _____ha. of forest land for _____in _____ District.

Village:_____ Tehsil_____ District:_____ Forest

Division_____ Forest Range:-_____ Block

No./Compartment No./Survey No.:_____Area:-_____

Map attached of the area to be taken for Compensatory Afforestation

Divisional Forests Officer

.....Forest Division

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER: 17

“SCHEME FOR COMPENSATORY AFFORESTATION”

Detailed scheme for Compensatory Afforestation to be carried out in lieu of _____ha., of forest area to be diverted for _____

in _____ District.

1. Details of degraded forest land/non-forest land:-

District _____ Village _____

Tehsil _____

Name of Forest Division _____ Range _____

Block/Compartment/Survey No. _____

Area to be afforested _____

2. Description of the Area

I) Whether the site selected for Compensatory Afforestation is a land bank or not: _____

II) If the CA site is other than the land bank, reasons be given: _____

III) In case of non- forest area identified for CA, then what is the distance of CA site from the adjoining forest boundary: _____

IV) Soil type : _____

V) Topography :

(a) Hilly/Undulating/Plain

(b) Slope: Steep/Medium/Gentle

VI) Whether the area is bearing any root stock of vegetation: _____

3. Plantation Model:-

Copy of the approved Compensatory Afforestation Scheme/Model showing component - wise physical and financial break up to be enclosed

4. Schedule of Plantation Programme:-

Details of year-wise break up of requirements of funds is as under:-:

Year	Area in Ha.	Rate/ Ha.
0 th Year		
1 st Year		
2 nd Year		
3 rd Year		
4 th Year		
5 th Year		
6 th Year		
7 th Year		
8 th Year		
9 th Year		
10 th Year		
Supervision Charge		
Total		

5. Technical details:-

Technical details of Compensatory Afforestation Scheme are as follows:-

- a) General Details
- b) Spacing
- c) Species
- d) Plantation Method
- e) Soil and Moisture Conservation Works
- f) Protection (Fencing, Watch man, People's Participation etc.):
- g) Proposed Monitoring Mechanism
- h) Any other information:-

Divisional Forests Officer

.....Forest Division

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER: 18

LAND SUITABILITY CERTIFICATE BY THE DFO

This is to certify that.....ha land bearing Survey No. Compartment No..... of village..... Tehsil..... District..... identified for Compensatory Afforestation is suitable for undertaking plantation from the management point of view from is free and all sorts of encumbrances and encroachments

Place:

Divisional Forests Officer

.....Forest Division.

Dated:

Office Seal.....

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

CHECK LIST SERIAL NUMBER: 19

DETAILED REPORT ON VIOLATION OF PROVISIONS OF FOREST ACTS

- a) The extent (*in hectare*) of forest land broken/encroached and the number of trees illicitly felled
- b) The name & designations of the officials/persons who are prima-facie responsible for the contravention of the provisions of the Act, supported by requisite documents
- c) In case, it is not possible to fix the responsibility for commission/omission of any action leading to violation of the provisions of the Act, full explanation with relevant supporting documents to be appended
- d) Details of action taken by the DFO against illicit felling/encroachment/illegal mining, etc., under the provisions of IFA-1927/PLPA-1900/ other State Forest Acts, etc.

Place:

Divisional Forests Officer

.....Forest Division

Dated:

Office Seal.....

Counter signed by:-

Conservator of Forests

Office Seal_____

FOR STAGE-II APPROVALS
PROFORMA
(Details of Remittance of Amount)

Full Title of the Project: _____

File No. : _____

Date of Proposal: _____

PROFORMA
(Details of remittance of amount)

1.	State /District/Forest Division to which the proposal relates	
2.	Name of the User Agency,	
3	Nature of the Proposal	
4.	Extent of forest are involved for diversion	
5.	Whether original, or extension of existing approval	
6.	If extension of lease, please clarify if proposal involves additional forest area. If so, specify	
7.	Date of 1 st stage Clearance	
8.	Amount to be realized (in Rs.) for	
a)	Compensatory Afforestation	
b)	Additional Compensatory Afforestation	
c)	Catchment Area Treatment	
d)	Wildlife Management Plan	
e)	Additional Charges for diversion of area falling under notified/protected areas	
f)	Net Present Value	
g)	Any other charges/Levies (Plants Damage)	
8 (a to g)	Total amount to be Realized	
9	Amount Realized	
i	Details of Bank	
ii	Name of Bank	
iii	Bank Draft No.	
iv	Date	
v	Amount	
vi	Whether deposited by RTGS, if so, the particulars & date of remittance	
vii	Bank (Corporation Bank, Lodhi Complex/ Union Bank of India, Sundernagar) in which deposited, with date of deposition	
10	Any other remarks	

Divisional Forest Officer

CHAPTER XVI
ENVIRONMENT
The Environment (Protection) Act, 1986
No. 29 OF 1986

[23rd may, 1986]

An act to Provide for the Protection and Improvement of Environment and for Matters Connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which Indian participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

CHAPTER-I
PRELIMINARY

1. (1) This Act may be called the Environment (Protection) Act, 86.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas.
2. In this Act, unless the context otherwise requires:-
 - (a) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property;
 - (b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
 - (c) "environmental pollution" means the presence in the environment of any environmental pollutant;
 - (d) "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
 - (e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organism, property or the environment;
 - (f) "occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes, in relation to any substance, the person in possession of the substance;
 - (g) "prescribed" means prescribed by rules made under this Act.

CHAPTER-II
GENERAL POWERS OF THE CENTRAL GOVERNMENT.

3. (1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.
(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:-
 - (i) Co-ordination of actions by the State Governments, officers and other authorities:-

- (a) Under this Act, or the rules made thereunder; or
 - (b) Under any other law for the time being in force which is relatable to the objects of this Act;
 - (ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;
 - (iii) laying down standards for the quality of environment in its various aspects;
 - (iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever;
 Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;
 - (v) restriction of areas in which any industries, operations, or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
 - (vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
 - (vii) laying down procedures and safeguards for the handling of hazardous substances;
 - (viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
 - (ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;
 - (x) inspection of any premises, plant, equipment, machinery manufacturing or other processes, materials or substances and giving, by order, or such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;
 - (xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;
 - (xii) collection and dissemination of information in respect of matters relating to environmental pollution;
 - (xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;
 - (xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.
 - (3) The Central Government may, if it consider it necessary or expedient so to do the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section (5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.
4. (1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.
- (2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

5. Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation:- For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct:-

- (a) the closure, prohibition or regulation of any industry, operation or process; or
 - (b) stoppage or regulation of the supply of electricity or water or any other service.
6. (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the standards of quality of air, water or soil for various areas and purposes;
 - (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
 - (c) the procedures and safeguards for the handling of hazardous substances;
 - (d) the prohibition and restrictions on the handling of hazardous substances in different areas;
 - (e) the prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas;
 - (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

CHAPTER-III

PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

7. No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.
8. No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.
9. (1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith:-
- (a) intimate the fact of such occurrence or apprehension of such occurrence; and
 - (b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.
- (2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.
- (3) The expenses, if any, incurred by any authority or agency with respect of the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for

the expenses is made until it is paid may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

- 10 (1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place:
- (a) for the purpose of performing any of the functions of the Central Government entrusted to him;
 - (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorization served made given or granted under this Act is being or has been complied with;
 - (c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.
- (2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.
- (3) If any person willfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of any offence under this Act.
- (4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may, apply to any search or seizure under this section as they apply to any search or seizure made under the authority or a warrant issued under section 94 of the said Code or, as the case may, under the corresponding provision of the said law.
11. (1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, sample of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.
- (2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of the sub-section (3) and (4) are complied with.
- (3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall:-
- (a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;
 - (b) in the presence of the occupier or his agent or person, collect a sample for analysis;
 - (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;
 - (d) send without delay, the container or the containers to the laboratory established or recognized by the Central Government under section 12.
- (4) When a sample is taken for analysis under sub-section(1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section(3), then :-

- (a) in a case where the occupier, his agent or person willfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and
 - (b) in a case where the occupier or his agent or person present at the time of taking sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognized under section 12 and such person shall inform the Government. Analyst appointed or recognized under section 13 in writing, about the willful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.
12. (1) The Central Government may, by notification in the Official Gazette:-
- (a) establish one or more environmental laboratories;
 - (b) recognize one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.
- (2) The Central Government may, by notification in the Official Gazette, make rules specifying:-
- (a) the functions of the environmental laboratory;
 - (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
 - (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.
13. The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be Government Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognized under sub-section (1) of section 12.
14. Any document purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.
15. (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.
- (2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.
16. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been

committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section:-

(a) "company" means anybody corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

17. (1) where an offence under this Act has been committed by any Department of Government, the Head of Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER -IV

MISCELLANEOUS

18. No suit, persecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.
19. No court shall take cognizance of any offence under this Act except on a complaint made by:-
- (a) the Central Government or any authority or officer authorized in this behalf by that Government; or
- (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.
20. The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.
21. All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
22. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.
23. Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such

conditions and limitations as may be specified in the notification, such of its powers and functions under this Act, [except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

24. (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made there in shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.
- (2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.
25. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;
 - (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or cause to be handled under section 8;
 - (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section(1) of section 9;
 - (d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;
 - (e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub-section(3) of section 11;
 - (f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test; the form of laboratory report the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;
 - (g) the qualifications of Government Analyst appointed or recognized for the purpose of analysis of samples of air, water, soil or other substances under section 13.;
 - (h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;
 - (i) the authority or officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20
 - (j) any other matter which is required to be, or may be, prescribed.
26. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

This Act of Parliament received the assent of the President of India on the 23rd May, 1986

THE ENVIRONMENT (PROTECTION) RULES, 1986

(The Principal rules were published in the Gazette of India vide number S.O. 844(E), dated 19.11.1986 and subsequently amended vide:

- (i) S.O. 32(E), 16.2.87
- (ii) S.O. 64(E), 18.1.88
- (iii) G.S.R. 931(E), 27.10.89
- (iv) S.O. 23(E), 16.1.91
- (v) G.S.R. 95(E), 12.2.92
- (vi) G.S.R. 329(E), 13.3.92
- (vii) G.S.R. 562(E), 22.5.92
- (viii) G.S.R. 636(E), 25.6.92
- (ix) G.S.R. 386(E), 22.4.93
- (x) G.S.R. 422(E), 19.5.93
- (xi) G.S.R. 801(E), 31.12.93
- (xii) G.S.R. 7, 22.12.98)

Ministry of Environment and Forests

(Department of Environment, Forest and Wildlife)

Notification

New Delhi, the 19th November, 1986

S.O. 844(E) - In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1906 (29 of 1986), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

- (i) These rules may be called the Environment (Protection) Rules, 1986.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires,-

- a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (aa) "areas" means all areas where the hazardous substances are handled;¹
- b) "Central Board" means the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- c) "Form" means a form set forth in Appendix A to these rules;
- d) "Government Analyst" means a person appointed or recognized as such under section 13;
- e) "person" in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance.
- (ee) "prohibited substance" means the substance prohibited for handling;¹
- f) "recipient system" means the part of the environment such as soil, water, air or other which receives the pollutants;
- (ff) "restricted substance" means the substance restricted for handling;¹
- g) "section" means a section of the Act;
- h) "Schedule" means a Schedule appended to these rules;
- i) "Standards" means standards prescribed under these rules;
- j) "State Board" means a State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or a State Pollution Control Board constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

3. Standards for emissions or discharge of environmental pollutants

(1) For the purpose of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in ²[Schedule I to IV].

(2) Notwithstanding anything contained in sub-rule (1), the Central Board or a State Board may specify more stringent standards from those provided in ³[Schedule I to IV] in respect of any specific industry, operation or process depending upon the quality of the recipient system and after recording reasons therefore in writing.

⁴(3) The standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified.

⁵[(3A)]

(i) Notwithstanding anything contained in sub-rules (1) and (2), on and from the 1st day of January, 1994, emission or discharge of environmental pollutants from the ⁶[industries, operations or processes other than those industries, operations or processes for which standards have been specified in Schedule-I] shall not exceed the relevant parameters and standards specified in schedule VI.

Provided that the State Boards may specify more stringent standards for the relevant parameters with respect to specific industry or locations after recording reasons therefore in writing;

(ii) The State Board shall while enforcing the standards specified in Schedule VI follow the guidelines specified in Annexure I and II in that Schedule].

⁷[(3B)] The combined effect of emission or discharge of environmental pollutants in an area, from industries, operations, process, automobiles and domestic sources, shall not be permitted to exceed the relevant concentration in ambient air as specified against each pollutant in columns (3) to (5) of Schedule VII.]

(4) Notwithstanding anything contained in sub-rule (3)-

(a) the Central Board or a State Board, depending on the local conditions or nature of discharge of environmental pollutants, may, by order, specify a lesser period than a period specified under sub-rule (3) within which the compliance of standards shall be made by an industry, operation or process

(b) the Central Government in respect of any specific industry, operation or process, by order, may specify any period other than a period specified under sub-rule (3) within which the compliance of standards shall be made by such industry, operation or process.

(5) Notwithstanding anything contained in sub-rule (3) the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) in respect of an industry, operation or process before the commencement of the Environment (Protection) Amendment Rules, 1991, shall be complied by such industry, operation or process by the 31st day of December 1991.

⁸[(6) Notwithstanding anything contained in sub-rule (3), an industry, operation or process which has commenced production on or before 16th May, 1981 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31 st day of December, 1993.

(7) Notwithstanding anything contained in sub-rule (3) or sub-rule (6) an industry, operation or process which has commenced production after the 16th day of May, 1981 but before the 31st day of December 1991 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1992.]

4. Directions

- (1) Any direction issued under section 5 shall be in writing.
- (2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.
- (3) (a) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(b) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3a) and (4) of this rule:

Provided that no opportunity of being heard shall be given to the occupier if he had already been heard earlier and the proposed direction referred to in sub-rule

(3b) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Government after such earlier hearing.⁹

(4) The Central Government shall within a period of 45 days from the date of receipt of the objections, if any or from the date up to which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(5) In case where the Central Government is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

(6) Every notice or direction required to be issued under this rule shall be deemed to be duly served

- (a) where the person to be served is a company, if the document is addressed in the name of the company at its registered office or at its principal office or place of business and is either-
- (i) sent by registered post, or
 - (ii) delivered at its registered office or at the principal office or place of business;
- (b) where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to this Head of the Department and also to the Secretary to the Government, as the case may be, in-charge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is either-
- (i) sent by registered post, or
 - (ii) given or tendered to him;
- (c) in any other case, if the document is addressed to the person to be served and-
- (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
 - (iii) is sent by registered post to that person;

Explanation.-For the purpose of this sub-rule,-

- a) "company" means anybody corporate and includes a firm or other association of individuals;
- b) "a servant" is not a member of the family.

5. Prohibitions and restrictions on the location of industries and the carrying on processes and operations in different areas

(1) The Central government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas-

- (i) Standards for quality of environment in its various aspects laid down for an area.
- (ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) [or an area.
- (iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.
- (iv) The topographic and climatic features of an area.
- (v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.
- (vi) Environmentally compatible land use.
- (vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.
- (viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference association or other body.
- (ix) Proximity to human settlements.
- (x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the locations Of an industry or the carrying on of processes and operations in an area, it may by notification in the Official Gazette and in such other manner as the Central government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the locations of the industries and carrying on of process or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may ¹⁰ [within one hundred and ¹¹ [eighty] days from such day of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area.

6. Procedure of taking samples

The Central Government or the officer empowered to take samples under section 11 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer empowered shall take two of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered shall dispose of the samples so collected as follows:-

- (i) One portion shall be handed over to the person from whom the sample is taken under acknowledgement; and

- (ii) the other portion shall be sent forthwith to the environmental laboratory or analysis.¹²

7. Service of notice

The Central Government or the officer empowered shall serve on the occupier or his agent or person in charge of the place a notice then and there in Form I of his intention to have the sample analyzed.

8. Procedure for submission of samples for analysis, and the form of laboratory report thereon

- 1) Sample taken for analysis shall be sent by the Central Government or the officer empowered to the environmental laboratory by registered post or through special messenger along with Form II.
- 2) Another copy of Form II together with specimen impression of seals of the officer empowered to take samples along with the seals/marks, if any, of the person from whom the sample is taken shall be sent separately in a sealed cover by registered post or through a special messenger to the environmental laboratory.
- 3) The findings shall be recorded in Form III in triplicate and signed by the Government Analyst and sent to the officer from whom the sample is received for analysis.
- 4) On receipt of the report of the findings of the Government Analyst, the officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by him for his record and the third copy shall be kept by him to be produced in the Court before which proceedings, if any, are instituted.

9. Functions of environmental laboratories

The following shall be the functions of environmental laboratories:-

- (i) to evolve standardized methods for sampling and analysis of various types of environmental pollutants;
- (ii) to analyze samples sent by the Central Government or the officers empowered under sub-section (1) of section 11.
- (iii) to carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environmental pollutants, to monitor and to enforce the standards laid down;
- (iv) to send periodical reports regarding its activities to the Central Government;
- (v) to carry out such other functions as may be entrusted to it by the Central Government from time to time.

10. Qualification of Government Analyst

A person shall not be qualified for appointment or recognized as a Government Analyst unless he is a:-

- (a) graduate in science from a recognized university with five years experience in laboratory engaged in environmental investigation, testing or analysis; or
- (b) post-graduate in science or a graduate in engineering or a graduate in medicine or equivalent with two years experience in a laboratory engaged in environmental investigations testing or analysis; or
- (c) post-graduate in environmental science from a recognized university with two years experience in a laboratory engaged in environmental investigations, testing or analysis.

11. Manner of giving notice

The manner of giving notice under clause (b) of section 19 shall be as follows, namely:-

- (1) The notice shall be in writing in Form IV.
- (2) The person giving notice may send notice to-
 - (a) if the alleged offence has taken place in a Union territory
 - (A) the Central Board and
 - (B) Ministry of Environment and Forests (represented by the Secretary to Government of India);

- (b) if the alleged offence has taken place in a State:
 - (A) the State Board; and
 - (B) the Government of the State (represented by the Secretary to the State Government in-charge of environment); and
 - (C) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);
- (3) The notice shall be sent by registered post acknowledgement due; and
- (4) The period Of sixty days mentioned in clause (b) of section 19 of the Environment (Protection) Act, 1986 shall be reckoned from the date it is first received by one of the authorities mentioned above.

13[12. Furnishing of information to authorities and agencies in certain cases

Where the discharge of environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person in charge of the place at which such discharge occurs or is apprehended to occur shall forth with intimate the fact of such occurrence or apprehension of such occurrence to all the following authorities or agencies, namely:-

- (i) The officer-in-charge of emergency or disaster relief operation in a district or other region of a state or Union territory specified by whatever designation by the Government of the said State or Union territory, and in whose jurisdiction the industry, process or operation is located.
- (ii) Central Board or a State Board as the case may be and its regional officer having local jurisdiction who have been delegated powers under section 20, 21, 23 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974)- and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).
- (iii) The statutory authorities or agencies specified in column 3 in relation to places mentioned in column 2 against thereof of the Schedule II.]

14[13. Prohibition and restriction on the handling of hazardous substances in different areas

- (1) The Central Government may take into consideration the following factors while prohibiting or restricting the handling of hazardous substances in different area is-
 - (i) The hazardous nature of the substance (either in qualitative or quantitative terms as far as may be) in terms of its damage causing potential to the environment, human beings, other living creatures, plants and property;
 - (ii) the substances that may be or likely to be readily available as substitutes for the substances proposed to be prohibited or restricted;
 - (iii) the indigenous availability of the substitute, or the state of technology available in the country for developing a safe substitute;
 - (iv) the gestation period that may be necessary for gradual introduction of a new substitute with a view to bringing about a total prohibition of the hazardous substance in question; and
 - (v) any other factor as may be considered by the Central Government to be relevant to the protection of environment.
- (2) While prohibiting or restricting the handling of hazardous substances in an area including their imports and exports the Central Government shall follow the procedure hereinafter laid down-
 - (i) Whenever it appears to the Central Government that it is expedient to impose prohibition or restriction on the handling of hazardous substances in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.
 - (ii) Every notification under clause (i) shall give a brief description of the hazardous substances and the geographical region or the area to which such notification

- pertains, and also specify the reasons for the imposition of prohibition or restriction on the handling of such hazardous substances in that region or area.
- (iii) Any person interested in filing an objection against the imposition of prohibition or restrictions on the handling of hazardous substances as notified under clause (i) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.
 - (iv) The Central Government shall within a period of ninety days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may impose prohibition or restrictions on the handling of hazardous substances in a region or an area.]

15[14. Submission of environmental 16[Statement]

Every person carrying on an industry, operation or process requiring consent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) or both or authorization under the Hazardous Wastes (Management and Handling) Rules, 1989 issued under the Environment (Protection) Act, 1986 (29 of 1986) shall submit an environmental audit report for the financial year ending the 31st March in Form V to the concerned State Pollution Control Board on or before the 17[thirtieth day of September] every year, beginning 1993.]

Notes:

1. Clauses (aa), (ee) and (ff) inserted by Notification NO. G.S.R. 931(E) dated 27.10.89 published in the Gazette NO. 564 dated 27.10.89. These rules are- referred to as Principal Rules in all Notifications beginning with S.O. 82(E) published in the Gazette No. 66 dated 16.2.87.
2. Substituted by notification G.S.R 422(E) dated 19.5.93, published in the Gazette No. 174 dated 19.5.93.
3. Substituted *ibid*.
4. The sub-rule (3) of rule 3 inserted vide S.O. 23(E) dated 16.1.91.
5. The sub-rule (3A) of rule 3 inserted by rule 2(a)(iii) of the Environment Protection) Second Amendment Rules, 1993 notified vide G.S.R. 422(E) dated 19.5.93, published in the Gazette No.174 dated 19.5.93.
6. Substituted by rule 2(a) of the Environment (Protection) Third Amendment Rules, 1993 notified vide Notification G.S.R. 801(E), dated 31.12.93, published in Gazette No. 463 dated 31.12.93.
7. Substituted by Rule 2 (a) of the Environment (Protection) Second (Amendment) Rules, 1998 notified by notification G.S.R. 7, dated 22.12.98.
8. Sub-rule (6) and (7) of rule 3 were added by the Environment (Protection) Amendment Rule, 1992 vide G.S.R. 95(E) dated 12.02.1992.
9. Sub-rule (3) of rule 4 of the Principal Rules was re-numbered as sub-rule 3(a) and sub-rule 3(b) inserted vide Notification No. S.O. 64(E) published in the Gazette No. 42 dated 18.1.88.
10. Inserted by Rule 2 of the Environment (Protection) (Third Amendment) Rules, 1992 notified vide G.S.R. 562(E), dated 22.5.1992.
11. Substituted by Rule 2 of the Environment (Protection) Fourth Amendment) Rule, 1992 notified vide G.S.R. 636(E), dated 25.6.1992.
12. For rule 6 of the principal rules this rule was substitute vide S.O. 64(E) published in the Gazette No. 42 dated 18.1.88.
13. Rule 12 inserted vide Notification No. S.O. 32(E) dated 16.2.87 published in the Gazette No. 66 dated 16.2.87.
14. Rule 13 inserted vide Notification No G.S.R. 931(E) dated 27.10.89 published in the Gazette No. 564 dated 27.10.89.
15. Inserted by Rule 2 of the Environment (Protection) Second Amendment & Rules, 1992 vide G.S.R. 329(E), dated 13.03.92.
16. Substituted by Rule 2(a)(i) of the Environment (Protection) Amendment Rules, 1993 vide notification G.S.R. 386(E), dated 22.4.93.
17. Substituted by Rule 2(a)(ii), *ibid*.

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii))
MINISTRY OF ENVIRONMENT AND FORESTS
New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

¹ Includes the territorial waters

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

(1) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(2) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

(3) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.

(4) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(5) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(6) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

i. All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources.

ii. All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

iii. All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;
- (c) The EAC and SEAC shall be reconstituted after every three years;
- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;
- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms

of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/ Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
- (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7 (ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already

granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R. CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	<50 ha ≥ 5 ha .of mining lease area.	General Condition shall apply Note: Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		Note: Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphta & gas based); ≥ 50 MW (Pet coke diesel and all other fuels -)	< 500 MW (coal/lignite/naptha & gas based); <50 MW ≥ 5MW (Pet coke, diesel and all other fuels)	General Condition shall apply
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1 million ton/ annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1 million ton/ annum mineral throughput	< 0.1 million ton/ annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

3		Materials Production		
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes / annum -	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units <20,000 tonnes / annum ii.) All other non -toxic secondary metallurgical processing industries >5000 tonnes / annum	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes / annum production capacity. All Stand alone grinding units	General Condition shall apply
4		Materials Processing		
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	$\geq 2,50,000$ tonnes/annum -	<2,50,000 & $\geq 25,000$ tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥ 300 TPD production capacity or a unit located outside the notified industrial area/ estate	<300 TPD production capacity and located within a notified industrial area / estate	Specific Condition shall apply. No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	Specific condition shall apply
5		Manufacturing/Fabrication		
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and /or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located outside the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice/non-molasses based distilleries – < 30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp without bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	- -	All projects	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petro chemical products), passing through national parks/ sanctuaries/ coral reefs/ ecologically sensitive areas including LNG Terminal	All projects -		-

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq. mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

Note:-

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

APPENDIX I
(See paragraph – 6)
FORM 1

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- *Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.)*

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore holes, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		

1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process waste		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural waste		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: ○ Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) ○ housing development ○ extractive industries ○ supply industries ○ other		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II

(See paragraph 6)

FORM-1 A (only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

1.1. Will the existing land use get significantly altered from the project that is not consistent with the surroundings? (Proposed land use must conform to the approved Master Plan / Development Plan of the area. Change of land use if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing land use, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc. may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc. during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

2.2. What is the capacity (dependable flow or yield) of the proposed source of water?

2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)

2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)

2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)

2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)

2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?

2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)

2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)

2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)

2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)

2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)

2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III
(See paragraph 7
GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	• Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	• Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	• Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	• Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	• In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative

6.	Environmental Monitoring Program	• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	• Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	• Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits
9.	Environmental Cost Benefit Analysis	• If recommended at the Scoping stage
10.	EMP	• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	• Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

APPENDIX IV
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

4.0 Videography

5.0 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

5.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX –V

(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT `

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree,

or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
 - **Risk Assessment Experts**
 - **Life Science Experts in floral and faunal management**
 - **Forestry and Wildlife Experts**
- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE (CONTROL) ACT, 1995

ARRANGEMENT OF SECTIONS

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Prohibition to throw degradable garbage in public drains and sewage.
4. Provision for placement of receptacles and places for deposit of non-biodegradable garbage.
5. Duty of owners and occupiers to collect and deposit non-biodegradable garbage etc.
6. Power of local authority for removal of non-biodegradable garbage.
7. Studies, research and support programme.
8. Penalties.
9. Offences by Companies.
10. Offences to be tried summarily.
11. Compounding of offences.
12. Directions by the State Government.
13. Power to amend Schedule.
14. Power to delegate.
15. Protection of action taken in good faith.
16. Other laws not affected.
17. Power to make rules.

SCHEDULE

THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE (CONTROL) ACT, 1995 (ACT No. 15 OF 1995)¹

(Received the assent of the Governor, Himachal Pradesh on the 20th December, 1995 and was published in Hindi and English in R.H.P. Extra., dated 22-12-1995, p. 5041-5047 and 5048-5053).

An Act to prevent throwing or depositing non-biodegradable garbage in public drains, roads and places open to public view ²[and to regulate the use of non-biodegradable material] in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.

Amended referred or otherwise effected by-

- (i) H.P. Act No. 17 of 2004³ published in Hindi and English in R.H.P. Extra., dated, 24-8-2004, at pages, 1689 to 1698.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-sixth Year of the- Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force on such date⁴ as the State Government may, by notification, appoint and different dates may be appointed for different areas.

¹ .Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 28-9-95, p. 3942 & 3949.

² . Ins. vide Act No. 17 of 2004.

³ . Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.Extra., dated 1.7.2004, p. 1070 & 1078.

⁴ . The provisions of the Act came force within the jurisdiction of the whole State of Himachal Pradesh w.e.f. 1st January, 1999 vide No. STV (Env.) A (10)4/92-12 dated 6th November, 1998, published in R.H.P. dated 3.4.1999, p. 499.

2. Definitions. - In this Act, unless the context otherwise requires-

- (a) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings;
- ¹[(aa) "competent authority" means any authority, officer or person appointed by the State Government, by notification, for enforcement of any of the provisions of this Act;]
- (b) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof or ill the removal of such matter therefrom;
- (c) "local authority" means a Municipal Corporation, a Municipal Council, a Nagar Panchayat, a Cantonment Board, a Zila Parishad, a Panchayat Samiti or a Gram Panchayat constituted, or continued, under any law for the time being in force;
- (d) "market" includes any place where persons; assemble for exposing for sale, meat, fish, fruits, vegetables, food or any other articles for human use or consumption with or without the consent of the owner offuchplace, notwithstanding that there may be no common regulation for the concourse of the buyers and the sellers and whether or not any control is exercised over the business of, or the person frequenting the market by the owner of the place of by any other persons;
- ²[(e) "non-biodegradable garbage" means the waste garbage made of non-biodegradable material;
- (ee) "non-biodegradable material" means the material which cannot be decomposed or degraded by action of micro-organisms, sunlight or other natural actions and includes goods made or manufactured from Polythene, Nylon or other plastic substances such as Polythynyl-Carbohydrates (P.V.C.), Poly-Propylene and Poly-styrene specified in the Schedule to this Act;]
- (f) "occupier" includes-
 - ³[(i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land building in respect of which such rent 18 paid or is payable;
 - (ii) an owner in occupation of or otherwise using his land or building;
 - (iii) a rent free tenant of any land or building; and
 - (iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building;]
- (g) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building, whether on his own account or on account of-himself and others or as an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it, if the land or building or part thereof were let to a tenant;
- (h) "place" means any land or building or part of a building and includes the garden, ground anti out-houses, if any, pertaining to a building Or part of a building;
- (i) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;
- (j) "prescribed" means prescribed by rules made-under this Act;
- (k) "Public Analyst" means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State, under the provisions of the Environment (Protection) Act, 1986 (29 of 1986); and
- (l) "public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road,

¹ . Ins. Vide clause (aa) Act No. 17 of 2004.

² .Clause (e) subs. and new clause (ee) ins. Act No. 17 of 2004.

³ . Existing sub-clause (a) (b) (c) (d) remaindered vide Act No. 17 of 2004.

street, market, house-gully or way, whether a thoroughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass.

3. Prohibition to throw degradable garbage in public drains and sewage.-(1) No person, by himself or through another, shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private Or public drainage works, any nonbiodegradable garbage or any bio-degradable garbage in a non-biodegradable bag or container likely to-

- (i) injure the drainage and sewage system;
- (ii) interfere with the free flow or affect the treatment and disposal of drain and sewage contents; and
- (iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or nonBiodegradable garbage in any public place or in a place open to public view, unless-

- (a) the garbage is placed in a garbage receptacle; or
- (b) the garbage is deposited in a location designated, by a local authority having jurisdiction on an area for the disposal of the garbage.

¹[3-A Restriction or prohibition on use of certain things manufactured from non-biodegradable material.- (1) The State

Government may, by notification, impose restriction or prohibition on the use of non-biodegradable material within the State of Himachal Pradesh, which is contrary to the norms as the State Government may, by notification, specify.

(2) The State Government may impose requirements on manufacturers, distributors and other persons, who produce or handle commodities, with respect to the type, size, labeling and composition of packaging with respect to its use and disposal including standards or norms for material degradability and re-cyclability.]

4. Provision for placement of receptacles and places for deposit of non-biodegradable garbage.-It shall be the duty of the local authority, or any officer authorised by it, to-

- (a) place or provide or place in proper and convenient situation public receptacles, deposit or places for temporary deposit or collection of non-biodegradable garbage;
- (b) provide separate dust bins for temporary deposit of nonbiodegradable garbage other than those kept and maintained for deposit of bio-degradable garbage;
- (c) provide for the removal of contents of receptacles, deposit and of the accumulation at all places provided or appointed by it under clause (a) of this section; and
- (d) arrange for recycling of the non-biodegradable garbage collected under this Act.

5. Duty of owners and occupiers to collect and deposit nonbiodegradable garbage etc. - It shall be the duty of the owners and occupiers of all lands and buildings

- (a) to collect or to cause to be collected from their respective land and buildings the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles deposits or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area ;
- (b) to provide separate receptacles or dust bins, other than those kept and maintained for deposit of bio-degradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection t herein of all the non-biodegradable waste from such land and building and to keep such receptacles dust bins in good condition and repair.

¹ . Section 3-A added vide Act No. 17 of 2004.

¹[6. Power of local authority or competent authority for removal of non-biodegradable garbage or non-biodegradable material.]-The local authority or the competent authority may, after giving notice in writing to the owner or occupier or part-owner, or person claiming to be the owner or part owner of any land or building, which has become a place of unauthorised stacking or deposit of non-biodegradable garbage or non-biodegradable material which is likely to occasion a nuisance or is likely to injure the drainage and sewage system or is likely to be dangerous to life and health, remove or caused to be removed the said garbage or material so sacked or collected, or take such steps as it may think necessary, and dispose of the said garbage or material at the cost of such person in the manner as provided under sub-section (5) of section 7-A of this Act]

7. Studies, research and support programme. - The State Government may-

- (a) undertake studies to determine the composition of bio-degradable or non-biodegradable garbage;
- (b) establish measures to conduct or support research or programmes to encourage source reduction, re-use and recycling for waste;
- (c) conduct or support studies to determine the social and economic feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes ;
- (d) encourage local authorities in the State to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick up ;
- (e) undertake and encourage, local authorities and other persons to implement policies to recycle waste materials, to promote energy conservation and to purchase products made from recyclable materials ;
- (f) conduct and support research on recycling including information on operating recycling business and market information on recyclables ;
- (g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and
- (h) impose requirements on manufacturers, distributors and other persons who produce or handle commodities with respect to the type, size, packaging, labeling and composition of packaging that may or must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

²[7-A. Power of entry and inspection.]-(1) Subject to the provisions of this section, any person empowered by the State Government, by notification in this behalf, shall have a right to enter, at all reasonable times with such assistance as considers necessary, any place-

- (a) for the purpose of performing any of the functions entrusted to him by the State Government; or
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order or direction served, made or, given under this Act is being or has been complied with; or
- (c) for the purpose of examining any record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing such record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person handling any non-biodegradable material or nonbiodegradable garbage shall be bound to render all assistance to the person empowered under sub-section (1) for carrying out the functions under that sub-section and if he fails to be punished under this Act.

¹ . Section 6 subs. vide Act No. 17 of 2004.

² . Section 7-A ins. vide Act No. 17 of 2004.

(3) If any person willfully delays or obstructs any person empowered under sub-section (1), in the performance of his functions, he shall be liable to be punished under this Act.

(4) The provisions of Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

(5) Any non-biodegradable garbage or non-biodegradable material seized under this section shall be disposed of in the manner as the State Government may, by notification, specify.]

8. Penalties.-(1) Whoever is guilty of any act or intentional omission in Contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to ¹[three month] or with fine which may extend to ²[rupees twenty five thousand], or with both.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punishable with double the penalty provided for the latter offence.

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

9. Offences by Companies.-(1) If the person committing any offence punishable under this Act is a Company, every person who, at the time of the commission of the offence, was incharge of, and responsible to the Company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary or other officer of the Company, such director., manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section-

- (a) "Company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a ,firm means a partner in the firm.

10. Offences to be tried summarily.-All offences under the Act shall be tried in a summary way by a judicial Magistrate of the First Class and t he provisions of sections 202 to 265 (both inclusive) of Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to such trials.

11. Compounding of offences.-(1) Any offence punishable under this Act may, before the institution of the prosecution be compounded by such officer as may be authorised by the State Government in this behalf, on payment, for credit to the State Government, of such sum as ³[the State Government may, by notification, specify.].

¹ . Subs. for the words "one month" vide Act No. 17 of 2004.

² . Subs. for the words "rupees five thousand" vide ibid.

³ . Subs. for the words "such officer may specify" vide Act no. 17 of 2004.

(2) Where any offence has been compounded under sub-section (1) no proceeding shall be taken against the offender, in respect of the offence as compounded, and the offender, if in custody, shall be discharged.

12. Directions by the State Government.—The local authority ¹[, competent authority or any other person] shall carry out such directions as may be issued to it, from time to time, by the State Government for the efficient administration of this Act.

13. Power to amend Schedule.—(1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the Public Analyst, by notification in the Official Gazette, add to, or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to be amended accordingly.

(2) Every notification under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislative Assembly.

14. Power to delegate.—The State Government may, by order published in the Official Gazette direct that any power exercisable by It under this Act (not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority, as may be specified therein.

15. Protection of action taken in good faith.—No suit, prosecution or the legal proceedings shall lie against the State Government or the local authority ²[or the competent authority] or any other officer or other employees of the State Government or of the local authority ³[or the competent authority] or any other person authorised by the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

16. Other laws not affected. - The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

17. Power to make rules.—(1) The State Government may subject to the condition of previous publication, make rules for the purposes of carrying out of the provisions of this Act.

(2) Every rule made by the State Government under this Act shall be laid as soon as may be, after it is made, before the State Legislative Assembly while it is in session, for a total period of fourteen days which may comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid the Assembly agrees, in making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have the effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

¹⁸[SCHEDULE

[See Section 2(ee)]

NON-BIODEGRADABLE GARBAGE

1. Polythylene
2. Nylon
3. P.V.C.
4. Poly-propylene
5. Poly-styrene]

¹ . Ins. Vide Act No. 17 of 2004.

² . Ins. Vide Act No. 17 of 2004.

³ . Ins. Vide Act No. 17 of 2004.

¹⁸ . Schedule subs. vide Act No. 17 of 2004.

NOTIFICATION AND RULES

Under

THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE (CONTROL) ACT, 1995

PROHIBITION FOR USING COLOURED POLYTHENE CARRY BAGS

(Issued and published in Hindi in R.H.P. dated 26.12.1998, p. 2054)

SCIENCE AND TECHNOLOGY DEPARTMENT

NOTIFICATION

Shimla-2, the 26th November, 1998.

No. EDN(S&T) V(3)5/98.- In exercise of the powers conferred by clause (h) of section 7 of the Himachal Pradesh Non-biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh is pleased to impose the prohibition on the traders, retailers and vendors in the state of Himachal Pradesh for using the coloured polythene carry bags manufactured from recycled plastic, for packaging the goods traded/sold by them, with effect from the 1st January, 1999.

(R.H.P. dated 26.12.1998, p. 2054)

(Issued and published in Hindi in R.H.P., dated 9.1.99, p.31).

Shimla-2, the 13th November, 1998

No. STV (Env) A(10)4/92-I.- In exercise of the powers conferred by sub-section (I) of section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor of Himachal Pradesh is pleased to authorise the Commissioner, Municipal Corporation, Shimla and all Executive Officers of Municipal Councils within the State of Himachal Pradesh, within their respective jurisdictions and Secretary, Nagar Panchayat Manali, District Kullu to compound any offence punishable under Act ibid before the institution of the prosecution, on payment of such sum as such officer may specify in his order.

----- (R.H.P. dated 9.1.99, p. 31).

APPOINTMENTS AND DELEGATIONS

Shimla-2, the 19th December, 1998

No. STV (Env.) A(10)-2/92-1.- In continuation of earlier notification of even no. dated 13.11.98 and in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh, Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh is pleased to authorise the following officers within their jurisdictions, with effect from 01.01.1999, to compound any offences punishable under Act ibid before the institution of the prosecution, on payment of such sum as such officer may specify in his order-

- (i) Assistant Commissioner, Sanitary Inspector, Shimla Municipal Corporation.
- (ii) Secretaries of all Nagar Panchayats in the State.
- (iii) Sanitary Inspectors in Municipal Councils.

----- (R.H.P. dated 16.1.99, p. 84).

Shimla-2, the 24th December, 1998

No. STV (Env.) A(10)-4/92-I. - In continuation of earlier notifications of even No. dated 13.11.98 & 19.12.98 and in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh is further pleased to authorise the following Officers of the Food and Supplies Department with effect from 01-01-1999, to compound any offence punishable under the Act, *ibid*, within their respective jurisdictions, before the institution of the prosecution, on payment of such sum as such officer may specify in his order:-

(i) All Districts Food and Supplies Controllers in the State.

(ii) All Districts Inspectors (F&S) in the State.

(iii) All Inspectors (F & S) both grade-I and grade-II, in the State.

(iv) All weights and Measures Inspectors in the State. -----

(R.H.P., dated 16.1.99, p. 84).

(Issued and published in R.H.P. dated 16.6.2001, P. 491-492)

Shimla-2, the 21st May, 2001.

No. EDN (S&T) A (3) 5/98. - In continuation of this Department notification No. STV (Env.) A (10) 4/92-I dated 13-11-98, 19.12.1998, 24-12-98, 9-7-99 and 19-7-2000 and in exercise of the powers conferred by sub-section(1) section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor, Himachal Pradesh, is pleased to authorise the following Officers to compound any offence punishable under the Act *ibid* within their respective jurisdictions with immediate effect:-

1. All District Magistrates in Himachal Pradesh.
2. All Addl. Deputy Commissioners in Himachal Pradesh.
3. All Addl. District Magistrates in Himachal Pradesh.
4. All Superintendents of Police in Himachal Pradesh.
5. All Addl. Superintendents of Police in Himachal Pradesh.
6. All Deputy Superintendents of Police in Himachal Pradesh.
7. All Divisional Forest Officers in Himachal Pradesh.
8. All Tehsildars in Himachal Pradesh.
9. All District Tourism Officers in Himachal Pradesh.
10. All Assistant Conservator of Forests in Himachal Pradesh.
11. All Naib Tehsildars in Himachal Pradesh.
12. All Assistant District Tourism Officers in Himachal Pradesh.
13. All Forest Rangers in Himachal Pradesh.
14. All Tourism Inspectors in Himachal Pradesh.

2. All the Officers mentioned at Sl. No. 2 to 14 and all the other officers who have been delegated powers of compounding vide this department Notifications mentioned above shall submit a monthly return to the concerned District Magistrate on the proforma enclosed as Annexure-A.

3. All the District Magistrates will send a consolidated monthly return to this Department on the proforma enclosed as Annexure-B.

**MONTHLY RETURN OF THE OFFENCES COMPOUNDED UNDER HIMACHAL PRADESH
NON- BIODEGRADABLE GARBAGE CONTROL ACT, 1995**

To

The District Magistrate,
District.....

Return for the Month of 01.

Name and Designation of the Compounding Authority

.....

Sl. No.	No. of cases challaned to the court with date	No. of cases forwarded	No. of cases compounded
1	2	3	4

Fee realized	Treasury Voucher No. vide which deposited	Remarks if any
5	6	7

Place : Signature of the Compounding Authority with seal
Date :

ANNEXURE-B

**MONTHLY RETURN OF THE OFFENCES COMPOUNDED UNDER HIMACHAL PRADESH
NON-BIODEGRADABLE**

GARBAGE (CONTROL) ACT, 1995 IN DISTRICT..... HIMACHAL PRADESH

To

The Secretary (S & T) to the
Government of Himachal Pradesh,
H.P. Secretariat, Shimla-171002.

Return for the Month.....

Sl. No.	Name & Designation	No. of cases challaned to the court with date	No. of cases forwarded of the compounding Authority
1	2	3	4

No. of cases compounded	Compounded Name & Designation	No. of cases challaned to the court with date	No. of cases forwarded of the compounding Authority
5	6	7	8

(R.H.P.dated 16.6.2001 p. 491-492)

(Issued and published in Hindi in R.H.P. Extra., dated, 11-6-04.p. 819) Shimla-2, the 4th June, 2004

No. STE-A (3)-4/2003. Whereas the State Government vide its notification No. EDN (S&T) A(3) 5/98 dated 26-11-1998, imposed prohibition on the traders, relations and vendors in the State of Himachal Pradesh for using the coloured polythene bag manufactured from recycled plastic, for packing the goods traded/sold by him, with effect from 1st January, 1999.

And whereas, it has come to the notice of the State Government that the plastic carry bags of all types, sizes and thickness are being used and being thrown indiscriminately everywhere including forests land, public places, roads, drains etc. thereby causing serious problems related to sanitation and environmental degradation.

And whereas, in order to reduce indiscriminate throwing of plastic carry-bags and preventing unsanitary conditions, the State Government is of the view that there is an urgent need to lay down specifications of carry bags made of non-biodegradable materials.

Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him under clause (h) of section 7 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, is hereby pleased to impose a requirement that the stockiest, traders, retailers and vendors, of all kind of commodities, within the entire State of Himachal Pradesh shall not use carry-bags made of non-biodegradable material listed in the Schedule to the Himachal Pradesh Non-Degradable Garbage (Control) Act, 1995, having thickness less than 70 microns and size less than 12"x 18".

And any person causing breach of the aforesaid requirement shall be liable for penalties as per the provisions of the Act *ibid*.

The Governor, Himachal Pradesh is further pleased to order that this requirement shall come into force with effect from 14th June, 2004 in the entire State of Himachal Pradesh, in the public interest.

(R.H.P. Extra., dated 11-6-2004, p. 820)

(Issued and published in Hindi in R.H.P. Extra dated, 18-12-2004.p 2767) Shimla-2, the 14th December, 2004.

No. STE-A (3)-4/2004. Whereas the State Government has issued Notification No. STE-A(3)-4/2003, dated 4-6-2004 under clause (h) of section 7 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 to impose a requirement that stockiests, traders, retailers and vendors of all kind of commodities, within the entire State of Himachal Pradesh, shall not use carry-bags made of non-biodegradable material listed in the Schedule to the Act having thickness less than 70 microns and size less than 12"x18";

And whereas, the State Government has deleted clause (h) of section 7 of the Act *ibid* by the Himachal Pradesh Non-Biodegradable Garbage (Control) Amendment Act, 2004 (Act No. 17 of 2004) and similar provision has simultaneously been added in sub-section (2) of section 3-A enacting Section 4 of the Amendment Act No. 17 of 2004;

And whereas, as per law laid down by the Hon'ble Supreme Court in case, Commissioner of Income Tax Versus Venkateswara Hatcheries (P) Ltd., (AIR 1999 SC. 1225), it has been held that where a provision of an Act omitted by an Act and the said Act simultaneously re-enacts a similar provision which substantially carries the filled occupied by repealed provision, in that event such re-enactment is regarded as having force continuously.

Now, therefore, the Governor of Himachal Pradesh, in exercise of the powers conferred by section 20 of the Himachal Pradesh General Clauses Act, 1968 read with sub-section(2) of section 3-A of the Himachal Pradesh Non Biodegradable Garbage (Control) Act, 1995, as amended by Act No. 17 of 2004, is pleased to substitute the words, signs and figure" Clause(h) of section 7" appearing in second line of para-IV of the Notification dated 4-6-2004 by the words, signs and figures " sub-section (2) of section 3-A" and further orders that the Notification dated 4-6-2004 shall be deemed to have force continuously.

(R.H.P.Extra., dated 18-12-2004, p. 2768).

.....

Shimla-2, the 4th June, 2004

No. STE-A(3)-4/2003.-In exercise of powers vested in him under sub-section (1) of section 11 of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, the Governor, Himachal Pradesh is pleased to authorize the following officers to compound any offence punishable under section 8 of the Act *ibid* for contravening the provisions of the notification number EDN (S&T) A(3)5/98, dated 26-11-1998 and notification of even number dated 4-6-2004 issued under section 7(h) of the Act aforesaid :-

1. All District Magistrates in Himachal Pradesh
2. The Commissioner, Municipal Corporation, Shimla
3. All Additional Deputy Commissioner in Himachal Pradesh
4. All Additional District Magistrate in Himachal Pradesh
5. All Sub-Divisional Magistrate in Himachal Pradesh
6. All Superintendents of Police in Himachal Pradesh
7. All Chief Medical Officers in Himachal Pradesh
8. The Assistant Commissioner, Municipal Corporation, Shimla.
9. All Deputy/Assistant Excise and Taxation Officers in Himachal Pradesh and Excise and Taxation Officer, Kinnaur
10. All Sub-Divisional Police officers and Deputy Superintendents of Police posted in the S.P's Office.
11. All Territorial Divisional Forest Officers in Himachal Pradesh.
12. All Tehsildars in Himachal.
13. All Environmental Engineers Assistant Environment Engineers Himachal Pradesh State Environment Protection and Pollution Control Board.
14. All District Assistant Tourism Development Officers in Himachal Pradesh posted in the Districts.
15. All Districts Food and Supplies Controllers in Himachal Pradesh.
16. All Tehsildars in Himachal Pradesh.
17. All Naib-Tehsildars in Himachal Pradesh posted in the Districts.
18. All Executive Officers, Municipal Councils in Himachal Pradesh.
19. All Secretaries of all Nagar Panchayats in Himachal Pradesh.

The above mentioned officers shall exercise these powers within their respective jurisdiction.

The Governor, Himachal Pradesh is further pleased to order that the aforesaid authorized officers while compounding of offences committed under the notifications referred to above may specify the sum for compounding on the following criteria:-

Sl.No. Quality of prohibited variety of carry-bags Amount in Rupees

1	2	3
1.	Upto 100 gms	500
2.	101-500 gms	1,500
3.	501gms-1Kg.	3000
4.	Above 1kg. to 5 Kg.	10000
5.	Above 5 Kg to 10 Kg.	20000
6.	More than 10 Kg.	25000

The Governor, Himachal Pradesh is further pleased to order that this notification shall come into force with effect from 14th June, 2004.

(R.H.P. Extra., dated 14-6-2004, p. 847-848).

.....

THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE CONTROL) RULE, 1996

ARRANGEMENT OF RULE

Rules:

1. Short title and commencement
2. Definition
3. Garbage management Zone
4. Garbage/waste management committee
5. Public garbage receptacle dustbins
6. Color and inscription on receptacles/dustbins
7. Safeguard to be taken by owner and occupants for deposit of garbage/waste generated from their buildings and lands
8. Prohibition to through non-biodegradable waste
9. Litter control
10. Disposal of garbage/waste
11. Inspections
12. Assistance to officer

THE HIMACHAL PRADESH NON-BIODEGRADABLE GARBAGE (CONTROL) RULES, 1996

No. STV (Env.) A (10)-4/92.- In exercise of the powers conferred by Section 17 of the Himachal Pradesh, Non-Biodegradable Garbage (Control) Act, 1995 (Act No. 15 of 1995), the Governor of Himachal Pradesh is pleased to make the following rules, the same having been previously published in the Rajpatra, Himachal Pradesh, (Extra-Ordinary), dated the 18th July, 1996 vide notification of even number dated 17-7-1996, namely:-

1. Short title and commencement-(1) These rules, may be called the Himachal Pradesh Non-Biodegradable Garbage Controls Rules, 1996.

(2) These shall come into force from such date¹⁹ as the State Government may, by notification, appoint.

2. Definitions.- (1) In these rule unless the context otherwise require,-

- (a) "Act" means the Himachal Pradesh Non-Biodegradable Garbage (Controls) Act, 1995;
- (b) "Bio-medical/clinical waste" means the waste generated in the Hospital, dispensaries, private clinics, Laboratories and slaughter houses and shall includes
 - (i) human or animal anatomical wastes ;
 - (ii) blood, body fluids and blood soaked bandages ;
 - (iii) microbiological wastes ;
 - (iv) discarded medicines ;
 - (v) disposables, waste sharps (needles, syringes, scaple, blades);
 - (vi) highly infections wastes ;
 - (vii) slaughter houses wastes ;
 - (viii) incineration wastes (ash from incineration of any biomedical waste);
 - (ix) bio-technological waste

¹⁹ .The rules come into force w.e.f. 1.1.1999 vide No. STV (ENV)A (10)4/92-1, dated 10th December, 1998 published in R.H.P. dated 16.1.99, p. 84.

(c) "Garbage Management Committee" means the garbage/waste management committee constituted under rule 4 of these rules.;

(d) "Garbage Management Zone" means the zone constituted under rule 3;

(e) "Section" means the section of the Act; and

(f) "State Government" means the Government of Himachal Pradesh.

(2) all other words and expressions used in these rules but not defined therein shall have the same meaning as have been assigned to them under the Act.

(3) **Garbage Management Zone.** - (1) For the garbage clearance, scavenging and cleaning the local authority shall divide area, falling within its territorial jurisdiction, into garbage collection/waste management zone.

(2) Every Garbage Management Zone set up under sub-rule (1) shall be under the charge of a Sanitary Inspector (by whatever name called) and a Sanitary Inspector may hold charge of one or more such zone.

4. Garbage/Waste Management Committee.-(1) To assist and devise the means for the efficient collection and disposal of the garbage in a Garbage Management Zone, set up under sub-rule (1) of rule 3, a Garbage Management Committee shall be constituted and it shall comprise of:- (a) the public representative of the area in local body concerned; (b) two responsible person of the locality nominated by local body; (c) the Sanitary Inspector of the area .

(2) The functions of Garbage Management Committee constituted under sub rule (1), shall be to render assistance of the local authority of the area

(a) for selection or earmarking the places where public receptacles are to be provided for temporary deposit of Garbage/waste generated from various sources in the Garbage Management Area Zone;

(b) for fixation of intervals within which the contents of receptacles, deposit and accumulation at all places, designated under rule 5 may be removed/cleared;

(c) for providing safeguard to be taken while depositing the garbage /waste in public receptacles/dustbins and its removals to dumping ground for the places fixed for bio-conversion, dumping incineration or recycling;

(d) for arranging the awareness, programmes to ensure reduction, reuse and recycling of garbage /waste ,especially the nonbiodegradable waste;

(e) for encouraging residents for the area to explore the social and economic/feasibility or separation of house hold waste, at the source for its reuse and recycling; and

(f) for devising steps to be taken for the maintenance of ecology and reduction of environmental pollution in the area.

5. Public Garbage receptacles dustbins -(1) The local Authority in consultation with the Garbage Management Committee constituted under rule 4, shall for temporary deposit or collection of non-biodegradable garbage/waste generated in the area provide or place, in proper place and convenient situation, separate receptacles/dustbins other than those kept and maintained for deposit of biodegradable garbage.

(2) In Hospital, dispensaries, private clinics, laboratories and slaughter houses, the person managing such institution shall provide and place at convenient places separate receptacles/dustbins for the collection and deposit garbage and bio-medical/clinical waste generated there from.

(3) The local authority and Management referred in sub rule (2) while providing/placing the receptacles and dustbins under this rule shall take every possible precaution to ensure that those are kept beyond the approach /reach dogs and stray animals.

6. Color and inscription on receptacles/dustbins.- the public receptacles and dustbins shall be painted in colour and shall carry inscription as under :-

1. Biodegradable-in black colour with inscription “for degradable waste only” ;
2. Non-biodegradable –in green colour with inscription “ For Non – Biodegradable waste only”; or
3. Bio-medical/Clinical Waste –in yellow colour with inscription “For bio-medical clinical waste only”;

7. Safeguard to be taken by owner and occupants for deposit of garbage/waste generated from their buildings and lands.- The owners and occupants of all lands and building shall collect or cause to be collected the garbage/waste generated from their respective lands /buildings and deposit it or cause to be deposited in public receptacles/dustbins provided under rule 5, for temporary deposit or collection of garbage by the local authority of the area ensuring that :

- (a) the garbage is deposited in a location designated by local authority;
- (b) the garbage is placed in a garbage receptacles/ dustbins ;
- (c) the bio-degradable garbage is deposited in the receptacle/ dustbin /dumper designated for that purpose ; and
- (d) the non-biodegradable garbage is not mixed either with biodegradable garbage or bio-medical/clinical waste and is deposited in the receptacles / dustbins designated for that purpose.

8. Prohibition to through Non-Biodegradable Waste – as person himself, or through another shall knowingly or otherwise,-

- (a) through or cause to be thrown any non-biodegradable garbage in place other than the garbage receptacles dustbins designated for the purpose under rule 5; and
- (b) mix the bio-medical/clinical waste with other nonbiodegradable waste/garbage.

9. Litter Controls.- The local authority or its officer may, order to clean up any non-biodegradable litter which has been disposed of contrary to the provision of the Act and these rules.

10. Disposal of garbage/waste.- (1) The Garbage/waste generated from various sources and deposited in the receptacles/ dustbins, provide under rule 5, shall be got collected and removed by the local authority, either through its employees or through the private agencies engaged by it for this purpose, to the dumping grounds or suitable disposal site.

(2) The non-biodegradable garbage/ waste (other than the biomedical/clinical waste, whether comprised of biodegradable or nonbiodegradable matter) collected from receptacles/dustbins and carried to dumping ground or disposal site under sub-rule (1), shall be further carried to the recycling centers arranged by local authority through its own officers or through private agencies or the rag-pickers/ kabaries;

(3) Subject to the provision contained in any other law, for time being in force, and the term and conditions which may be imposed by a local authority, and person responsible for the management of a hospital, dispensary, clinic, laboratory and slaughter house, shall dispose of the biomedical/clinical waste (including other garbage generated there from) by the process of incineration or other non- incineration technology.

Provided that where incineration facilities are not available or economically viable, the local authority, shall, in the absence of the agreement to the contrary, arrange for the removal and disposal of the bio-

medical/clinical waste by the process of incineration or other non-incineration technology.

(4) Subject to the sub-rule (3), the bio-degradable waste shall be get disposed of by the local authority, as it may deem fit, be the process of bioconversion, dumping or incineration or any other scientific method.

(5) Each site for Bio-conversion, dumping and processing of garbage /waste generated from all sources within the territorial limits of the local authority should be located at sufficient distance from the residential habitats.

11. Inspections .- (1) For the purpose of implementation of the provision of these rules ,an officer or employee of the local authority or the members of the Garbage Management Committee constituted under rule 4, may, at any reasonable time do any or all the following :-

- (a) enter and inspect any place to determine :-
 - (i) the extents, if any , to which a garbage may cause , is causing or has caused any adverse effect ;
 - (ii) the cause of any adverse effect that may occur , is occurring or has occurred ;
 - (iii) now an adverse effect may, be prevented , eliminated reduced or ameliorated and the environment conserved or reclaimed ;
- (b) enter and inspect any place in which such officer or employee or member, as the case may be ,reasonably believe that the waste can be found;
- (c) when such officer, employee or member, as the case may be, reasonably believes that any garbage /waste may release, is releasing or has released into the environment or a place open to public view, or that garbage/waste may cause, is causing or has caused any adverse effect, require the person having charge management of control of the garbage /waste to remove the garbage /waste or cause it to be removed from where is found and deposited in a place designated for that purpose under rule 5.

(2) No entry in any private premises under sub-rule (1) shall be made after the sun-set and before the sun-rise.

12. Assistance of officers .- The owner of and every person found in , any place in respect of which an officer or employee of the local authority or the member of the Garbage Management Committee constituted under rule 4 is exercising powers and carrying out duties under the Act and these rule shall :-

- (a) Give such officer, employee or member all reasonable assistance to enable him to exercise those powers and carry out those duties.
- (b) Furnish all information relative to exercising of those powers and carrying out those duties that such officer, employee or member may reasonably require.

NATIONAL ACTION PLAN ON CLIMATE CHANGE
GOVERNMENT OF INDIA
PRIME MINISTER'S COUNCIL ON CLIMATE CHANGE

CONTENTS

1. Overview
2. Principles
3. Approach
4. Way Forward: Eight National Missions
 - National Solar Mission
 - National Mission for Enhanced Energy Efficiency
 - National Mission on Sustainable Habitat
 - National Water Mission
 - National Mission for Sustaining the Himalayan Ecosystem
 - National Mission for a "Green India"
 - National Mission for Sustainable Agriculture
 - National Mission on Strategic Knowledge for Climate Change
5. Implementation of Missions: Institutional Arrangements for Managing Climate Change Agenda
6. Technical Document

1. Overview

India is faced with the challenge of sustaining its rapid economic growth while dealing with the global threat of climate change. This threat emanates from accumulated greenhouse gas emissions in the atmosphere, anthropogenically generated through long-term and intensive industrial growth and high consumption lifestyles in developed countries. While engaged with the international community to collectively and cooperatively deal with this threat, India needs a national strategy to firstly, adapt to climate change and secondly, to further enhance the ecological sustainability of India's development path.

Climate change may alter the distribution and quality of India's natural resources and adversely affect the livelihood of its people. With an economy closely tied to its natural resource base and climate-sensitive sectors such as agriculture, water and forestry, India may face a major threat because of the projected changes in climate.

India's development path is based on its unique resource endowments, the overriding priority of economic and social development and poverty eradication, and its adherence to its civilizational legacy that places a high value on the environment and the maintenance of ecological balance.

In charting out a developmental pathway which is ecologically sustainable, India has a wider spectrum of choices precisely because it is at an early stage of development. Our vision is to create a prosperous, but not wasteful society, an economy that is self-sustaining in terms of its ability to unleash the creative energies of our people and is mindful of our responsibilities to both present and future generations.

Recognizing that climate change is a global challenge, India will engage actively in multilateral negotiations in the UN Framework Convention on Climate Change, in a positive, constructive and forward-looking manner.

Our objective will be to establish an effective, cooperative and equitable global approach based on the principle of common but differentiated responsibilities and respective capabilities, enshrined in the United Nations (UNFCCC). Such an approach must be based on a global vision inspired by Mahatma Gandhi's wise dictum-The earth has enough resources to meet people's needs, but will never have enough to satisfy people's greed. Thus we must not only promote sustainable production processes, but equally, sustainable lifestyles across the globe.

Finally, our approach must also be compatible with our role as a responsible and enlightened member of the international community, ready to make our contribution to the solution of a global challenge, which impacts on humanity as a whole. The success of our national efforts would be significantly enhanced provided the developed countries affirm their responsibility for accumulated greenhouse gas emissions and fulfill their commitments under the UNFCCC, to transfer new and additional financial resources and climate friendly technologies to support both adaptation and mitigation in developing countries.

We are convinced that the principle of equity that must underlie the global approach must allow each inhabitant of the earth an equal entitlement to the global atmospheric resource.

In this connection, India is determined that its per capita greenhouse gas emissions will at no point exceed that of developed countries even as we pursue our development objectives.

2. Principles

Maintaining a high growth rate is essential for increasing living standards of the vast majority of our people and reducing their vulnerability to the impacts of climate change. In order to achieve a sustainable development path that simultaneously advances economic and environmental objectives, the National Action Plan for Climate Change (NAPCC) will be guided by the following principles:

- Protecting the poor and vulnerable sections of society through an inclusive and sustainable development strategy, sensitive to climate change.
- Achieving national growth objectives through a qualitative change in direction that enhances ecological sustainability, leading to further mitigation of greenhouse gas emissions.
- Devising efficient and cost-effective strategies for end use Demand Side Management

- Deploying appropriate technologies for both adaptation and mitigation of greenhouse gases e- missions extensively as well as at an accelerated pace.
- Engineering new and innovative forms of market, regulatory and voluntary mechanisms to promote sustainable development.
- Effecting implementation of programmes through unique linkages, including with civil society and local government institutions and through public-private-partnership.
- Welcoming international cooperation for research, development, sharing and transfer of technologies enabled by additional funding and a global IPR regime that facilitates technology transfer to developing countries under the UNFCCC

3. Approach

The NAPCC addresses the urgent and critical concerns of the country through a directional shift in the development pathway, including through the enhancement of the current and planned programmes presented in the Technical Document.

The National Action Plan on Climate Change identifies measures that promote our development objectives while also yielding co-benefits for addressing climate change effectively. It outlines a number of steps to simultaneously advance India's development and climate change-related objectives of adaptation and mitigation.

4. The Way Forward: Eight National Missions

In dealing with the challenge of climate change we must act on several fronts in a focused manner simultaneously. The National Action Plan hinges on the development and use of new technologies. The implementation of the Plan would be through appropriate institutional mechanisms suited for effective delivery of each individual Mission's objectives and include public private partnerships and civil society action. The focus will be on promoting understanding of climate change, adaptation and mitigation, energy efficiency and natural resource conservation.

There are Eight National Missions which form the core of the National Action Plan, representing multi-pronged, long-term and integrated strategies for achieving key goals in the context of climate change. While several of these programmes are already part of our current actions, they may need a change in direction, enhancement of scope and effectiveness and accelerated time-bound plans

4.1. National Solar Mission

A National Solar Mission will be launched to significantly increase the share of solar energy in the total energy mix while recognizing the need to expand the scope of other renewable and non-fossil options such as nuclear energy, wind energy and biomass.

India is a tropical country, where sunshine is available for longer hours per day and in great intensity. Solar energy, therefore, has great potential as future energy source. It also has the advantage of permitting a decentralized distribution of energy, thereby empowering people at the grassroots level. Photovoltaic cells are becoming cheaper with new technology. There are newer, reflector-based technologies that could enable setting up megawatt scale solar power plants across the country. Another aspect of the Solar Mission would be to launch a major R&D programme, which could draw upon international cooperation as well, to enable the creation of more affordable, more convenient solar power systems, and to promote innovations that enable the storage of solar power for long-term use.

4.2. National Mission for Enhanced Energy Efficiency

The Energy Conservation Act of 2001 provides a legal mandate for the implementation of the energy efficiency measures through the institutional mechanism of the Bureau of Energy Efficiency (BEE) in the Central Government and designated agencies in each state. A number of schemes and programmes have been initiated and it is anticipated that these would result in a saving of 10,000 MW by the end of 11th Five Year Plan in 2012.

To enhance energy efficiency, four new initiatives will be put in place. These are:

- A market based mechanism to enhance cost effectiveness of improvements in energy efficiency in energy-intensive large industries and facilities, through certification of energy savings that could be traded.

- Accelerating the shift to energy efficient appliances in designated sectors through innovative measures to make the products more affordable.
- Creation of mechanisms that would help finance demand side management programmes in all sectors by capturing future energy savings.
- Developing fiscal instruments to promote energy efficiency

4.3. National Mission on Sustainable Habitat

A National Mission on Sustainable Habitat will be launched to make habitat sustainable through improvements in energy efficiency in buildings, management of solid waste and modal shift to public transport. The Mission will promote energy efficiency as an integral component of urban planning and urban renewal through three initiatives.

- i. The Energy Conservation Building Code, which addresses the design of new and large commercial buildings to optimize their energy demand, will be extended in its application and incentives provided for retooling existing building stock.
- ii. Recycling of material and Urban Waste Management will be a major component of ecologically sustainable economic development. India already has a significantly higher rate of recycling of waste compared to developed countries. A special area of focus will be the development of technology for producing power from waste. The National Mission will include a major R&D programme, focusing on bio chemical conversion, waste water use, sewage utilization and recycling options wherever possible.
- iii. Better urban planning and modal shift to public transport. Making long term transport plans will facilitate the growth of medium and small cities in ways that ensure efficient and convenient public transport.
- iv. In addition, the Mission will address the need to adapt to future climate change by improving the resilience of infrastructure, community based disaster management, and measures for improving the warning system for extreme weather events. Capacity building would be an important component of this Mission.

4.4. National Water Mission

A National Water Mission will be mounted to ensure integrated water resource management helping to conserve water, minimize wastage and ensure more equitable distribution both across and within states. The Mission will take into account the provisions of the National Water Policy and develop a framework to optimize water use by increasing water use efficiency by 20% through regulatory mechanisms with differential entitlements and pricing. It will seek to ensure that a considerable share of the water needs of urban areas are met through recycling of waste water, and ensuring that the water requirements of coastal cities with inadequate alternative sources of water are met through adoption of new and appropriate technologies such as low temperature desalination technologies that allow for the use of ocean water.

The National Water Policy would be revisited in consultation with states to ensure basin level management strategies to deal with variability in rainfall and river flows due to climate change. This will include enhanced storage both above and below ground, rainwater harvesting, coupled with equitable and efficient management structures.

The Mission will seek to develop new regulatory structures, combined with appropriate entitlements and pricing. It will seek to optimize the efficiency of existing irrigation systems, including rehabilitation of systems that have been run down and also expand irrigation, where feasible, with a special effort to increase storage capacity. Incentive structures will be designed to promote water-neutral or water-positive technologies, recharging of under-ground water sources and adoption of large scale irrigation programmes which rely on sprinklers, drip irrigation and ridge and furrow irrigation.

4.5. National Mission for Sustaining the Himalayan Ecosystem

A Mission for sustaining the Himalayan Ecosystem will be launched to evolve management measures for sustaining and safeguarding the Himalayan glacier and mountain eco-system. Himalayas, being the source of key perennial rivers, the Mission would, *inter-alia*, seek to understand, whether and the extent to which, the Himalayan glaciers are in recession and how the problem could be addressed. This will require the joint effort of climatologists,

glaciologists and other experts. We will need to exchange information with the South Asian countries and countries sharing the Himalayan ecology.

An observational and monitoring network for the Himalayan environment will also be established to assess freshwater resources and health of the ecosystem. Cooperation with neighbouring countries will be sought to make the network comprehensive in its coverage.

The Himalayan ecosystem has 51 million people who practice hill agriculture and whose vulnerability is expected to increase on account of climate change. Community-based management of these ecosystems will be promoted with incentives to community organizations and panchayats for protection and enhancement of forested lands. In mountainous regions, the aim will be to maintain two-thirds of the area under forest cover in order to prevent erosion and land degradation and ensure the stability of the fragile eco-system.

4.6. National Mission for a Green India

A National Mission will be launched to enhance eco-system services including carbon sinks to be called Green India. Forests play an indispensable role in the preservation of ecological balance and maintenance of bio-diversity. Forests also constitute one of the most effective carbon-sinks.

The Prime Minister has already announced a Green India campaign for the afforestation of 6 million hectares. The national target of area under forest and tree cover is 33% while the current area under forests is 23%.

The Mission on Green India will be taken up on degraded forest land through direct action by communities, organized through Joint Forest Management Committees and guided by the Departments of Forest in state governments. An initial corpus of over Rs 6000 crore has been earmarked for the programme through the Compensatory Afforestation Management and Planning Authority (CAMPA) to commence work. The programme will be scaled up to cover all remaining degraded forest land. The institutional arrangement provides for using the corpus to leverage more funds to scale up activity.

4.7. National Mission for Sustainable Agriculture

The Mission would devise strategies to make Indian agriculture more resilient to climate change would identify and develop new varieties of crops and especially thermal resistant crops and alternative cropping patterns, capable of withstanding extremes of weather, long dry spells, flooding, and variable moisture availability.

Agriculture will need to be progressively adapted to projected climate change and our agricultural research systems must be oriented to monitor and evaluate climate change and recommend changes in agricultural practices accordingly.

This will be supported by the convergence and integration of traditional knowledge and practice systems, information technology, geospatial technologies and biotechnology. New credit and insurance mechanisms will be devised to facilitate adoption of desired practices.

Focus would be on improving productivity of rainfed agriculture. India will spearhead efforts at the international level to work towards an ecologically sustainable green revolution

4.8. National Mission on Strategic Knowledge for Climate Change

To enlist the global community in research and technology development and collaboration through mechanisms including open source platforms, a Strategic Knowledge Mission will be set up to identify the challenges of, and the responses to, climate change. It would ensure funding of high quality and focused research into various aspects of climate change.

The Mission will also have, on its research agenda, socio-economic impacts of climate change including impact on health, demography, migration patterns and livelihoods of coastal communities. It would also support the establishment of dedicated climate change related academic units in Universities and other academic and scientific research institutions in the country which would be networked. A Climate Science Research Fund would be created under the Mission to support research. Private sector initiatives for development of innovative technologies for adaptation and mitigation would be encouraged through venture capital funds. Research to support policy and implementation would be undertaken through identified centres. The Mission will also focus on dissemination of new knowledge based on research findings.

5. Implementation of Missions

These National Missions will be institutionalized by respective ministries and will be organized through inter-sectoral groups which include in addition to related Ministries, Ministry of Finance and the Planning Commission, experts from industry, academia and civil society. The institutional structure would vary depending on the task to be addressed by the Mission and will include providing the opportunity to compete on the best management model.

Each Mission will be tasked to evolve specific objectives spanning the remaining years of the 11th Plan and the 12th Plan period 2012-13 to 2016-17. Where the resource requirements of the Mission call for an enhancement of the allocation in the 11th Plan, this will be suitably considered, keeping in mind the overall resources position and the scope for re-prioritisation.

Comprehensive Mission documents detailing objectives, strategies, plan of action, timelines and monitoring and evaluation criteria would be developed and submitted to the Prime Minister's Council on Climate Change by December 2008. The Council will also periodically review the progress of these Missions. Each Mission will report publicly on its annual performance.

Building public awareness will be vital in supporting implementation of the NAPCC. This will be achieved through national portals, media engagement, civil society involvement, curricula reform and recognition/ awards, details of which will be worked out by an empowered group. The Group will also consider methods of capacity building to support the goals of the National Missions.

We will develop appropriate technologies to measure progress in actions being taken in terms of avoided emissions, wherever applicable, with reference to business as usual scenarios. Appropriate indicators will be evolved for assessing adaptation benefits of the actions.

These Eight National Missions, taken together, with enhancements in current and ongoing programmes included in the Technical Document, would not only assist the country to adapt to climate change, but also, importantly, launch the economy on a path that would progressively and substantially result in mitigation through avoided emissions.

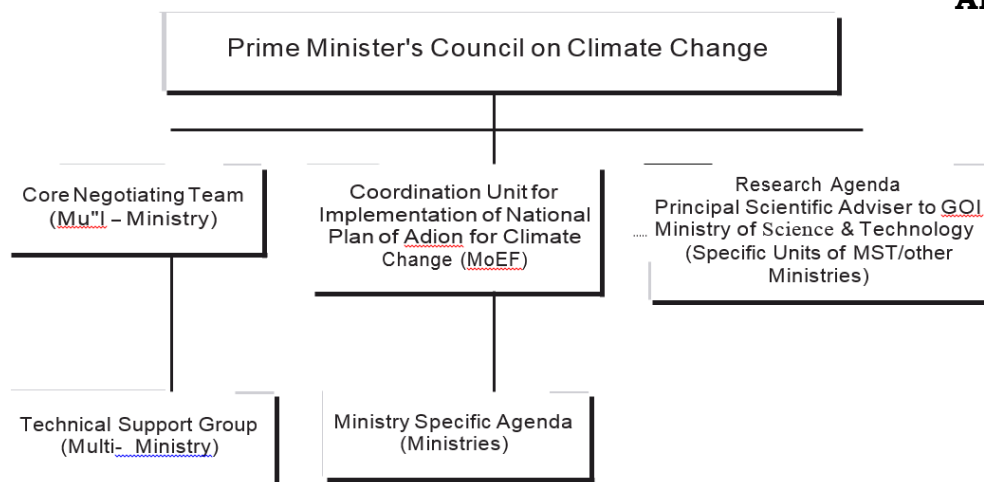
5.1. Institutional Arrangements for Managing Climate Change Agenda

In order to respond effectively to the challenge of climate change, the Government has created an Advisory Council on Climate Change, chaired by the Prime Minister. The Council has broad based representation from key stakeholders, including Government, Industry and Civil Society and sets out broad directions for National Actions in respect of Climate Change. The Council will also provide guidance on matters relating to coordinated national action on the domestic agenda and review of the implementation of the National Action Plan on Climate Change including its R&D agenda.

The Council chaired by the Prime Minister would also provide guidance on matters relating to international negotiations including bilateral, multi-lateral programmes for collaboration, research and development. Details of the institutional arrangement are at Annexure 1.

The NAPCC will continue to evolve, based on new scientific and technical knowledge as they emerge and in response to the evolution of the multilateral climate change regime including arrangements for international cooperation.

Annexure - I



TECHNICAL DOCUMENT

CONTENTS

- 1 Background to India's National Action Plan on Climate Change
- 2 Some Current Programmes on Adaptation and Mitigation
- 3 Way Forward: Eight National Missions
 - 3.1 National Solar Mission
 - 3.2 National Mission for Enhanced Energy Efficiency
 - 3.3 National Mission on Sustainable Habitat
 - 3.4 National Water Mission
 - 3.5 National Mission for Sustaining the Himalayan Ecosystem
 - 3.6 National Mission for a Green India
 - 3.7 National Mission for Sustainable Agriculture
 - 3.8 National Mission on Strategic Knowledge for Climate Change
- 4 Other Initiatives
- 5 International Cooperation
- 6 References

1. Background to India's National Action Plan on Climate Change

The Fourth Assessment report of the Intergovernmental Panel on Climate Change (IPCC-AR4) ¹ concluded from direct observations of changes in temperature, sea level, and snow cover in the northern hemisphere during 1850 to the present, that the warming of the earth's climate system is unequivocal. The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 ppm to 379 ppm in 2005. Multi- model averages show that the temperature increases during 2090-2099 relative to 1980-1999 may range from 1.1 to 6.4°C and sea level rise from 0.18 to 0.59 meters. These could lead to impacts on freshwater availability, oceanic acidification, food production, flooding of coastal areas and increased burden of vector borne and water borne diseases associated with extreme weather events.

The Prime Minister's Council on Climate Change, in its first meeting on 13th July, 2007, had decided that • *A National Document compiling action taken by India for addressing the challenge of Climate Change, and the action it proposes to take*" be prepared.

The National Action Plan for Climate Change responds to the decision of the PM's Council, as well as updates India's national programmes relevant to addressing climate change. It identifies measures that promote our development objectives, while also yielding co-benefits for addressing climate change effectively. It lists specific opportunities to simultaneously advance India's development and climate related objectives of both adaptation as well as green- house gas (GHG) mitigation.

India's development agenda focuses on the need for rapid economic growth as an essential pre- condition to poverty eradication and improved standards of living. Meeting this agenda, which will also reduce climate -related vulnerability, requires large - scale investment of resources in infrastructure, technology and access to energy. Developing countries may lack the necessary financial and technological resources needed for this and thus have very low coping capacity to meet threats from climate changes. Only rapid and sustained development can generate the required financial, technological and human resources. In view of the large uncertainties concerning the spatial and temporal magnitude of climate change impacts, it is not desirable to design strategies exclusively for responding to climate change. Rather, the need is to identify and prioritize strategies that promote development goals while also serving specific climate change objectives.

It is imperative to identify measures that pro- mote our development objectives, while also yielding co-benefits for addressing climate change effects. Cost- effective energy efficiency and energy conservation measures are of particular importance in this connection. Similarly, development of clean energy technologies, though primarily designed to promote energy security, can also generate large benefits in terms of reducing carbon emissions. Many health – related local pollution controls can also generate significant co-benefits in terms of reduced greenhouse gas emissions. This document identifies specific opportunities to simultaneously advance India's development and climate related objectives of adaptation and GHG mitigation.

It also describes India's willingness and desire, as a responsible member of the global com- munity, to do all that is possible for pragmatic and practical solutions for all, in accordance with the principle of common but differentiated responsibilities and respective capabilities. The purpose of this document is also to create awareness among representatives of the public at large, different agencies of the government, scientists, industry – in short, the community as a whole – on the threat posed by cli- mate change and the proposed steps to counter it.

1.1. The Imperative of Poverty Alleviation

Economic reforms, implemented since 1991, have resulted in faster growth of the Indian economy. GDP growth rates have averaged roughly 8% during 2004-2008. However, 27.5% of the population still lived below the poverty line in 2004-05 and 44% are still without access to electricity. The Approach Paper to the Eleventh Plan emphasizes that rapid economic growth is an essential prerequisite to reduce poverty. The poor are the most

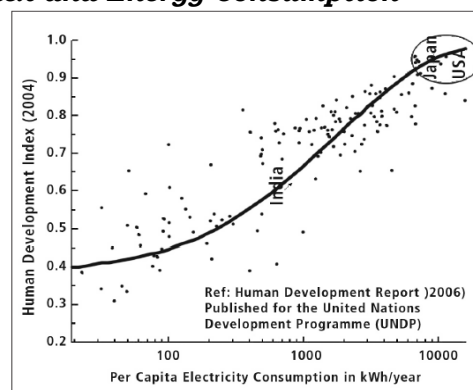
vulnerable to climate change. The former Prime Minister, late Smt. Indira Gandhi, had stated: '*poverty is the worst polluter*'. Therefore, development and poverty eradication will be the best form of adaptation to climate change.

The impacts of climate change could prove particularly severe for women. With climate change, there would be increasing scarcity of water, reduction in yields of forest biomass, and increased risks to human health with children, women and the elderly in a household becoming the most vulnerable. With the possibility of decline in availability of foodgrains, the threat of malnutrition may also increase. All these would add to deprivations that women already encounter and so in each of the Adaptation programmes, special attention should be paid to the aspects of gender.

1.2 Relationship between Human Development Index and Energy Consumption

The strong positive correlation between energy use and human development is well recognized (Figure 1.2.1). It is obvious that India needs to substantially increase its per capita energy consumption to provide a minimally acceptable level of well being to its people.

Figure 1.2.1: Human Development Index versus per capita electricity consumption



1.3. Current Carbon Dioxide Emissions in India

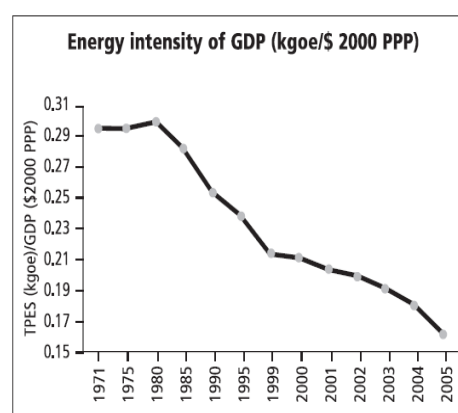
India's CO₂ emissions per capita are well below the world's average². Per capita carbon dioxide emissions of some regions in the world in 2004 are as follows:

Table 1.3.1: A comparison of India's per capita GHG emissions with some other countries

Country	Per-Capita Carbon-dioxide emissions (metric tons)
USA	20.01
EU	9.40
Japan	9.87
China	3.60
Russia	11.71
India	1.02
World Average	4.25

India has a well-developed policy, legislative, regulatory, and programmatic regime for promotion of energy efficiency, renewable energy, nuclear power, fuel switching, energy pricing reform, and addressing GHG emissions in the energy sector. As a consequence of these measures, India's energy intensity of the economy has come down sharply since the 1980s and compares favourably with the least energy intensive developed countries³.

Figure 1.3.2: India's Energy intensity of GDP based on International Energy Agency data⁴



1.4 Observed Changes in Climate and Weather Events in India

There are some observed changes in climate parameters in India. India's Initial National Communication, 2004 (NATCOM I)⁵ to UNFCCC has consolidated some of these. Some highlights from NATCOM I and others are listed here. No firm link between the documented changes described below and warming due to anthropogenic climate change has yet been established.

• Surface Temperature

At the national level, increase of -0.4°C has been observed in surface air temperatures over the past century. A warming trend has been observed along the west coast, in central India, the interior peninsula, and north-eastern India. However, cooling trends have been observed in north-west India and parts of south India.

• Rainfall

While the observed monsoon rainfall at the all-India level does not show any significant trend, regional monsoon variations have been recorded. A trend of increasing monsoon seasonal rainfall has been found along the west coast, northern Andhra Pradesh, and north-western India (+10% to +12% of the normal over the last 100 years) while a trend of decreasing monsoon seasonal rainfall has been observed over eastern Madhya Pradesh, north-eastern India, and some parts of Gujarat and Kerala (-6% to -8% of the normal over the last 100 years).

• Extreme Weather Events

Instrument records over the past 130 years do not indicate any marked long-term trend in the frequencies of large-scale droughts and floods. Trends are however observed in multi-decadal periods of more frequent droughts, followed by less severe droughts. There has been an overall increasing trend in severe storm incidence along the coast at the rate of 0.011 events per year. While the states of West Bengal and Gujarat have reported increasing trends, a decline has been observed in Orissa. Goswami⁶ et al, by analysing a daily rainfall data set, have shown (i) a rising trend in the frequency of heavy rain events, and (ii) a significant decrease in the frequency of moderate events over central India from 1951 to 2000.

• Rise in Sea Level

Using the records of coastal tide gauges in the north Indian Ocean for more than 40 years, Unnikrishnan and Shankar⁷ have estimated, that sea level rise was between 1.06-1.75 mm per year. These rates are consistent with 1-2 mm per year global sea level rise estimates of IPCC.

• Impacts on Himalayan Glaciers

The Himalayas possess one of the largest resources of snow and ice and its glaciers form a source of water for the perennial rivers such as the Indus, the Ganga, and the Brahmaputra. Glacial melt may impact their long-term lean-season flows, with adverse impacts on the economy in terms of water availability and hydropower generation.

The available monitoring data on Himalayan glaciers indicates that while recession of some glaciers has occurred in some Himalayan regions in recent years, the trend is not consistent across the entire mountain chain. It is accordingly, too early to establish long-term trends, or their causation, in respect of which there are several hypotheses.

Under the National Action Plan, these data will be updated and refined continuously and additional reliable data will be collected.

1.5. Some Projections of Climate Change over India for the 21st Century

Some modelling and other studies have projected the following changes due to increase in atmospheric GHG concentrations arising from increased global anthropogenic emissions:

Annual mean surface temperature rise by the end of century, ranging from 3 to 5°C under A2 scenario and 2.5 to 4°C under B2 scenario of IPCC, with warming more pronounced in the northern parts of India, from simulations by Indian Institute of Tropical Meteorology (IITM), Pune.

Indian summer monsoon (ISM) is a manifestation of complex interactions between land, ocean and atmosphere. The simulation of ISM's mean pattern as well as variability on inter annual and intra seasonal scales has been a challenging ongoing problem. Some simulations by IITM, Pune, have indicated that summer monsoon intensity may increase beginning from 2040 and by 10% by 2100 under A2 scenario of IPCC.

Changes in frequency and/ or magnitude of extreme temperature and precipitation events. Some results show that fine-scale snow albedo influence the response of both hot and cold events and that peak increase in extreme hot events are amplified by surface moisture feedbacks.

1.6. Possible Impacts of Projected Climate Change

1.6.1. IMPACTS ON WATER RESOURCES

Changes in key climate variables, namely temperature, precipitation, and humidity, may have significant long-term implications for the quality and quantity of water. River systems of the Brahmaputra, the Ganga, and the Indus, which benefit from melting snow in the lean season, are likely to be particularly affected by the decrease in snow cover. A decline in total run-off for all river basins, except Narmada and Tapi, is projected in India's NATCOM I. A decline in run-off by more than two-thirds is also anticipated for the Sabarmati and Luni basins. Due to sea level rise, the fresh water sources near the coastal regions will suffer salt intrusion.

1.6.2. IMPACTS ON AGRICULTURE AND FOOD PRODUCTION

Food production in India is sensitive to climate changes such as variability in monsoon rainfall and temperature changes within a season. Studies by Indian Agricultural Research Institute (IARI) and others indicate greater expected loss in the Rabi crop. Every 1° C rise in temperature reduces wheat production by 4-5 Million Tonnes. Small changes in temperature and rainfall have significant effects on the quality of fruits, vegetables, tea, coffee, aromatic and medicinal plants, and basmati rice. Pathogens and insect populations are strongly dependent upon temperature and humidity, and changes in these parameters may change their population dynamics. Other impacts on agricultural and related sectors include lower yields from dairy cattle and decline in fish breeding, migration, and harvests. Global reports indicate a loss of 10-40% in crop production by 2100.

1.6.3. IMPACTS ON HEALTH

Changes in climate may alter the distribution of important vector species (for example, malarial mosquitoes) and may increase the spread of such diseases to new areas. If there is an increase of 3.8 °C in temperature and a 7% increase in relative humidity the transmission windows i.e., months during which mosquitoes are active, will be open for all 12 months in 9 states in India. The transmission windows in Jammu and Kashmir and in Rajasthan may increase by 3-5 months. However, in Orissa and some southern states, a further increase in temperature is likely to shorten the transmission window by 2-3 months.

1.6.4. IMPACTS ON FORESTS

Based on future climate projections of Regional Climate Model of the Hadley Centre (HadRM3) using A2 and 82 scenarios and the BIOME4 vegetation response model, Ravindranath et. al.⁸ show that 77% and 68% of the forest areas in the country are likely to experience shift in forest types, respectively under the two scenarios, by the end of the century, with consequent changes in forests produce, and, in turn, livelihoods based on those products. Correspondingly, the associated biodiversity is likely to be adversely impacted. India's NATCOM I projects an increase in the area under xeric scrublands and xeric woodlands in central India at the cost of dry savannah in these regions.

1.6.5. VULNERABILITY TO EXTREME EVENTS

Heavily populated regions such as coastal areas are exposed to climatic events, such as cyclones, floods, and drought, and large declines in sown areas in arid and semi-arid zones occur during climate extremes. Large areas in Rajasthan, Andhra Pradesh, Gujarat, and Maharashtra and comparatively small areas in Karnataka, Orissa, Madhya Pradesh, Tamil Nadu, Bihar, West Bengal, and Uttar Pradesh are frequented by drought. About 40 million hectares of land is flood-prone, including most of the river basins in the north and the north-eastern belt, affecting about 30 million people on an average each year. Such vulnerable regions may be particularly impacted by climate change.

1.6.6. IMPACTS ON COASTAL AREAS

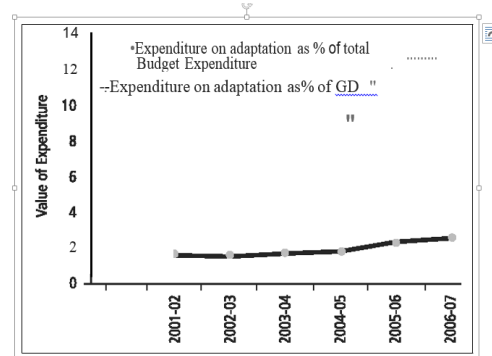
A mean Sea Level Rise (SLR) of 15--38 cm is projected along India's coast by the mid-21st century and of 46-59 cm by 2100. India's NATCOM I assessed the vulnerability of coastal districts based on physical exposure to SLR, social exposure based on population affected, and economic impacts. In addition, a projected increase in the intensity of tropical cyclones poses a threat to the heavily populated coastal zones in the country (NATCOM, 2004).

2. Some Current Actions for Adaptation and Mitigation

Adaptation, in the context of climate change, comprises the measures taken to minimize the adverse impacts of climate change, e.g. relocating the communities living close to the sea shore, for instance, to cope with the rising sea level or switching to crops that can withstand higher temperatures. Mitigation comprises measures to reduce the emissions of greenhouse gases that cause climate change in the first place, e.g. by switching to renewable sources of energy such as solar energy or wind energy, or nuclear energy instead of burning fossil fuel in thermal power stations.

Current government expenditure in India on adaptation to climate variability, as shown in Figure 2.1, exceeds 2.6% of the GDP, with agriculture, water resources, health and sanitation, forests, coastal-zone infrastructure and extreme weather events, being specific areas of concern.

Figure 2.1: Expenditure on Adaptation Programmes in India



2.1.1. CROP IMPROVEMENT

The present programmes address measures such as development of arid-land crops and pest management, as well as capacity building of extension workers and NGOs to support better vulnerability reducing practices.

2.1.2. DROUGHT PROOFING

The current programmes seek to minimize the adverse effects of drought on production of crops and livestock, and on productivity of land, water and human resources, so as to ultimately lead to drought proofing of the affected areas. They also aim to promote overall economic development and improve the socio-economic conditions of the resource poor and disadvantaged sections inhabiting the programme areas.

2.1.3. FORESTRY

India has a strong and rapidly growing afforestation programme. The afforestation process was accelerated by the enactment of the Forest Conservation Act of 1980, which aimed at stopping the clearing and degradation of forests through a strict, centralized control of the rights to use forest land and mandatory requirements of compensatory afforestation in case of any diversion of forest land for any non-forestry purpose. In addition an aggressive afforestation and sustainable forest management programme resulted in annual reforestation of 1.78 mha during 1985-1997, and is currently 1.1 mha annually. Due to this, the carbon stocks in Indian forests have increased over the last 20 years to 9-10 gigatons of carbons (GtC) during 1986 to 2005.

2.1.4 WATER

The National Water Policy (2002) stresses that non-conventional methods for utilization of water, including inter-basin transfers, artificial recharge of groundwater, and desalination of brackish or sea water, as well as traditional water conservation practices like rainwater harvesting, including roof-top rainwater harvesting, should be practised to increase the utilizable water resources. Many states now have mandatory water harvesting programmes in several cities.

2.1.5. COASTAL REGIONS

In coastal regions, restrictions have been imposed in the area between 200m and 500m of the HTL (high tide line) while special restrictions have been imposed in the area up to 200m

to protect the sensitive coastal ecosystems and prevent their exploitation. This, simultaneously, addresses the concerns of the coastal population and their livelihood. Some specific measures taken in this regard include construction of coastal protection infrastructure and cyclone shelters, as well as plantation of coastal forests and mangroves.

2.1.6. HEALTH

The prime objective of these programmes is the surveillance and control of vector borne diseases such as Malaria, Kala-azar, Japanese Encephalitis, Filariasis and Dengue. Programmes also provide for emergency medical relief in the case of natural calamities, and to train and develop human resources for these tasks.

2.1.7. RISK FINANCING

Two risk-financing programmes support adaptation to climate impacts. The Crop Insurance Scheme supports the insurance of farmers against climate risks, and the Credit Support Mechanism facilitates the extension of credit to farmers, especially for crop failure due to climate variability.

2.1.8. DISASTER MANAGEMENT

The National Disaster Management programme provides grants-in-aid to victims of weather related disasters, and manages disaster relief operations. It also supports proactive disaster prevention programmes, including dissemination of information and training of disaster-management staff.

2.2. Some of India's Actions Relating to GHG Mitigation

2.2.1. INDIA'S POLICY STRUCTURE RELEVANT TO GHG MITIGATION

India has in place a detailed policy, regulatory, and legislative structure that relates strongly to GHG mitigation: The Integrated Energy Policy was adopted in 2006. Some of its key provisions are:

- Promotion of energy efficiency in all sectors
- Emphasis on mass transport
- Emphasis on renewables including biofuels plantations
- Accelerated development of nuclear and hydropower for clean energy
- Focused R&D on several clean energy related technologies

Several other provisions relate to reforming energy markets to ensure that energy markets are competitive, and energy prices reflect true resource costs. These include: Electricity Act 2005, Tariff Policy 2003, Petroleum & Natural Gas Regulatory Board Act, 2006, etc. The provisions taken together are designed to:

- Remove entry barriers and raise competition in exploration, extraction, conversion, transmission and distribution of primary and secondary energy.
- Promote tax reform to promote optimal fuel choices.
- Augment and diversify energy options, sources and energy infrastructure.
- Provide feed-in tariffs for renewables (solar, wind, biomass cogeneration)
- Strengthen, and where applicable, introduce independent regulation.

The Rural Electrification Policy, 2006, promotes renewable energy technologies where grid connectivity is not possible or cost-effective. The New and Renewable Energy Policy, 2005, promotes utilization of sustainable, renewable energy sources, and accelerated deployment of renewables through indigenous design, development and manufacture.

The National Environment Policy, 2006, and the Notification on Environment Impact Assessment (EIA), 2006, reform India's environmental assessment regime. A number of economic activities are required to prepare environment impact assessments, and environment management plans, which are appraised by regulatory authorities prior to start of construction. The EIA provisions strongly promote environmental sustainability.

2.2.2. INTRODUCTION OF LABELLING PROGRAMME FOR APPLIANCES

An energy labelling programme for appliances was launched in 2006, and comparative star-based labelling has been introduced for fluorescent tube- lights, air conditioners, refrigerators, and distribution transformers. The labels provide information about the energy consumption of an appliance, and thus enable consumers to make informed decisions. The Bureau of Energy Efficiency has made it mandatory for refrigerators to display energy efficiency label and is expected to do so for air conditioners as well. The standards and labelling programme for manufacturers of electrical appliances is expected to lead to significant savings in electricity annually.

2.2.3. ENERGY CONSERVATION BUILDING CODE

An Energy Conservation Building Code (ECBC) was launched in May, 2007, which addresses the design of new, large commercial buildings to optimize the buildings' energy demand based on their location in different climatic zones. Commercial buildings are one of the fastest growing sectors of the Indian economy, reflecting the increasing share of the services sector in the economy. Nearly one hundred buildings are already following the Code, and compliance with the Code has been incorporated into the mandatory Environmental Impact Assessment requirements for large buildings. It has been estimated that if all the commercial space in India every year conform to ECBC norms, energy consumption in this sector can be reduced by 30-40%. Compliance with ECBC norms is voluntary at present but is expected to soon become mandatory.

2.2.4. ENERGY AUDITS OF LARGE INDUSTRIAL CONSUMERS

In March 2007 the conduct of energy audits was made mandatory in large energy-consuming units in nine industrial sectors. These units, notified as "designated consumers" are also required to employ "certified energy managers", and report energy consumption and energy conservation data annually.

2.2.5. MASS TRANSPORT

The National Urban Transport Policy emphasizes extensive public transport facilities and non-motorized modes over personal vehicles. The expansion of the Metro Rail Transportation System in Delhi and other cities and other mass transit systems, such as the Metro Bus project in Bangalore, are steps in its implementation. The State government of Maharashtra recently announced that it will impose a congestion tax to discourage the use of private cars in cities where it has created "sufficient public transport capacity".

2.2.6. CLEAN AIR INITIATIVES

In urban areas, one of the major sources of air pollution is emissions from transport vehicles. Steps taken to reduce such pollution include (i) introduction of compressed natural gas (CNG) in Delhi and other cities; (ii) retiring old, polluting vehicles; and (iii) strengthening of mass transportation as mentioned above. Some state governments provide subsidies for purchase and use of electric vehicles. For thermal power plants, the installation of electrostatic precipitators is mandatory. In many cities, polluting industrial units have either been closed or shifted from residential areas.

2.2.7 PROMOTION OF ENERGY SAVING DEVICES

The Bureau of Energy efficiency has introduced "The Bachat Lamp Yojana", a programme under which households may exchange incandescent lamps for CFLs (compact fluorescent lamps) using clean development mechanism (CDM) credits to equate purchase price. Some states have made mandatory the installation of solar water heaters in hospitals, hotels and large government and commercial buildings. Subsidy is provided for installation of solar water heaters in residential buildings.

2.2.8. PROMOTION OF BIOFUELS

The Biodiesel Purchase Policy mandates biodiesel procurement by the petroleum industry. A mandate on Ethanol Blending of Gasolene requires 5% blending of ethanol with gasolene from 1st January, 2003, in 9 States and 4 Union Territories.

3. The Way Forward: Eight National Missions

The experience gained so far enables India to embark on an even more proactive approach. The following subsections describe the various programmes that may be taken up under the National Action Plan.

3.1. National Solar Mission

The National Solar Mission would promote the use of solar energy for power generation and other applications. Where necessary for purposes of system balance or ensuring cost-effectiveness and reliability, it would also promote the integration of other renewable energy technologies, for example, biomass and wind, with solar energy options.

India is largely located in the equatorial sun belt of the earth, thereby receiving abundant radiant energy from the sun. The country receives about 5,000 trillion kWh/year equivalent energy through solar radiation. In most parts of India, clear sunny weather is experienced 250 to 300 days a year. The annual global radiation varies from 1600 to 2200 kWh/m², which is typical of the tropical and sub-tropical regions. The average solar insolation incident over India is about 5.5 kWh/m² per day. Just 1% of India's land area can meet India's entire electricity requirements till 2030.

Solar based power technologies are an extremely clean form of generation with practically no form of emissions at the point of generation. They would lead to energy security through displacement of coal and petroleum. T&D losses are very low in decentralized systems. Deployment can be done independently of the national grid and integrated with the national grid when needed.

3.1.1. SOLAR THERMAL POWER GENERATION

Solar Thermal Power Generating Systems (STPG) or Concentrating Solar Power (CSP) use concentrated solar radiation as high temperature energy source (> 5000C) to produce electricity.

The working mechanism for solar heat to electricity is fundamentally similar to that of traditional thermal power plants. STPG technologies are now on the verge of significant scale commercialization. Major technologies include parabolic trough or dish, dish-engine system, central tower receiver system, and solar chimney (which drives an air draft turbine, and does not raise steam).

Solar power is, obviously available only during sunlight hours. There are also significant seasonal variations. Moreover, the need to track the movement of the sun during the day, as also the seasonal variations in orientation, although fully predictable, may add significantly to cost in respect of dish collector systems. However, design variants are available that require movement of only the heat collector at the focus, or only of individual mirrors in an array, thus reducing costs.

The cyclical (diurnal, annual) and episodic (cloud cover) variations of solar insolation, and the impossibility of regulating the solar flux means that in order to ensure steady power supply, meet peaking requirements, as well as to ensure optimal utilization of steam turbines and generators, it is necessary to either hybridize solar thermal systems with alternative means of raising steam, or provide for high temperature thermal energy storage. The former may be accomplished by hybridization with conventional fuels, or by biomass combustion systems. The latter may be accomplished by insulated storage of molten salts; however, in their case the rate of heat loss may be significant and storage for more than 10-12 hours is uneconomic.

The investment cost of stand-alone (i.e. with- out hybridization) solar thermal power plants are in the range of Rs 20-22 cr/MW. It usually includes the cost of the solar concentrators, balance of system (BOS), receiver (turbine) with generator and control equipments, etc. The estimated unit cost of generation is currently in the range of 20-25 Rs/KWh. (Source Scientific American, January 2008)

Proposed R&D activities in respect of Solar Thermal power generation would cover design and development of concentrating solar thermal power systems, including parabolic troughs, central receiver systems, and dish/engine systems. The R&D effort should be directed mainly at reducing costs of production and maintenance, and include both production design and fabrication/assembly techniques. In addition, R&D should cover balance of systems issues involved in hybridization with bio- mass combustion based systems and/or molten salts thermal storage.

3.1.2. SOLAR PHOTOVOLTAIC GENERATION

In photovoltaic generation, solar energy is directly converted to electricity using a semi-conductor, usually a silicon diode. However, while there are other semi-conductors (e.g. cadmium telluride) that may be used for power generation, most of them are at various stages of R&D.

The investment costs of solar PV based power systems are in the range of Rs. 30-35cr/MW. This includes the cost of the solar panels and balance of system (BOS). The unit cost of generation is still in the range of Rs. 15-20 KWh, but may fall significantly for thin-film based systems.

Proposed R&D activities in respect of Solar Photovoltaic generation, for the near and medium term would include improvement in solar cell efficiency to 15% at commercial level; improvements in PV module technology with higher packing density and suitability for solar roofs; and development of lightweight modules for use in solar lanterns and similar applications.

3.1.3. R&D COLLABORATION, TECHNOLOGY TRANSFER, AND CAPACITY BUILDING

In specific areas of both solar thermal and solar PV systems, it would be useful to enter into collaboration with institutions working elsewhere, with sharing of the resulting IPRs.

Technology transfer in both Solar Thermal technologies and the PV technologies will be required in respect of cost-effective and efficient technologies suitable for use in India. Support to commercial demonstration by entrepreneurs of Solar Thermal and Solar PV, both stand-alone and distributed generation systems, in particular in remote locations, and using these as training facilities for local entrepreneurs and O&M personnel would also help develop this sector.

The National Solar Mission would be responsible for: (a) the deployment of commercial and near commercial solar technologies in the country; (b) establishing a solar research facility at an existing establishment to coordinate the various research, development and demonstration activities being carried out in India, both in the public and private sector; (c) realizing integrated private sector manufacturing capacity for solar material, equipment, cells and modules (d) networking of Indian research efforts with international initiatives with a view to promoting collaborative research and acquiring technology where necessary, and adapting the technology acquired to Indian conditions; (e) providing funding support for the activities foreseen under (a) to (d) through government grants duly leveraged by funding available under global climate mechanisms, and earnings from deployment of research sponsored by the Mission. Policy and Regulatory measures for promotion of solar technologies would also be enhanced as common to all renewables based technologies.

Over the 11th and 12th Plan periods (till 2017) the Mission would aim to deliver at least 80% coverage for all low temperature (<150° C) and at least 60% coverage for medium temperature (150° to 250° C) applications of solar energy in all urban areas,

industries, and commercial establishments. Rural solar thermal applications would also be pursued under public-private partnerships where feasible. Commensurate local manufacturing capacity to meet this level of deployment, with necessary technology tie-ups, where desirable, would be established. Further, the Mission would aim for local Photovoltaic (PV) production from integrated facilities at a level of 1000 MW/annum within this time frame. It would also aim to establish at least 1000 MW of Concentrating Solar Power (CSP) generation capacity, again, with such technical tie-ups as essential within the stated time frame.

The untapped energy potential of each of the three generic solar based energy approaches (i.e. solar PV, solar thermal, and biomass) is well beyond current usage levels. In the long term the Mission would aim to network Indian research efforts in solar technology with global initiatives in these three areas, so as to enable delivery of solar solutions to India's energy needs in tandem with developments worldwide.

In the long-term, the Mission would direct Indian solar research initiatives to deliver truly disruptive innovations that cut across more than one approach or technology. These include: (a) getting the same electrical, optical, chemical and physical performance from cheap materials as that delivered by expensive materials; (b) developing new paradigms for solar cell design that surpass current efficiency limits; (c) finding catalysts that enable inexpensive, efficient conversion of solar energy into chemical fuel; (d) identify novel methods of self-assembly of molecular components into functionally integrated systems; and (e) developing new materials for solar energy conversion infrastructure, such as robust, and inexpensive, thermal management materials.

The ultimate objective of the Mission would be to develop a solar industry in India that is capable of delivering solar energy competitively against fossil options from the Kilowatt range of distributed solar thermal and solar PV to the Gigawatt scale of base load priced and dispatchable CSP within the next 20-25 years.

3.2. National Mission for Enhanced Energy Efficiency in Industry

The industry sector is the largest user of commercial energy in India, accounting for 42% of the country's total commercial energy use during 2004--05. The Indian industry sector, comprising large, medium, and small enterprises registered a growth of 10.6% in April-December 2006 (MoF, 2007). Since the industry sector is viewed as central for economic growth, it would continue to play a major role in the overall development of India.

The industrialization policies of the country have helped in setting up of several energy-intensive primary manufacturing facilities such as iron and steel, cement, fertilizer, refineries, with investment targets fixed in successive Five-year Plans of the Government of India. The planners also encouraged various small scale industries, providing huge employment. The small scale sector produces close to 7500 items in which 326 items are reserved by the Government of India (MoSSI, 2007) to be exclusively produced by small units.

As per the national greenhouse inventory, the direct CO₂ emissions from industrial sources accounted for nearly 31% of the total CO₂ emissions from the country (data for base year 1994) (NATCOM, I). The CO₂ emissions from the industrial sector can be broadly categorized into two heads, i.e. process related emissions, and emissions due to fuel combustion in industries. Of the total estimated 250 million tonnes of direct CO₂ emissions from the industry in 1994, nearly 60% were accounted for by energy use (NATCOM, I).

3.2.1. GHG MITIGATION OPTIONS IN THE INDUSTRY SECTOR

GHG Mitigation options in the industry sector can be broadly grouped under three heads as given below:

- Sector specific technological options
- Cross-cutting technologies options
- Fuel switch options

3.2.2. SECTOR SPECIFIC TECHNOLOGICAL OPTIONS

Various CHG mitigation technology option in respect of the Chlor-Alkali, Cement, Aluminum, Fertilizer, Iron and Steel, Pulp and Paper and Textile sectors are currently being investigated.

3.2.3. CROSS-CUTTING TECHNOLOGICAL OPTIONS

Apart from sector-specific options, there are certain cross-cutting energy efficient technological options that could be adopted in a wide range of industries. In general, in the industries sector, approximately 50% of the industrial energy use is accounted for by cross-cutting technologies.

The estimated energy saving potential for a large number of plants is of the order of 5% to 15%.

3.2.4. FUEL SWITCH

With the increasing availability of natural gas in the country (both as imported LNG [liquefied natural gas] and likely increased domestic natural gas supply), industries may have the option to switch over from coal to the use of natural gas. Fuel-switch to natural gas generally leads to increase in energy use efficiency.

Another option is switching over from fossil fuels to producer gas from biomass fuels for various thermal applications. Industries with low temperature requirements (upto 100°C) (for example, textiles and pharmaceuticals) may also use solar thermal systems for water heating.

3.2.5 POTENTIAL FOR EMISSIONS REDUCTION

Although the efficiency of most large industrial sectors has been improving over time, and the specific energy consumption of many of the large plants compares well with the world's best, it is estimated that CO₂ emissions from fuel and electricity use in the industry sector could be further reduced by about 605 million tonnes (approximately 16% reduction from the BAU scenario) in the year 2031. However, this will involve major incremental investment costs, as well as, overall, large economic costs, besides technology transfer.

3.2.6. CO-BENEFITS

Energy-efficiency measures in the industrial sector also have some co-benefits due to reduction in fuel and material use leading to reduced emission of air-pollutants, solid waste, and waste water. In addition, some options also lead to improvement in the quality of product.

3.2.7 TECHNOLOGY TRANSFER

Relevant technologies under development that would reduce specific energy consumption need to be transferred to India when commercially viable.

3.2.8. FINANCING

The move to efficient technologies in the industry sector generally involves significant incremental investment, and in many cases, economic costs. These would have to be provided by multilateral funding arrangements. In particular, special financing mechanisms would need to be put in place for the SMEs. Bundling and/or programmatic CDM could be a possible financing route for these units.

3.2.9. CAPACITY – BUILDING NEEDS

Cooperative approaches by the government and industry are needed to enhance awareness of energy-efficient options, and upgrade relevant technical knowledge. The financial sector also needs capacity building in appraisal of specific energy efficiency improvement investments in existing industries.

3.2.10. POLICY AND REGULATORY OPTIONS

Under the Energy Conservation Act (2001), 9 energy intensive industrial sectors, i.e. thermal power stations, fertilizer, cement, iron and steel, chlor-alkali, aluminum, railways, textile and pulp and paper, are required to employ a certified energy manager, conduct energy audits periodically, and adhere to specific energy-consumption scribed.

Currently, almost every industrial sector is characterized by a wide band of energy efficiencies in different units. Several of them are at global frontier levels, but some others have relatively poor performance. As an approach to enhancement of over- all energy efficiency in each sector, the efficiency band-width of the sector is divided into 4 bands. The energy efficiency improvement target, in percent- age, from current levels for each unit varies with its band, being highest for the least energy efficient, and the least for the most efficient. These targets would have to be achieved within a period of 3 to 5 years within each group.

Given the fact of fertilizer subsidies, individual fertilizer units have little incentive to undertake energy-efficiency investments. It is, therefore, imperative that fertilizer subsidies be restructured to eliminate such absence of incentive.

To promote technology upgradation in the SME (small and medium enterprise) sector, it would be essential to evolve sector-specific integrated programmes for technology development. This would require external support for significantly longer durations to address various technological barriers and promote energy efficiencies at the unit level. The information or knowledge gap is more pronounced in case of small industries and "hand-holding" to help industries install energy efficient technologies as well as to ensure their optimum performance through best operating practices will be required.

Most of the energy-efficient equipment require higher upfront investment. An accelerated depreciation up to 80% in the first year on energy- efficient equipment would help their deployment. Further, reduced rate VAT (value added tax) on energy-efficient equipment would also help in reducing the required upfront investment.

To further enhance energy efficiency, four new initiatives may be considered. These are:

- Mandated specific energy consumption decreases in large energy consuming industries and facilities that have been notified as Designated Consumers under the Energy Conservation Act, and provide a framework to certify energy savings in excess of the mandated savings. The certified excess savings may be traded amongst companies to meet their mandated compliance requirements, or banked for the next cycle of energy savings requirements.
- Tax incentives for promotion of energy efficiency, including differential taxation on appliances that have been certified as energy efficient through energy labeling programme.
- Creation of energy efficiency financing platforms for enabling public-private-partnerships to capture energy savings through demand side management programmes in the municipal, buildings, and agri- cultural sectors.
- Fiscal Incentives.

3.2.11. DELIVERY OPTIONS

The key delivery options for energy efficiency in industry are:-

- Projects, including retrofits, by the corporate sector, with institutional finance
- Activities related to cluster development, particularly in SMEs
- Promotion of ESCOs (Energy Service Companies) for providing energy efficiency solutions across industry sectors

The Energy Efficiency Financing Platform initiated by the Bureau of Energy Efficiency, in conjunction with a robust ESCO industry could provide the necessary impetus to energy efficiency. In respect of each delivery mode, carbon finance through the COM would also be relevant.

3.3 National Mission on Sustainable Habitat

The Mission comprises three components, i.e. pro-moting energy efficiency in the residential and commercial sector, management of municipal solid waste, and promotion of urban

These are presented below:

3.3.1. PROMOTING ENERGY EFFICIENCY IN THE RESIDENTIAL AND COMMERCIAL SECTOR

The residential sector accounts for around 13.3% of total commercial energy use in India. While several households, especially in the rural areas, continue to use biomass for cooking in traditional cook stoves, which leads to high levels of indoor air pollution and poses a major health risk especially to women and children, the use of modern fuels such as LPG (liquefied petroleum gas) and kerosene is increasing rapidly. During 1990-2003, consumption of LPG increased at an annual rate of 11.26%, while electricity use increased at 8.25% annually in the residential sector.

Electricity consumption in the residential sector is primarily for lighting, space conditioning, refrigeration, and other appliances. According to a study on energy consumption in the residential sector in the city of Delhi, while lighting accounted for around 8%-14% of total electricity consumption, space-conditioning accounted for nearly 52%, and refrigerators accounted for around 28% (in the summer months). Accordingly, energy saving measures related with space conditioning (heating and cooling), refrigeration, and lighting have great significance in moving towards sustainable residential energy use.

The commercial sector comprises various institutional establishments such as banks, hotels, restaurants, shopping complexes, offices, and public buildings. Electricity consumption has increased at the rate of 7.4% annually between 1990-2003 in the commercial sector. It is estimated that on average, in a typical commercial building in India around 60% of the total electricity is consumed for lighting, 32% for space conditioning, and 8% for refrigeration. However, the end-use consumption varies significantly with space conditioning needs. While a fully airconditioned office building could have about 60% of the total electricity consumption accounted for by air conditioning, followed by 20% for lighting, in a non-airconditioned building the consumption patterns would be significantly different.

Energy use in residential and commercial buildings also varies significantly across income groups, building construction typology, climate, and several other factors. There exists significant scope to reduce energy use, while also providing the requisite energy services in case of both existing as well as new constructions. Although the saving potential of each option may vary with typology, climate, space conditioning needs, and the initial base design proposed by the client/designer. On an average it is estimated that the implementation of energy efficient options would help in achieving around 30% electricity savings in new residential buildings and 40% electricity savings in new commercial buildings. In case of existing buildings, the energy saving potential for residential buildings is estimated to be around 20%, and that for commercial buildings around 30%.

Various studies have established that substantial energy savings can be achieved in the residential and commercial sectors. Implementing carbon mitigation options in buildings is associated with a wide range of co-benefits, including improved energy security and system reliability. Other co-benefits of energy efficiency investments include the creation of jobs and business opportunities, while the energy savings may lead to greater access to energy for the poor, leading to their improvement and well-being. Other co-benefits include improved indoor and outdoor air quality, and thereby improved health and quality of life.

3.3.1.1 COSTS AND FINANCING

The incremental cost of implementation of energy-efficient measures is estimated to vary between 3%- 5% for residential buildings and 10%-15% for commercial buildings on a

case-to-case basis. Economic savings over the lifetime of the appliances would depend upon the specific- usage patterns. Also, it is expected that in general, private home-owners would seek shorter pay-back periods than owners of commercial property.

While the use of more efficient appliances can play a key role in reducing final energy demands energy-efficient appliances typically have higher up-front costs than their non-labeled counterparts. Given that significant incremental investment costs are associated with the efficient technologies, appropriate financing mechanisms need to be adopted in order to promote these technologies.

Adoption of energy-efficient lighting and space-conditioning technologies should be integrated into housing finance schemes of financial institutions, appliance financing schemes need to incentivize purchase of energy-efficient equipment, and utility- based programmes should be put in place to pay for the higher upfront capital costs of lighting systems in the utility bills.

Carbon-market financing would enable access to these technologies where there are higher investment costs, or higher economic costs of the required energy service, or both. This may be especially useful in view of the "split incentive" problem in such cases, that is, the persons who incur the additional investment costs are different from those that might realize the energy savings

3.3.1.2 RESEARCH AND DEVELOPMENT

The R&D needs for the residential and commercial sectors is mainly related to energy efficient technologies. It needs to focus on the development of energy- efficient products for the following applications:

- Energy-efficient buildings and building components
- Development of energy efficient windows Development of low-cost insulation material
- Development of simulation software to predict the energy used in buildings
- Energy efficient appliances
- Development of energy-efficient ceiling fans
- Development of very-low-energy-consuming circuits for stand-by power
- Development of low-cost light-emitting diode (LED)-based lamps for space lighting

The SAC-C (Scientific Advisory Committee of the Cabinet) has recommended the launch of a National Networked Initiative for R&D on the development of the next generation of LEDs, particularly white LEDs.

The energy efficient lighting and space conditioning technologies developed internationally are generally superior as compared to those available within the country. there is therefore a need for technology transfer from the developed countries. However adopting these internationally developed technologies is associated with payment of additional costs due to the IPR component associated with these technologies. Mechanisms need to be put in place so that these costs do not impose an additional burden on the consumers.

Solar evacuated tubular panel technology is available internationally for solar water heating systems, but needs to be transferred for diffusion in the Indian market.

Lack of awareness of energy-saving options and potential among architects, engineers, interior designers, and professionals in the building industry including plumbers and electricians is a major barrier to the construction of low-energy buildings. Realizing the potential of energy saving requires an integrated design process involving all the stake- holders, with full consideration of opportunities for passively reducing building energy demands.

Builders and developers need to be trained and made aware of the options to save energy in new constructions. There is a need to create comprehensive integrated programmes at universities and other professional establishments to impart such training for designing and constructing low-energy buildings.

3.3.1.4. POLICY AND REGULATORY ENHANCEMENTS

A diverse portfolio of policy instruments would be required to address the barriers to efficient energy use in the residential and commercial sectors.

There is a need to continuously update appliance energy norms and building energy codes and labeling, move towards rational energy pricing based on long-term average economic cost, and provide fiscal benefits for efficiency improvements.

The ECBC (Energy Conservation Building Code) was developed after the adoption of the Energy Conservation Act (2001). The ECBC aims to reduce the baseline energy consumption by supporting adoption and implementation of efficiency savings and savings in GHG emissions, besides other benefits. ECBC intervention has encouraged design innovation in the building envelope and system design and specification, which have resulted in 50% energy savings (as measured in ECBC compliant buildings) when compared to conventional constructions.

Given the scale of energy savings that can be achieved by the implementation of ECBC, it is important to direct policy towards encouraging/mandating energy savings. As an example, it would be pertinent to address the cost of CFL (Compact Fluorescent lamp) and T5 (Efficient Tube Light) which is a barrier to their wide spread use, and implement measures to increase the demand in order to reduce prices through scale effects. Large-scale availability of appropriate materials and equipment to meet the requirement of ECBC is also urgently needed. The energy codes are still new in India and the products (insulation, efficient glass, efficient HVAC systems, and so on) and services required by buildings to comply with the code requirements are not readily and abundantly available, or competitively priced. Market power monopoly of a handful of manufacturers of energy efficient products has resulted in a non-competitive market for products like insulations, chillers, and so on.

In addition to the above, the MoEF (Ministry of Environment and Forests) has developed a manual on norms and standards for environmental clearance for large construction projects after wide consultation with experts from different disciplines. The manual would be used as a technical guideline to assist the project proponents/stakeholders/consultants for the preparation environmental impact assessments of projects and obtain environmental clearance. Both the EACs (Expert Appraisal Committee) at MoEF and SEACs (State Expert Appraisal Committee) at the state/UT level appraise and grade all new construction projects requiring environmental clearances on the basis of the manual. The state pollution control boards are required to verify the compliance of the Environmental Management Plan and the observance of the criteria of gradation by the project proponents.

Successful implementation of performance-based codes requires education and training of building officials and inspectors and demonstration projects. Setting flexible performance-based codes rather than technology/options prescriptions can help keep compliance costs low and may provide incentives for innovation.

3.3.1.5. DELIVERY OPTIONS

The BLY (Bachat lamp Yojana) model needs to be pursued to promote energy efficient and high quality CFLs as replacement for incandescent bulbs in households. Comprehensive implementation of the BLY can lead to a reduction of 10,000 MW (Megawatt) of electricity demand. The BLY depends upon COM (clean development mechanism) revenues to meet the incremental investment cost as well as the incremental economic cost that would be the case in many participating households.

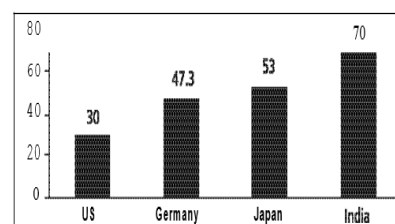
ESCOs (Energy Service Companies) need to be promoted as vehicles to deliver energy-efficiency improvements, in particular because of the "split incentives" problem, and facilitate access to carbon finance through bundled COM projects.

The energy efficient options in the residential and commercial sectors should be promoted as bundles of programmatic COM options.

3.3.2 MANAGEMENT OF MUNICIPAL SOLID WASTE (MSW)

Municipal solid waste (MSW) generation reflects not just income levels, but also lifestyle choices. Recycling of materials is an important option for reducing environmental pressures. Figure 3.3.2.1 below indicates that India has a significantly higher rate of recycling of materials in MSW than developed countries.

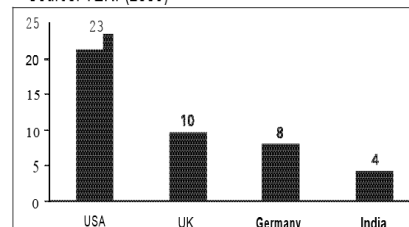
Figure 3.3.2.1: Average rate of recycling (in %), excluding re-use



Source: TERI (2006)

GHG emissions from MSW in India are also much lower than in developed countries, reckoned per unit of consumption (in \$ 1000 at PPP). Figure 3.3.2.2 below:

Figure 3.3.2.2.: CHG emissions intensity from waste generation (in gm/\$1000 at PPP GDP)



Source: TERI (2006)

MSW generation in Indian cities (around 5100 ULBs) is estimated to have increased from 6 million tonnes in 1947 to 48 million tonnes in 1997, and to 69 million tonnes in 2006 (Central Pollution Control Board 2000, TERI 2001). In addition, Indian consumption of plastics is around 4 MTPA (million tonnes per annum). About 60% of this comprises polyolefins, which are primarily used as packaging material. About 2.0 MTPA of total consumption is generated as plastic waste of which around 70% is recycled, mostly by the informal sector. The decadal growth in consumption of plastics during the period 1991-2001 was around 14% (Indian Centre for Plastics in the Environment and Central Institute of Plastic Engineering Technology 2003). Although the quantity of plastic waste reaching disposal sites is fairly low (0.62% on a dry weight basis), testifying to the high rate of recycling/reuse, the management of thin plastic bags remains a matter of concern due to low collection efficiency in their case. The plastic waste-recycling sector therefore needs to be strengthened.

Table 3.3.2.1: Characteristics of MSW in 59 cities

Parameter	Unit	Range
Compostable	%	30 – 73
Recyclable (Plastics, Paper, Metal, Glass etc)	%	10 – 37
Moisture	%	17 – 65
Carbon / Nitrogen (C/N)	Ratio	14 – 53
HCV	Kcal/kg	520 - 3766

Source : CPCB, 2005

There is a trend of increase in the percentage of recyclables, accompanied by decreases in the percentage of biodegradable matter in the waste stream.

Table 3.3.2.2: Change in waste composition in selected cities

City	Compostables %		Recyclables %	
	1982-1990	2005	1982-1990	2005
Lucknow	60.31	47.41	6.72	15.53
Kolkata	46.58	50.56	2.58	11.48
Kanpur	53.34	47.52	2.57	11.93
Mumbai	59.37	62.44	3.85	16.66
Delhi	57.51	54.42	8.24	15.52
Chennai	56.24	41.34	6.60	16.34
Bangalore	75.00	51.84	2.70	22.43
Ahemdabad	48.95	40.81	7.57	11.65

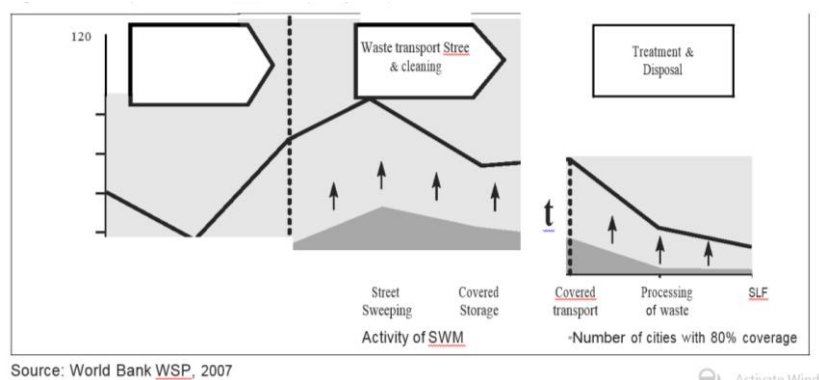
Source: 1982-90: Planning Commission; 1995, 2005: CPCB

3.3.2.1 POLICIES AND REGULATIONS

The 74th Constitutional Amendment (1992) transferred the responsibility for collection, treatment and disposal of MSW from State Government to the Urban Local Bodies (ULBs). The outbreak of plague at Surat (1994) focused policy attention on the importance of proper systems for MSW in the ULBs. In response to direction by the Supreme Court in a PIL (WP No. 88811996) MSW Rules 2000 were promulgated, MSW service from generation to disposal was mandated, and Local Governments made responsible for compliance. Since then ULBs have gradually improved the systems of collection and transport of MSW. However, major gaps exist in respect of treatment and disposal. In particular, in respect of disposal, the compliance is poor (<5%), and while there are an increasing number of projects incorporating safe disposal, most have inadequate capacity.

Efforts at composting, and generating energy from waste have generally not been successful for a variety of systemic, technology, and pricing issues, including variable quality of waste, insufficient segregation of MSW, opposition to siting the facilities from local residents, and accordingly, the practice of open dumping continues. The dominant technology choice remains composting.

Figure 3.3.2.1 Compliance Status of MSW Rules (Survey 2040)



In addition, experience has made clear that MSW operations cannot overall be profitable, and while cost-effectiveness and revenue streams should be pursued, MSW operations as a whole should be recognized as entailing the provision of a public good (or environmental service), generally requiring net fiscal expenditures by the concerned local bodies.

The MSW Rules under the Environment Protection Act are currently somewhat focused on specific treatment options, including the chain of collection, transport and disposal. This focus is unduly prescriptive, and prevents innovation in systems and procedures, as well as update on new technologies and techniques. The MSW Rules should be revised to focus instead on performance or outcome norms that are to be met, irrespective of particular systems and procedures, or technologies. This would provide benchmarks for monitoring and enforcement, as well as give space for innovation in systems, procedures, and technologies.

There is an emerging consensus that MSW Rules should enable (but not require) the sharing of infrastructure, including transport and treatment facilities, across a given region, including towns and villages. This would help realize scale economies, besides access to better and more cost-effective systems and treatment options for the smaller urban centres and habitations.

Broad guidelines for policy reform in the MSW sector include MSW sector include:

- Common Regional Facilities: In respect of smaller towns and villages located in a region, say a district, disposal facilities should be developed as a common regional facility.
- Integrated Systems for collection, transport, transfer, treatment, and disposal facilities: even if different organizations implement different components, as opposed to stand-alone facilities and open dumping.

MSW operations cannot be financially viable: ULBs should not expect to realize net royalties for treatment and disposal of MSW, and a tipping fee would be necessary (reckoned on tonnage of MSW or number of sources of different kinds) to be met from ULB revenues.

While there are several potential benefits in implementing MSW operations through public-private partnerships, including cost-effectiveness, as compared to operations carried out by the local bodies on their own, it is imperative that municipal finances are placed on a sound footing prior to out-sourcing this function. While the issue of municipal finance reform is complex with many dimensions, and needs to be pursued independent of MSW issues, a pre-requisite is separation of the accounts of the local bodies in respect of their different responsibilities, such as MSW, water supply, sewage disposal and roads. This separation would firstly, provide guidance to setting user charges (however collected), and a benchmark against which bids for provision of MSW services may be judged.

The National Environment Policy, 2006, provides for:

- Removal of barriers (incentives, regulation) for beneficial utilization of non-hazardous materials implementing viable PPPs for operation of hazardous and non-hazardous waste disposal facilities on payment of user fees, taking into account concerns of local communities.
- Survey and preparation of national inventory of toxic and hazardous waste sites and online monitoring of their movement
- Giving legal recognition to and strengthening informal sector systems of, collection and recycling and enhancing their access to finance and technology

The significance of the last is that while the informal recycling sector is the backbone of India's highly effective recycling system, unfortunately, a number of municipal regulations impede the operation of the recyclers, owing to which they remain at a tiny scale without access to finance or improved recycling technologies.

3.3.2.2. R&D NEEDS

Technological requirements are listed as follows:

- Biomethanation technology for waste to energy including its decentralised application for segregated waste streams like vegetable market waste, slaughterhouse waste and dairy waste.
- Development of indigenous gas engines for waste to energy applications to reduce the overall cost of the package.
- Upgrading plastic waste recycling technologies to reduce occupational and environmental hazards.
- Recycling technologies for construction and demolition wastes and e-waste streams.

3.3.2.3. FINANCING

The 10th Plan emphasized provision of important infrastructure facilities and 100% coverage of urban population with water supply facilities, and 75% of Urban population with sewerage and sanitation by the end of the plan period. Under the JNURM, till January 2011, funds amounting to Rs 900 crores were released to ULBs. The required funding for upgrading MSW facilities in all cities and towns would be much greater.

3.3.3. PROMOTION OF URBAN PUBLIC TRANSPORT

An increase in the demand for transportation services for both passengers and freight is inevitable, given economic growth and increase of population. The total number of registered motor vehicles in India has increased from 21.4 million in 1991 to 72.7 million in 2004 at a CAGR of 9.9%, with the two wheeler segment comprising of motorcycles, scooters, and mopeds growing most rapidly amongst personalized modes of transportation. Road based transportation is the main source of GHG emissions in the transportation sector.

Various studies have estimated that policy and technological measures can lead to significant energy and thereby emission savings in the transport sector. Estimates of the Planning

Commission indicate an energy saving potential of 115 mtoe (million tonnes of oil equivalent) in the year 2031/32 by increasing the share of railways and improving efficiencies of different modes of transport (Planning Commission, 2006). Similarly, TERI estimates indicate an energy saving of 144 mtoe in 2031 by including efficiency improvement across modes as well as considering enhanced use of public transportation and rail based movement, use of bio-diesel as compared to business-as-usual trends. The corresponding CO₂ emissions reduction is estimated at 433 million tonnes in 2031.

3.3.3.1. TRANSPORT OPTIONS

Mass transport options including buses, railways and mass rapid transit systems, etc. are the principal option for reducing energy use in the urban transport sector, and mitigating associated GHG emissions and air pollution. The use of CNG has helped reduce air pollution due to diesel use in some cities because of its lower particulates emissions. Regarding biofuels, ethanol blending of gasoline upto 5% is required in 9 states, and is expected that this limit would be increased to 10%. R&D has to be carried out on the combustion characteristics of motor engines for blending of higher content of ethanol in petrol. Bio-diesel production from *Jatropha curcas* and *Pongamia* shrubs is also increasing. The National Mission on Bio-diesel aims in the first (demonstration) phase to establish biodiesel plantations in 26 states, while the second phase will lead to the production of sufficient bio-diesel to enable a 20% blend in vehicle diesel in 2011/12. However, the oil content of bio-diesel crops from different parts of India is highly variable. R&D has to be carried to identify superior genotypes and collect seeds, which need to be inventorised, documented and stored under different agro-climatic zones. Introduction of bio-fuels should not divert land marked for food production and thus decrease the availability of food-grains to population. There is also some controversy about the net GHG emission of some biofuels.

Hydrogen has the potential to replace fossil fuels in the future. In recent years, significant progress has been reported by several countries for overcoming problems in its storage and production. In India, a National Hydrogen Energy Road Map has been prepared. Some organisations have already developed prototypes of two- and three-wheelers and buses to run on hydrogen fuel. However, large scale penetration of the market by hydrogen propelled vehicles is not expected till a few decades from now.

3.3.3.2. COSTS AND FINANCING

Most of the energy-efficiency measures require huge investments in the creation of new infrastructure. Efforts to reduce CO₂ emissions by the way of introduction of MRTS (mass-rapid transit system) would involve diverting resources from other priority claims on fiscal resources.

Moreover, the possibility of substantially reducing the dependence on petroleum products is constrained by the significantly higher costs of most alternative fuel options as of now. The main barrier to the use of hydrogen based fuel cell vehicles (FCVs) is that of high FCV drive-train costs.

3.3.3.3. CO-BENEFITS

Mitigation options such as enhanced shares of public transport or rail-based movement, efficiency improvements, and increased adoption of bio-diesel or CNG have important co-benefits at the regional and local levels.

Pricing, taxes, and charges, apart from raising revenue for governments, are expected to influence travel demand and choice of transportation modes, thereby decreasing fuel demand and GHG emissions. Transport pricing can offer important gains in social welfare by simultaneously reducing local pollution and GHG emissions, accidents, noise and congestion, as well as generating state revenue for enhancing social well-being and/or infrastructure construction and maintenance.

FCVs fuelled by hydrogen have zero CO₂ emission and high efficiency, address air quality (zero tailpipe emissions), and may promote energy security since hydrogen can be produced from a wide range of sources.

With an expanding automobile sector, recycling of recoverable materials at end-of-life of auto-mobiles would lead to considerable energy savings⁹. It is estimated that by 2020, recoverable materials annually will be of the order of 1.5 million tons of steel, 180,000 tons of aluminum and 75,000 tons each of rubber and plastics. Recycling of these materials will also reduce mining, depletion of natural resources, and degradation of environment. India has no formal regulations regarding recyclability and disposal of end-of-life vehicles.

The following actions are proposed for the transport sector:

- Promoting the use of coastal shipping and inland waterways, apart from encouraging the attractiveness of rail-based movement relative to long-distance road based movement
- Encouraging energy R&D in the Indian Railways
- Introducing appropriate transport pricing measures to influence purchase and use of vehicles in respect of fuel efficiency and fuel choice
- Tightening of regulatory standards such as enforcing fuel-economy standards for automobile manufacturers
- Establishing mechanisms to promote investments in development of high capacity public transport systems (e.g. offer equity participation and/or viability gap funding to cover capital cost of public transport systems)
- Abandoning of old vehicles to be made illegal with suitable legislation and fixing the responsibility of handing over the end-of-life vehicle to collection centers on the last owner of the vehicle
- Setting up of a demonstration unit to take up recycling of vehicles, especially two wheelers, which require new techniques
- Setting up a Combustion Research Institute to facilitate R&D in advanced engine design
- Providing tax benefits and investment support for recovery of materials from scrap vehicles

3.4. National Water Mission

India gets on an average 1197 mm of rainfall every year. This amounts to a total precipitation of 4000 billion m³. However, 3000 billion m³ of this is lost due to run off, and only 1000 billion m³ is available as surface and ground water sources, amounting to c.1000 m³ per year per capita water availability. This is about 115th -1110th of that of many industrialised countries. Many parts of India are water stressed today and India is likely to be water scarce by 2050.

The problem may worsen due to climate change impacts. It is therefore important to increase the efficiency of water use, explore options to augment water supply in critical areas, and ensure more effective management of water resources. New regulatory structures with appropriate entitlements and pricing and incentives to adopt water-neutral and water positive technologies may be required. Integrated water policies will help to cope with variability in rainfall and river flows at the basin level. Some specific aspects related to water resources are discussed in more detail below.

3.4.1 STUDIES ON MANAGEMENT OF SURFACE WATER RESOURCES

Rivers and lakes, the most visible sources of surface water, often indicate the state of the environment more dearly than many other indicators. Such resources also have economic significance in the form of waterways for transport, sources of clean energy in the form of hydropower, and vital inputs to agriculture in the form of irrigation. Key elements on surface water studies include the following:

- Estimating river flows in mountainous areas
- Customizing climate change models for regional water basins
- Extending isotopic-tracer-based techniques of monitoring river water discharge to all major river monitoring stations
- Developing digital elevation models of flood-prone areas for forecasting floods
- Mapping areas likely to experience floods and developing schemes to manage floods
- Strengthening the monitoring of glacial and seasonal snow covers to assess the

contribution of snowmelt to water flows of Indian rivers that originate in the Himalayas

- Establishment of a wider network of automatic weather status and automated rain gauge stations
- Planning of watershed management in mountain ecosystems

3.4.2 MANAGEMENT AND REGULATION OF GROUNDWATER RESOURCES

Groundwater accounts for nearly 40% of the total available water resources in the country and meets nearly 55% of irrigation requirements, 85% of rural requirements and 50% of urban and industrial requirements. However, overexploitation of the resource has sharply lowered the water table in many parts of the country, making them increasingly vulnerable to adverse impacts of climate change. Key areas in this programme may include the following:

- Mandating water harvesting and artificial recharge in relevant urban areas
- Enhancing recharge of the sources and recharge zones of deeper groundwater aquifers
- Mandatory water assessments and audits; ensuring proper industrial waste disposal
- Regulation of power tariffs for irrigation

3.4.3 UPGRADING STORAGE STRUCTURES FOR FRESH WATER AND DRAINAGE SYSTEMS FOR WASTEWATER

To address the problems of droughts and floods triggered by extreme weather events, it is essential to both augment storage capacity and improve drainage systems. Effective drainage is also essential to reclaim waterlogged and saline-alkali lands and to prevent the degradation of fertile lands. Key areas are listed below:

- Prioritizing watersheds vulnerable to flow changes
- and developing decision support systems to facilitate quick and appropriate responses
- Restoration of old water tanks
- Developing models of urban storm water flows and estimating drainage capacities for storm- water and for sewers based on the simulations Strengthen links with afforestation programmes and wetland conservation
- Enhancing storage capacities in multipurpose hydro projects, and integration of drainage with irrigation infrastructure

3.4.4. CONSERVATION OF WETLANDS

Wetlands provide a range of ecological services, including water conservation, recharge of ground- water, and preservation of flora and fauna, including species and varieties at risk and are a source of livelihood to many. Wetlands face the threat of conversion to other uses, which means a loss of their eco- logical services, making those who depend on them vulnerable. Actions identified for conserving wetlands are listed below:

- Environmental appraisal and impact assessment of developmental projects on wetlands
- Developing an inventory of wetlands, those with unique features
- Mapping of catchments and surveying and assessing land use patterns with emphasis on drainage, vegetation cover, silting, encroachment, conversion of mangrove areas, human settlements, and human activities and their impact on catchments and water bodies.
- Creating awareness among people on importance of wetland ecosystems
- Formulating and implementing a regulatory regime to ensure wise use of wetlands national, the state, and district levels

3.4.5. DEVELOPMENT OF DESALINATION TECHNOLOGIES

In India, desalination has been recognized as a possible means to augment the water supply through natural resources for meeting the growing needs of water due to population and industrial growth. Since desalination is an energy intensive process (the energy required may vary from about 3 kWh to 16 kWh for separating 1000 litres depending

on the type of process used), the application of desalination technology for increasing regional water supplies strongly links to energy issues and thus GHG emissions. Development activities have been initiated in various laboratories in the country. Desalination has been recognized as an important cross disciplinary technology area for R&D in the 11th Plan. Technologies are being developed for the following:

- Seawater desalination using Reverse Osmosis and multistage flash distillation to take advantage of low-grade heat energy e.g. from power plants located in the coastal regions or by using renewable energy such as solar
- Brackish water desalination
- Water recycle and reuse
- Water purification technologies

3.5. National Mission for Sustaining the Himalayan Ecosystem

The Himalayan ecosystem is vital to the ecological security of the Indian landmass, through providing forest cover, feeding perennial rivers that are the source of drinking water, irrigation and hydropower, conserving biodiversity, providing a rich base for high value agriculture, and spectacular landscapes for sustainable tourism. At the same time, climate change may adversely impact the Himalayan ecosystem through increased temperature, altered precipitation patterns, and episodes of drought.

Concern has also been expressed that the Himalayan glaciers, in common with other entities in the global cryosphere, may lose significant ice mass, and thereby endanger river flows especially in the lean season, when the North Indian rivers are largely fed by melting snow and ice. Studies by several scientific institutions in India have been inconclusive on the extent of change in glacier mass, and whether climate change is a significant causative factor.

It is accordingly, necessary to continue and enhance monitoring of the Himalayan ecosystem, in particular the state of its glaciers, and the impacts of change in glacial mass on river flows. Since several other countries in the South Asian region share the Himalayan ecosystem, appropriate forms of scientific collaboration and exchange of information may be considered with them to enhance understanding of ecosystem changes and their effects.

It is also necessary, with a view to enhancing conservation of Himalayan ecosystems, to empower local communities, in particular through the Panchayats, to assume greater responsibility for management of ecological resources.

The National Environment Policy, 2006, inter-alia provides for the following relevant measures for conservation of mountain ecosystems:

- Adopt appropriate land-use planning and water-shed management practices for sustainable development of mountain ecosystems
 - Adopt "best practice" norms for infrastructure construction in mountain regions to avoid or minimize damage to sensitive ecosystems and despoiling of landscapes
 - Encourage cultivation of traditional varieties of crops and horticulture by promotion of organic farming enabling farmers to realize a price premium
 - Promote sustainable tourism through adoption of "best practice" norms for tourism facilities and access to ecological resources, and multi stakeholder partnerships to enable local communities to gain better livelihoods, while leveraging financial, technical, and managerial capacities of investors
 - Take measures to regulate tourist inflows into mountain regions to ensure that these remain within the carrying capacity of the mountain ecology
 - Consider particular unique mountain scapes as entities with "Incomparable Values", in developing strategies for their protection

3.6. National Mission for a "Green India"

Forests are repositories of genetic diversity, and supply a wide range of ecosystem services thus helping maintain ecological balance. Forests meet nearly 40% of the energy needs of the country overall, and over 80% of those in rural areas, and are the backbone

of forest-based communities in terms of livelihood and sustenance. Forests sequester billions of tons of carbon dioxide in the form of biomass and soil carbon. The proposed national programme will focus on two objectives, namely increasing the forest cover and density as a whole of the country and conserving biodiversity.

3.6.1. INCREASE IN FOREST COVER AND DENSITY

The report of the Working Group on Forests for the 11th Five-Year Plan puts the annual rate of planting during 2001/02 to 2005/06 at 1.6 million hectares and proposes to increase it to 3.3 million hectares during the 11th Plan. The final target is to bring one-third of the geographic area of India under forest cover.

The Greening India Programme has already been announced. Under the programme, 6 million hectares of degraded forest land would be afforested with the participation of Joint Forest Management Committees (JFMCs), with funds to the extent of Rs 6000 crores provided from the accumulated additional funds for compensatory afforestation under a decision of the Supreme Court in respect of forest lands diverted to non-forest use.

The elements of this Programme may include the following:

- Training on silvicultural practices for fast- growing and climate- hardy tree species
- Reducing fragmentation of forests by provision of corridors for species migration, both fauna and flora
- Enhancing public and private investments for raising plantations for enhancing the cover and the density of forests
- Revitalizing and upscaling community-based initiatives such as Joint Forest Management (JFM) and Van Panchayat committees for forest management
- Implementation of the Greening India Plan
- Formulation of forest fire management strategies

3.6.2 CONSERVING BIODIVERSITY

Conservation of wildlife and biodiversity in natural heritage sites including sacred groves, protected areas, and other biodiversity 'hotspots' is crucial for maintaining the resilience of ecosystems. Specific actions in this programme will include:

- In-situ and ex-situ conservation of genetic resources, especially of threatened flora and fauna.
- Creation of biodiversity registers (at national, district, and local levels) for documenting genetic diversity and the associated traditional knowledge
- Effective implementation of the Protected Area System under the Wildlife Conservation Act
- Effective implementation of the National Biodiversity Conservation Act, 2001.

3.7. National Mission for Sustainable Agriculture

Contributing 21% to the country's GDP, accounting for 11% of total exports, employing 56.4% of the total workforce, and supporting 600 million people directly or indirectly, agriculture is vital to India's economy and the livelihood of its people. The proposed national mission will focus on four areas crucial to agriculture in adapting to climate change, namely dry land agriculture, risk management, access to information, and use of biotechnology.

3.7.1. Dryland Agriculture

Out of the net cultivated area of approximately 141 million hectares, about 85 million hectares (60%) falls under the dryland/rain-fed zone. Accordingly, to realise the enormous agricultural growth potential of the drylands in the country and secure farm-based livelihoods, there is a need to prevent declines in agricultural yields during climatic

stress. Priority actions on dryland agriculture with particular relevance to adaptation will be as follows:

- Development of drought- and pest-resistant crop varieties
- Improving methods to conserve soil and water
- Stakeholder consultations, training workshops and demonstration exercises for farming communities, for agro-climatic information sharing and dissemination.
- Financial support to enable farmers to invest in and adopt relevant technologies to overcome climate related stresses

3.7.2 RISK MANAGEMENT

The agricultural sector may face risks due to extreme climate events. Priority areas are as follows:

- Strengthening of current agricultural and weather insurance mechanisms
- Development and validation of weather derivative models (by insurance providers ensuring their access to archival and current weather data)
- Creation of web-enabled, regional language based services for facilitation of weather-based insurance
- Development of GIS and remote-sensing methodologies for detailed soil resource mapping and land use planning at the level of a watershed or a river basin
- Mapping vulnerable eco-regions and pest and disease hotspots
- Developing and implementing region-specific contingency plans based on vulnerability and risk scenarios.

3.7.3. ACCESS TO INFORMATION

Although many information channels are available to farmers, none of them offers need-based information in an interactive mode. Supplying customized information can boost farm productivity and farm incomes, and the following areas deserve priority:

- Development of regional databases of soil, weather, genotypes, land-use patterns and water resources.
- Monitoring of glacier and ice-mass, impacts on water resources, soil erosion, and associated impacts on agricultural production in mountainous regions
- Providing information on off-season crops, aromatic and medicinal plants, greenhouse crops, pasture development, agro-forestry, livestock and agro-processing.
- Collation and dissemination of block-level data on agro-climatic variables, land-use, and socio-economic features and preparation of state-level agro-climatic atlases

3.7.4 USE OF BIOTECHNOLOGY

Biotechnology applications in agriculture relate to several themes, including drought proofing, taking advantage of elevated CO₂ concentrations, increased yields and increased resistance to disease and pests. Priority areas include:

- Use of genetic engineering to convert C-3 crops to the more carbon responsive C-4 crops to achieve greater photosynthetic efficiency for obtaining increased productivity at higher levels of carbon dioxide in the atmosphere or to sustain thermal stresses
- Development of crops with better water and nitrogen use efficiency which may result in reduced emissions of greenhouse gases or greater tolerance to drought or submergence or salinity Development of nutritional strategies for managing heat stress in dairy animals to prevent nutrient deficiencies leading to low milk yield and productivity

3.8. National Mission on Strategic Knowledge for Climate Change

This national mission envisages a broad-based effort that would include the following key themes:

- Research in key substantive domains of climate science where there is an urgent need to improve the understanding of key phenomena and processes, including, for example, monsoon dynamics,
- aerosol science and ecosystem responses
- Global and regional climate modelling to improve the quality and specificity of climate change projections over the Indian sub-continent, including changes in hydrological cycles
- Strengthening of observational networks and data gathering and assimilation, including measures to enhance the access to and availability of relevant data
- Creation of essential research infrastructure, such as high performance computing and very large bandwidth networks to enable scientists to access and share computational and data resources

These broad themes are elaborated in the sub-sections below:

3.8.1. CLIMATE MODELLING AND ACCESS TO DATA

Although the IPCC-AR4 has addressed the general global trends on climate change, spatially detailed assessments are not available for India. This is because of inadequate computing power available, difficulties in getting climate related data, and dearth of trained human resources amongst climate modelling research groups in India. The following actions will be taken:

3.8.2. ENHANCED RESEARCH ON CLIMATE MODELLING IN INDIA

There is a need to develop high resolution Air Ocean General Circulation Models (AOGCM) and nested Regional Climate Models (RCM) that simulate regional climate change, in particular monsoon behaviour, by pooling institutional capabilities and computational resources.

In respect of General Circulation Models (GCM), there is a need to build national level core climate modelling groups to develop high resolution coupled AOGCM that effectively simulate monsoon behaviour. These would be employed for multi ensemble and multi-year simulations of the present and future climate. Indigenous Regional Climate Models (RCM) are necessary to generate accurate future climate projections upto (at least) district level. Regional data re-analysis projects should be encouraged. A Regional Model Inter-comparison Project (RMIP) for climate is required to minimize uncertainty in future climate projections.

3.8.3 PROMOTING DATA ACCESS

There are several databases that are relevant for climate research, along with the respective agencies that are responsible for collecting and supplying that data. It is suggested that each of these Ministries and Departments may appoint a 'facilitator', who will provide access to the data. A concept of 'registered users' has been proposed, who will have easier access to climate related data held by the various scientific Ministries and Departments of the Government. There is a need to review the restrictions on data access. The Ministries and their agencies should also take action to digitize the data, maintain databases of global quality, and streamline the procedures governing access. Existing databases that will need to be expanded and improved are listed below.

S No.	Database	Data Collecting and Supplying Agency	Facilitator reporting to
1.	Oceans Sea surface temperature Salinity Sea level rise	Ministry of Earth Sciences	Secretary, Ministry of Earth Sciences
2	Cryosphere Snow cover Glacial data	a) National Remote Sensing Agency (NRSA) b) Geological Survey of India c) Snow and Avalanche Studies. Establishment (SASE), Defence Research and Development Organization.	a) Secretary, Department of Space b) Secretary, Ministry of Mines c) Secretary, Department of Defence Research and Development.
4	Land Surface Topography Erosion Imagery (vegetation map) Forest cover	a) Survey of India b) National Remote Sensing Agency (NRSA)	a) Secretary, Department of Science and Technology b) Secretary, Department of Space
5.	Hydrological Ground Water Water quality River water Water utilization	a) Central Water Commission b) State Water Resource Organization	a) Secretary, Ministry of Water Resources. b) Chief Secretaries of the respective states.
6.	Agriculture Soil Profile Area under cultivation Production and yield Cost of cultivation	Ministry of Agriculture	a) Secretary, Department of Agriculture and Co-operation. b) Secretary, Department of Agricultural Research and Education.
7.	Socio-Economic Demography Economic status	Census of India	Registrar General of India, Ministry of Home Affairs.
8.	Forests Forests resources Plant and animal Species distribution	a) Forest Survey of India b) State Forest Department c) Botanical Survey of India d) Zoological Survey of India e) Department of Space	a) Secretary, Ministry of Environment and Forests b) Chief Secretaries of the respective states. c) Secretary, Ministry of Environment and Forests. d) Secretary, Ministry of Environment and Forests. e) Secretary, Department of Space f) Secretary, Department of Space.
9.	Health Related Data	Department of Health Research	Secretary, Department of Health Research.

3.8.4. STRENGTHENING NETWORKS

The creation of an integrated National Knowledge Network (scalable and ultimately of multi-10 Gbps capacity) as suggested by the National Knowledge Commission and the Principal Scientific Adviser's Office would obviously benefit climate modellers. The upcoming Grid Computing stands out as a unique technology for handling terabytes of experimental data requiring hundreds of teraflops of computing power. Various Ministries of the Government are also taking steps to augment their super-computing resources in the Eleventh Plan.

3.8.5. HUMAN RESOURCE DEVELOPMENT

In order to meet the new challenges related to climate change, human resources would require to be enhanced through changes in curricula at the school and college levels, introduction of new programmes at the university level, and training of professionals and executives in relevant fields. An overall assessment of additional skills required will have to be carried out at the national, state and local levels, so that necessary measures can be

undertaken for enhancing the quality and quantum of human resource required in the coming years and decades. The latter would have to be viewed also in the context of the current difficulties faced in attracting young people to careers in science in general, to overcome which steps are being taken during the 11th Plan.

4. Other Initiatives

4.1. GHG Mitigation in Power Generation

The present energy mix in India for electricity generation is shown in Table 4.1 below:

Table 4.1: Present Energy Mix in Electricity Generation in India

Source	Percentage
Coal	55
Hydropower	26
Oil and gas	10
Wind and Solar Power	6
Nuclear Power	3

At present, fossil fuels account for 66% of the total, and are responsible for most of the GHG emissions from the energy sector. During the 11th Five-Year Plan, utility-based generation capacity is expected to increase by 78,000 MW. A significant proportion of this increase will be thermal-coal based. While the new investments in the thermal power sector, which are substantial, have high efficiencies, the aggregate efficiency of the older plants is low. In addition, high ATCL (aggregate technical and commercial loss) in power transmission and distribution is a key concern

There are three ways of lowering the emissions from coal based plants: increasing efficiency of existing power plants; using clean coal technologies (relative emissions are c.78% of conventional coal- thermal), and switching to fuels other than coal, where possible. These measures are complementary and not mutually exclusive. Another option that has been suggested is carbon capture and sequestration (CCS). However, feasible technologies for this have not yet been developed and there are serious questions about the cost as well as permanence of the CO₂ storage repositories.

Approximately 5000 MW out of total of 73,500 MW of present installed capacity (at the end of November, 2007) of coal thermal plants have low capacity utilization of less than 5%, as well as low conversion efficiency. During the 11th Plan, these units would be retired, and during the 12th Plan, an additional 10,000 MW of the least efficient operating plants would be retired, or reconditioned to improve their operating efficiency.

4.1.1. SUPERCRITICAL TECHNOLOGIES

Supercritical and ultra-supercritical plants can achieve efficiencies of ~ 40 and ~ 45% respectively, compared to about 35% achieved by subcritical plants. Since coal-based power generation will continue to play a major role in the next 30-50 years, it would be useful, wherever cost-effective and otherwise suitable, to adopt supercritical boilers, which is a proven technology, in the immediate future, and ultra-supercritical boilers when their commercial viability under Indian conditions is established. At present, construction of several supercritical coal based power projects is in progress.

Research and development with regard to ultra-supercritical technology needs to focus on the following areas:

- Development of materials for use in steam generator tubes, main steam piping, and high-pressure turbines that can withstand high pressure and high temperatures of more than 600°C, and are resistant to oxidation, erosion, and corrosion
- Development of know-how related to heat transfer, pressure drop, and flow stability at ultra-super-critical conditions

4.1.2. INTEGRATED GASIFICATION COMBINED CYCLE (IGCC) TECHNOLOGY

Integrated gasification combined cycle technology can make coal-based power generation – 10% more efficient. For every 1% rise in efficiency, there is a 2% decrease in CO₂ release. Besides, there is a substantial reduction in NO_x emissions. Demonstration of plants using high-ash, low-sulphur Indian coal needs to be pursued, while recognizing constraints such as high costs and availability of superior imported coal. Recent research has shown that these plants should be based on the Pressurized Fluidized Bed (PFB) approach.

Bharat Heavy Electricals Ltd. (BHEL) already has 3 R & D plants based on PFB, which has provided design information to scale up this technology¹⁰. BHEL and APGENCO have signed an agreement recently to set up a 125 MW plant at Vijayawada using indigenous IGCC technology.

4.1.3. NATURAL GAS BASED POWER PLANTS

Natural gas based power generation is cleaner than coal-based generation as CO₂ emissions are only – 50% compared to coal. Besides, natural gas can be used for electricity generation by adopting advanced gas turbines in a combined cycle mode. Introduction of advance class turbines with inlet temperature in the range 1250 °c – 1350° C has led to combined cycle power plant efficiency of about 55% under Indian conditions. Many such plants are in operation in India. With the discovery of significant reserves of natural gas in the Godavari basin, setting up more combined cycle natural gas plants is an attractive CHG mitigation option in India.

4.1.4. CLOSED CYCLE THREE STAGE NUCLEAR POWER PROGRAMME

Promotion of nuclear energy through enhancing nuclear capacity and adoption of fast breeder and thorium-based thermal reactor technology in nuclear power generation would bring significant benefits in terms of energy security and environmental benefits, including GHG mitigation.

India's uranium resources are limited but the country has one of the largest resources of thorium in the world. Therefore, right from inception, India has adopted a programme that will maximize the energy yield from these materials. This is the three- stage nuclear power programme. The first stage of nuclear power generation is based on PHWR (Pressurized Heavy Water Reactor) technology using indigenous natural uranium. The second stage is based on FBR (Fast Breeder Reactor) technology using plutonium extracted by reprocessing of the spent fuel obtained from the first stage. The third stage consists of using thorium resources.

The current installed capacity of nuclear power plants is 4200 MW, accounting for nearly 3% of total installed capacity. A 500 MW fast breeder reactor is under construction and is expected to go on stream in about three years. A 300 MW Advanced Heavy Water Reactor (AHWR) has been designed. Its construction is due to begin in the 11th Plan. The projected installed nuclear power by Department of Atomic Energy (DAE) is shown in Figure 4.1 below.

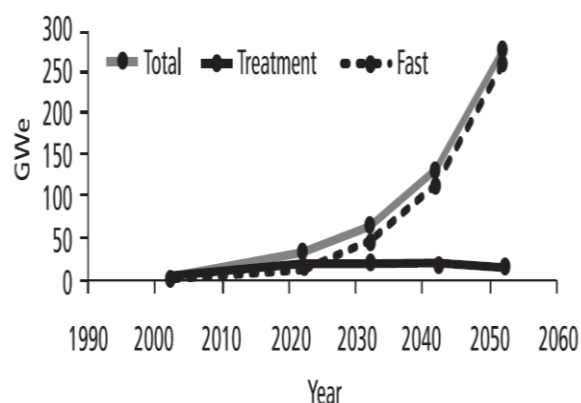


Figure 4.1.4. Nuclear Power Generation Projections upto 2050 by DAE

For sustainability of nuclear energy as a mitigation option in the long term, it is important to dose the nuclear fuel cycle¹¹. In this way one can produce several tens of times more energy from the existing uranium resources if the plutonium from the spent fuel is recycled in fast breeder reactors and this potential can be increased by another order of magnitude by dosing the nuclear fuel cycle with thorium. Therefore, the three stage nuclear

programme of India based on the dosed fuel cycle philosophy assumes greater significance in the context of climate change mitigation. The dosed fuel cycle, in comparison to the once-through cycle, also reduces the volumes of radioactive waste requiring treatment and disposal.

4.1.5. EFFICIENT TRANSMISSION AND DISTRIBUTION

India's current technical losses during transmission and distribution are as high as 16%-19%. By adopting HVAC (high voltage AC) and HVDC (high voltage DC) transmission, the figure can be brought down to 6%-8% by using amorphous core transformers and upgrading the distribution system (avoiding congestion etc.). Distribution losses can also be reduced by adopting energy-efficient transformers, which use high-grade steel in the transformer core.

HYDROPOWER

The CEA (Central Electricity Authority) has estimated India's hydropower potential at 148,700 MW. The hydroelectric capacity currently under operation is about 28,000 MW, while 14,000 MW capacity is under various stages of development. The CEA has also identified 56 sites for pumped storage schemes with an estimated aggregate installed capacity of 94,000 MW. In addition, a potential of 15,000 MW in terms of installed capacity is estimated from small, mini, and micro-hydel projects. Of this only about 2000 MW has been exploited at present. These projects are important, in particular, for electrification of remote hilly areas, where it may not be feasible for the grid electricity to reach, large-scale hydropower with reservoir storage is the cheapest conventional power source in India. However, resettlement of displaced population due to submergence of large areas of habitation lands has to be attended to with care.

4.2. Other Renewable Energy Technologies Programmes

Renewable energy sources, i.e. Based on primary energy sources that are regenerated naturally in time-spans that are meaningful in terms of policy and planning horizons, represent genuine supply side sustainability of global energy systems.

Renewable energy technologies (RETs) have several well-recognized advantages in relation to conventional, largely fossil fuels based, energy systems. First, by displacing use of fossil fuels, in particular, petroleum based fuels, they promote energy security. Second, they are amenable to adoption at different scales – from hundreds of megawatts capacity to a few kilowatts. In many cases they may be deployed in modular, standardized designs. This enables RETs to be matched closely with end-use scales, enabling decentralized deployment, and thus avoiding the risk of failures, and unauthorized access to large networks, which leads to non-commercial losses. The feasibility of location close to the load or consuming centres enables reduction of technical transmission and distribution losses. However, where centralized grids (networks) exist, they may be inserted as individual modules in the grid (network) supply. Third, they can help promote sustainable development, broadly defined, through increased opportunities for local employment, especially the rural poor, and environmental improvement through reducing GHG emissions, local air pollutants, solid waste and waste-water generation, and (in case of forestry-based sources), soil and water conservation, and maintaining habitats of wild species.

On the other hand, several RETs also have disadvantages. First, some primary energy flows (e.g. solar, wind) are intermittent, and insufficiently predictable, requiring hybridization with systems more under human control. For another, some RETs forms, such as biofuels compete with arable land and irrigation water with food crops. If not implemented with great care, they may have adverse social and economic consequences,

RETs easily have the potential to replace all current and foreseeable use of fossil fuels, for power generation, transportation, and industrial use, for all time to come. RETs represent a range of specific conversion pathways and technologies. These are at different stages of deployment, innovation, and basic research. Some that are fully established commercially, e.g. biomass combustion and gasification based power generation need up-scaling through policies and regulations that would permit some unique deployment models to be operationalized. In other cases, where commercial scale operation has been demonstrated, but costs are still high, with the possibility that increased scale and further innovation in both technology and deployment models will reduce costs, tariff and

regulatory support for a limited period may be needed. Where technologies have been demonstrated at laboratory scale, further R&D to enable pilot and commercial scale demonstration may involve facilitation of industry and research laboratory partnerships, and may also involve public fiscal (investment) support.

4.2.1. RETs FOR POWER GENERATION

Power generation technologies based on renewable energy flows comprise the following major primary sources: Biomass, Hydropower, Solar, and Wind. Technologies in each of these primary sources have already been deployed in India at commercial scale, but there remain several challenges in respect of policies and regulations, R&D and transfer of technologies, costs and financing, and deployment models, that need to be addressed in order to ensure their mainstreaming in the commercial power sector.

4.2.2.1. BIO MASS BASED POWER GENERATION TECHNOLOGIES

Biomass based technologies include those involving primary biomass combustion, and those that do not involve direct biomass combustion, but may involve conversion to a secondary energy form.

Historically, primary biomass combustion has been the main source of energy for India. The Integrated Energy Policy (Planning Commission, 2006) has estimated that around 80 mtoe is currently used in the rural household sector. In addition, the Ministry of New and Renewable Energy has estimated state-wise gross and net availability of agro-residues for power generation.

There are two basic technology pathways for biomass for power options currently being implemented. These technologies are *Straight Biomass Combustion* and *Biomass Gasification*

4.2.2.1.1 COSTS AND FINANCING

Plant capacities for straight primary biomass combustion are not very large due to limited radius of economic biomass collection. Investment cost for biomass combustion based power projects or co-generation projects varies between Rs. 4 to Rs. 5 crores per MW, depending upon project site, design and operation related factors. The cost of electricity generation is around Rs. 3/1<Wh depending upon specific fuel consumption, which in turn depends on type of fuel and operating pressure of the boiler and steam turbine. This technology is, thus, generally cost-competitive with conventional power delivered by the grid to rural areas.

In respect of biomass gasification technologies, the investment cost, with IC engines as source of power generation, comes between Rs. 25,000 – 60,000 /kW, depending on the type of gasification system and type of fuel, including costs of gasifier and IC engine. The cost of electricity generation cost varies between Rs.3 kWh to Rs. 5/kWh for the currently available technologies in India.

In both cases, the costs of biomass collection and transportation are key issues, which limit scale of operation of individual units.

4.2.1.1.2. CO-BENEFITS

Biomass based power technologies avoid problems associated with ash disposal from coal based plants. The ash from the biomass combustion may be returned to the fields to enhance agricultural productivity. If the biomass is grown in energy plantations on wastelands or common/panchayat lands, there would be increase in rural employment, besides water, and soil conservation. T&D losses would be very low especially in decentralized systems, and deployment can be done independently of the national grid and integrated with the national grid when extended.

4.2.1.1.3 RESEARCH & DEVELOPMENT

The technology for power generation through straight primary biomass combustion is mature, with significant commercial deployment. R&D is required for compacting different types of biomass for transportation, and improved boiler design to enable the use of multiple biomass feedstocks.

One significant area of R&D is development of hot gas cleaning systems and optimum integration with the gasifiers. Another is the development of gasifier systems based on charcoal and pyrolyzed bio-mass, since volatile distillates of biomass feedstock may have significant economic value, which would be lost if the biomass is directly burned.

4.2.1.1.4. TECHNOLOGY TRANSFER AND CAPACITY BUILDING

Biomass gasifiers available in the country are of very low capacity compared to European and American gasifiers, where the capacities vary from 1 MW to 100 MW. Biomass gasifiers with capacities upto 100 MW based on Circulating Fluidised Bed (CFB), Bubbling Fluidised Bed (BFB) and Pressurized Fluidised bed (PFB) are available in the USA, Finland and UK. Transfer of these technologies, and where necessary adaptive R&D, would enable deployment models involving energy plantations on wastelands or common/panchayat lands which would not compete with food crops.

Capacity building needs include support to commercial demonstration by entrepreneurs of bio-mass based distributed generation systems and using these as training facilities for local entrepreneurs and O&M personnel. Such demonstration and skills development would enable accelerated deployment of these technologies.

4.2.1.2. SMALL-SCALE HYDROPOWER

Hydropower, both large (reservoir storage) and small scale, accounts for 18% of the total electricity generated in India. Of the total estimated large hydropower potential of 148,700 MW (storage and run-of-river), so far only 35,000 MW has been utilized. In addition, there are 56 assessed sites for pumped storage hydropower, totaling 94,000 MW. The total small hydropower (upto 25 MW) potential is 15,000 MW, of which only 1905 MW has been utilized. Large-scale hydropower with reservoir storage is the cheapest conventional power source in India. Small-scale hydropower is cost competitive with conventional generation options, in particular for rural electrification. In remote rural locations far away from the grid, it may be the only feasible and economic power option.

The technology options for hydropower at all scales are commercially well established, except in the pico-turbine ranges i.e. < 1 kW.

4.2.1.2.1. COSTS AND FINANCING

The cost of generation ranges from Rs. 2 to 4 per kWh. The capital costs are higher than for conventional power, and usually in the range of Rs. 7 crore per MW.

4.2.1.2.2. CO-BENEFITS

Small hydropower displaces diesel gensets, thereby avoiding local pollution. By thus avoiding consumption of petroleum products, it also promotes energy security. Small hydropower is generally more predictable than solar or wind based sources, with variations occurring over the year, rather than on an hourly or daily basis.

4.2.1.2.3. RESEARCH & DEVELOPMENT AND WAC/TY BUILDING

The following are priorities for R&D:

- Design of pico turbines(< 500W range): This would enable very small scale generation at the house-level, based on local hydro resources
- Electronic Load Controller for micro hydro: This would enable supply of power from micro-hydel sources to village level grids Cost reductions in E&M
- Standardizing the modules and optimizing the usage of materials is critical for reducing equipment, and hence generation, costs.
- Support to commercial demonstration by entrepreneurs of small/micro-hydel based distributed generation systems, in particular in remote locations, and using these as training facilities for local entrepreneurs and O&M personnel would help develop this sector.

4.2. 1.3. WIND ENERGY

The installed capacity for using wind energy has gone up rapidly during the last few years (presently about 8000 MW). However, the capacity utilization factors are low due to the variations in the wind flow. Action is required to design, develop and manufacture small

wind energy generators (WEGs) upto 10 kW capacity, that can generate power at very low speeds (- 2 to 2.5 m/sec). Effort is also required for the development of low weight carbon fiber and other new generation composites, etc. for use in wind turbines.

An encouraging sign is the strong interest of the private sector in the wind area. Some Indian private companies are involved in setting up wind turbines in other countries in a big way.

4.2.2. GRID CONNECTED SYSTEMS

The Electricity Act, 2003 and the National Tariff Policy, 2006, provide for both the Central Electricity Regulatory Commission (CERC) and the State Electricity Regulatory Commissions (SERC) to prescribe a certain percentage of total power purchased by the grid from renewable based sources. It also prescribes that a preferential tariff may be followed for renewables based power.

The following enhancements in the regulatory/tariffs regime may be considered to help mainstream renewables based sources in the national power system:

- (i) A dynamic minimum renewables purchase standard (DMRPS) may be set, with escalation each year till a pre-defined level is reached, at which time the requirements may be revisited. It is suggested that starting 2009-10, the national renewables standard (excluding hydropower with storage capacity in excess of daily peaking capacity, or based on agriculture based renewables sources that are used for human food) may be set at 5% of total grids purchase, to increase by 1% each year for 10 years. SERCs may set higher percentages than this minimum at each point in time.
- (ii) Central and state governments may set up a verification mechanism to ensure that the renewables based power is actually procured as per the applicable standard (DMRPS or SERC specified). Appropriate authorities may also issue certificates that procure renewables based power in excess of the national standard. Such certificates may be tradeable, to enable utilities falling short to meet their renewables standard obligations. In the event of some utilities still falling short, penalties as may be allowed under the Electricity Act 2003 and rules thereunder may be considered.
- (iii) Procurement of renewables based power by the SEBs/other power utilities should, in so far as the applicable renewables standard (DMRPS or SERC specified) is concerned, be based on competitive bidding, without regard to scheduling, or the tariffs of conventional power (however determined). Further, renewables based power may, over and above the applicable renewables standard, be enabled to compete with conventional generation on equal basis (whether bid tariffs or cost-plus tariffs), without regard to scheduling (i.e. renewables based power supply above the renewables standard should be considered as displacing the marginal conventional peaking capacity). All else being equal, in such cases, the renewables based power should be preferred to the competing conventional power.

4.2.3. RETs FOR TRANSPORTATION AND INDUSTRIAL FUELS

Internal combustion engine based power plants for transportation modes require liquid or gaseous fuels. In addition, rail (incl. LRT) modes, and some niche personal transportation modes are based on storage battery power, which may be recharged from mains outlets. The focus in this section is on liquid fuels of biological origin for transportation, and industrial applications (prime-movers, heating fuels).

4.2.3.1. TECHNOLOGY PATHWAYS

There are several possible pathways for deriving transportation and industrial fuels (not being feedstocks where the chemical composition rather than energy content is the main consideration).

At present, only biodiesel sourced from *Jatropha* or *Pongamia* plantations, and bioethanol using spoiled foodgrains are cost-effective in relation to petroleum based fuels. While significant R&D is being carried out in several countries, including in India, in respect of technologies based on several of the above pathways, at present, the costs are not competitive with petroleum. However, it is probable that several biofuels technologies would eventually become competitive with petroleum, and the

policy/regulatory regime must enable them to be commercially deployed when that happens.

4.3. Disaster Management Response to Extreme Climate Events

With projected increases in the frequency and intensity of extreme events including cyclones, droughts, and floods attributable to climate change, disaster management needs greater attention. In the 11th Plan, the approach towards disaster management has moved from relief to prevention, mitigation, and preparedness. Two main planks of the new approach are mainstreaming disaster risk reduction into infra-structural project design and strengthening communication networks and disaster management facilities at all levels.

4.3.1. REDUCING RISK TO INFRASTRUCTURE THROUGH BETTER DESIGN

As a planned adaptation strategy, reducing risks from natural disasters needs to be a part of infra-structure project design, especially in areas vulnerable to extreme events. It is generally much cheaper to incorporate appropriate features in the initial design and construction of infrastructure projects, including siting, than to undertake retrofits later. The various elements of this Programme may include:

- Disaster-specific vulnerability assessments and sectoral impacts assessments at the state and district level for preparing contingency plans
- Maintenance of critical facilities such as health care services and water supplies
- Collaboration with insurance providers to insure infrastructure, mainstreaming disaster risk reduction into Sarva Shiksha Abhiyan, Jawaharlal Nehru National Urban Renewal Mission and Indira Awas Yojana
- Capacity building among design engineers, project planners and financial institutions on incorporating elements of disaster management
- Development of prefabricated structures instead of cast-in-place construction in vulnerable areas
- Enforcement of building codes; better urban planning and zoning of vulnerable areas

4.3.2. STRENGTHENING COMMUNICATION NETWORKS AND DISASTER MANAGEMENT FACILITIES

Ensuring that communication channels are not severed during disasters can protect lives and expedite relief and rehabilitation operations. Furthermore, it is essential to have a regular monitoring programme in place to provide early warning of imminent disasters to facilitate a planned response, including evacuation from vulnerable areas to minimize the impact of disasters. Specific action areas will include:

- Upgrading forecasting, tracking and early warning system for cyclones, floods, storms and tsunami
- Monitoring river flows and mapping flood zones
- Generation of regional scenarios based on single or multi-hazard mapping
- Disaster response training at the community level to build infrastructure and human resources for medical preparedness and emergency medical response to manage mass casualties during extreme events

4.4. Protection of Coastal Areas

The coastal areas are an important and critical region for India not only because of the vast 7500-km coastline but also because of the density of population and livelihoods dependent on coastal resources. Coastal zones are particularly vulnerable and sensitive to such impacts of climate change as rise in the sea level, rise in the high-tide level, and cyclones and storms, which are projected to become more frequent and intense. The programme will focus on two elements, namely (1) coastal protection and (2) early warning systems. Priority areas on coastal zones include:

- Development of a regional ocean modelling system especially in the Bay of Bengal and the Arabian Sea
- High-resolution coupled ocean-atmosphere variability studies in tropical oceans, in particular the Indian Ocean
- Development of a high-resolution storm surge model for coastal regions
- Development of salinity-tolerant crop cultivars

- Community awareness on coastal disasters and necessary action; plantation and regeneration of mangroves
- Timely forecasting, cyclone and flood warning systems
- Enhanced plantation and regeneration of mangroves and coastal forests.

4.5 Health Sector

The proposed programme comprises two main components, namely provision of enhanced public health care services and assessment of increased burden of disease due to climate change. Areas that can contribute to enhanced health care services include the following:

- Providing high-resolution weather and climate data to study the regional pattern of disease
- Development of a high-resolution health impact model at the state level
- GIS mapping of access routes to health facilities in areas prone to climatic extremes
- Prioritization of geographic areas based on epidemiological data and the extent of vulnerability to adverse impacts of climate change
- Ecological study of air pollutants and pollen (as the triggers of asthma and respiratory diseases) and how they are affected by climate change
- Studies on the response of disease vectors to climate change
- Enhanced provision of primary, secondary, and tertiary health care facilities and implementation of public health measures, including vector control, sanitation, and clean drinking water supply

4.6. Creating Appropriate Capacity at Different Levels of Government

In view of several new initiatives that would be required, both in respect of adaptation and mitigation, creation of knowledge and suitable capacity at each level of Government to facilitate implementation of appropriate measures assumes great importance.

At the level of the central government, there would be a need to carry out the following:

There should be support to relevant policy research to ensure that adaptation and mitigation takes place in a manner that enhances human well-being, while at the same time minimizing societal costs. This should lead to the design of suitable legal, fiscal and regulatory measures.

Appropriate capacity for implementing R&D activities and promoting large-scale public awareness and information dissemination on various aspects of climate change is required. For adequate R&D activities a proactive approach favouring partnerships between research organizations and industry would be efficient and productive.

At the level of state governments, several agencies would need to enlarge and redefine their goals and areas of operation. For instance, State Electricity Regulatory Commissions would need to concern themselves with regulatory decisions that ensure higher energy efficiency, greater use of renewable energy and other low carbon activities that would ensure energy security, reduced local pollution, and increased access to energy in areas where distributed and decentralized forms of energy production would be economically superior to conventional methods. State governments may also employ fiscal instruments to promote appropriate options and measures.

Local bodies would need to create capacity on regulatory measures, particularly for ensuring energy efficiency in new buildings as well as through a programme of retrofits. In respect of adaptation measures, local capacity and the involvement of communities in actions to adapt to the impacts of climate change would be crucial.

Public awareness on climate change would have to be spearheaded and driven by government at all levels. Emphasis on schools and colleges is essential.

In some cases legislation may be required at the central and state levels to arrive at appropriate delegation of responsibility and authority for meeting some of the goals mentioned above.

5. International Cooperation: the Multilateral Regime on Climate Change

As a party to the UN Framework Convention on Climate Change and its Kyoto Protocol, India plays an active role in multilateral cooperation to address climate change. These agreements are based on the principle of *"common but differentiated responsibilities and respective capabilities" of Parties*. Thus, they incorporate certain common commitments for all Parties, including an obligation to *"formulate and implement programmes containing measures to mitigate climate change"*. Additionally, the Convention requires the developed countries (listed in its Annex I) to stabilize and reduce their greenhouse gas emissions and the Kyoto Protocol establishes quantified, time-bound targets in this regard. Countries with the most advanced economies (listed in Annex II of the convention) are also required to transfer financial resources and technology to developing countries for purposes of mitigation and adaptation.

The Convention specifically notes that *"per capita emissions in developing countries are still relatively low and ...the share of global emissions originating in developing countries will rise to meet their social and development needs."* The Convention also recognizes that *"economic and social development and poverty eradication are the first and overriding priorities of the developing country parties."* Thus, developing countries are not required to divert resources from development priorities by implementing projects involving incremental costs – unless these incremental costs are borne by developed countries and the needed technologies are transferred.

The Global Environmental Facility (GEF) finances implementation of projects in developing countries under the Convention. Additionally, the Kyoto Protocol created the Clean Development Mechanism (CDM), which allows developed countries to meet part of their emission reduction commitments by purchasing credits from emission reduction projects in developing countries, thus serving the dual objective of facilitating compliance by developed countries of their emission reduction commitments and of assisting developing countries to achieve sustainable development.

5.1. Some Technology Development and transfer Issues

In the move towards a low-carbon economy, technology has a vital role to play. Technology solutions are also very important for enhancing adaptive capacity and reducing vulnerability to climate change and its impacts. In this respect, international cooperation in science and technology assumes great significance.

It is important to ensure that within the multilateral process under the UNFCCC, the menu of cooperation mechanisms is not constrained, and indeed, proactive measures are taken for these mechanisms to be used. The stage of the technology in terms of its progression from research to wide- spread market adoption will play an important role in determining the mechanisms that are appropriate and relevant.

For example, when the technology solutions are at a very early stage of development, the primary focus is usually on cooperation in basic scientific research. India has always been very actively engaged in, and is making key contributions to inter- national scientific programmes that may have significant implications for the transition to a sustainable energy future, such as the International Thermonuclear Experimental Reactor (ITER). At the individual and institutional level, Indian participation in scientific networks is also very strong. From a long-term perspective, this scientific cooperation will remain very important.

As ideas progress from the laboratory closer towards the market, the focus shifts towards technology design and development. Mechanisms that enable joint technology development involving public and private sector entities and with suitable norms for financing and IPR-sharing would be important for ensuring that the process of technology development and commercialization happens more rapidly and effectively.

For the final stage of deployment and market adoption of technologies in developing countries, two different contexts may be identified. For technologies that are already mature and deployed in the developed countries, appropriate financing models are essential, which may become operational through multilateral institutions, carbon markets and mechanisms like the COM. However, as was noted earlier, given the somewhat limited role that the COM

appears to have played with regard to technology transfer, this issue will merit detailed examination.

However, the transition to a more sustainable energy future will require a much more rapid progression towards a variety of newer, low-carbon and energy efficient technologies in different areas. The usual mechanism considered for this purpose is that of technology transfer from the developed to the developing countries. The conventional model of technology transfer, considers that technology developed in the North is first established there, before it is supplied to the South. The rapid changes in the global economic and technology environment are making this model less applicable. As the experience so far also suggests, this model may be inadequate in terms of satisfying the scale and scope of the technology response required. New models and mechanisms for technology transfer will need to incorporate at least three key elements: appropriate funding modalities and approaches; a facilitative IPR environment, and enhancing the absorptive capacity within developing countries. New multilateral technology cooperation funds may be required that would finance the development, deployment, diffusion and transfer of technologies for both mitigation and adaptation to developing countries.

One of the main barriers to technology adoption lies in the low absorptive capacities of developing countries. It is vital that mechanisms for technology transfer include measures that will enable the enhancement of absorptive capacities, keeping in mind the targets of such technology interventions.

New multilateral technology cooperation funds may be required that would finance the development, deployment, diffusion and transfer of technologies for both mitigation and adaptation to developing countries.

One of the main barriers to technology adoption lies in the low absorptive capacities of developing countries. It is vital that mechanisms for technology transfer include measures that will enable the enhancement of absorptive capacities, keeping in mind the targets of such technology interventions.

5.2. Clean Development Mechanism

India has given host-country approval for 969 CDM projects as of June 2008. Renewable energy, including renewable biomass, accounted for the largest number of projects (533), followed by energy efficiency (303). Very few projects in the forestry (6) and municipal solid waste (18) sectors were included, despite their large potential. The expected investments in these 753 projects (if all go on stream) is about Rs. 106,900 crores.

Of the 969 projects, 340 projects have been registered by the multilateral Executive Board (CDM EB). India accounts for about 32% of the world total of 1081 projects registered with the CDM EB, followed by China (20%), Brazil (13%), and Mexico (10%) (Source: UNFCCC). About 493 million certified emission reductions (CERs) are expected to be generated until 2012 if all these host-country approved projects in India go on stream (National COM Authority, November 2007). As of June 2008, 152.4 million CERs had been issued to projects worldwide, of which India accounted for 28.16%, China (29.25%), Korea (17.87%), and Brazil (14.13%). 488655

Some cross-cutting challenges in CDM implementation in India are listed below:

- The projects from India are generally small. Of the 283 projects registered with the COM EB till October 2007, 63% are small-scale projects (in terms of the Protocol definition)
- The portfolio is dominated by unilateral projects, i.e. the investors are Indian parties, employ locally available technologies, and use domestic financial resources. While this has provided a significant impetus to local innovation, CDM has not led to the technology transfer from industrialized to developing countries envisaged by the Protocol
- Industrialized countries have not participated significantly in project financing and the project risks are mostly taken up by the host industries
- Insurance companies in general have shown little interest in CDM, which is unfortunate since they can catalyse carbon trading by providing risk and financial analysis skills
- There is much subjectivity in the multilateral CDM process, and divergent

interpretations are given by different designated operating entities (DOEs) accredited by the COM EB

- High transactions costs prevent the small-scale sector (in the Indian definition) from participating in CDM
- In the absence of an international transactions log (ITL), there is lack of reliable information in the carbon market on CDM transactions.

Despite the above, there is encouraging response from Indian entrepreneurs to the CDM across different sectors. Besides, several recent enhancements of CDM such as bundling and programmatic CDM need to be mainstreamed. Alongside the carbon market under the Kyoto Protocol, a voluntary (non-compliance) carbon market is emerging involving trades in VERs (verified emission reductions). This market may grow substantially in the future.

5.3. Enhanced Implementation of the UNFCCC

India looks forward to enhanced international cooperation under the UNFCCC. Overall, future international cooperation on climate change should address the following objectives:

- Minimizing the negative impacts of climate change through suitable adaptation measures in the countries and communities affected and mitigation at the global level.
- Provide fairness and equity in the actions and Measures.
- Uphold the principle of common but differentiated responsibilities in actions to be taken, such as concessional financial flows from the developed countries, and access to technology on affordable terms.

India as a large democracy, with the major challenge of achieving economic and social development and eradicating poverty, will engage in negotiations and other actions at the international level in the coming months that would lead to efficient and equitable solutions at the global level.

References

1. Intergovernmental Panel on Climate Change (IPCC), Climate Change 2007: The Physical Science Basis. (page 13)
2. Growth and CO₂ Emissions -How do different countries fare? by R.W. Bacon and S. Bhattacharya, The World Bank Environment Department, November, 2007. (page 14)
3. National Energy Map for India, Technology Vision 2030 by The Energy and Resources Institute (TERI) for Office of the Principal Scientific Adviser to the Government of India, PSA/200613. (page 14)
4. International Energy Agency (IEA) data cited by Planning Commission, India, 2007. (page14)
5. India's Initial National Communication, 2004 (NATCOM I) to UN Framework Convention on Climate Change (UNFCCC). (page 15)
6. Increasing Trend of Extreme Rain Events over India in a Warming Environment by B.N. Goswami, V. Venugopal, D. Sengupta, M. S. Madhusoodanam, Prince K. Xavier, Science, 314, 1442 (2006).(page 15)
7. Area Sea Levels trends along the North Indian Ocean Coasts consistent with global estimates? by A.S. Unnikrishnan and D. Shankar, Global and Planetary Change, 57, 301 (2007). (page 15)
8. Impact of Climate Change on Forests in India by N. H. Ravindranath, N.V. Joshi, R. Sukumar and A. Saxena, Current Science 90, 354 (2006). (page 16)
9. Recycling of Automobiles–Problem Definition and Possible Solutions in the Indian Context, by Captain N.S. Mohan Ram, INAE Seminar on Recycling, September, 2007. (page 31)
10. Development of the Integrated Gasification Combined Cycle (IGCC) Technology as suited to Power Generation using Indian Coals, PSA/2005/4. (page 39)
11. Closing the Nuclear Fuel Cycle in the Context of the Global Climate Change Threat by R. Chidambaram, R. K. Sinha and Anand Patwardhan, Nuclear Energy Review, 38 (2007). (page 40)

CHAPTER XVII

MISCELLANEOUS

Government of Himachal Pradesh Department of Forests.

No. FFE-B-E (3)-19/2012

Dated Shimla-2, the 30.11.2012.

NOTIFICATION

In exercise of the powers conferred by Sub-section (2) of Section-2 of the Indian Forest Act, 1927, the Governor of Himachal Pradesh is pleased to appoint Divisional Forest Officer, Municipal Corporation, Shimla as Forest officer to do all acts in connection with the Management and Protection of Forests under the control of Municipal Corporation, Shimla and exercise all powers that may be done or exercised by a Forest Officer in this behalf under the Act or Rules made thereunder.

By order

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

Government of Himachal Pradesh Department of Forests NOTIFICATION

No. FFE-B-F (2)-72/2004-Pt-II.

Dated Shimla-171002, the 3rd Aug, 2009.

In compliance to the instructions contained in Ministry of Environment and Forests, Government of India's letter No. 1-58/09-MoS(I/c)-E & F dated 15th July 2009, the Governor of Himachal Pradesh is pleased to reconstitute "State Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as State CAMPA) intended as an instrument to accelerate activities for Compensatory afforestation, forest resource management preservation of natural forests, management of wildlife, infrastructure development in the sector and allied works.

State CAMPA would provide an integrated framework for utilizing multiple sources of funding and activities relating to protection and management of forests and wildlife. Its prime task would be regenerating natural forests and building up the institution engaged in this work. The State Forest Department would be modernized to protect and regenerate the forests and wildlife habitat.

2. AIMS AND OBJECTIVES :

State CAMPA shall seek to promote:

- (a) Suitable afforestation and Soil & Water conservation strategies that are suitable for a mountain state like Himachal Pradesh;
- (b) Conservation, protection, regeneration and management of existing natural forests;
- (c) Compensatory afforestation and Catchment area treatment activities;
- (d) Environmental services, which include:
 - i Provision of goods such as wood, non-timber forest products, fuel, fodder and water, provision of services such as grazing, tourism, wildlife protection and life support;
 - ii Regulating services such as climate regulation, disease control, detoxification, carbon sequestration and health of soils, air and water regimes;
 - iii Non-material benefits obtained from ecosystems, spiritual, recreational, aesthetic, inspirational, educational and symbolic and
 - iv Supporting such other services necessary for the production of ecosystem services, biodiversity, nutrient cycling and primary production.
- (e) Research, training and capacity building.

3. The functions of State CAMPA shall include, inter alia:
 - (a) Funding, overseeing and promoting Compensatory afforestation done in lieu of diversion of forest land for nonforestry use under the Forest (Conservation) Act, 1980 as also the execution of Catchment Area Treatment plans;
 - (b) Overseeing forest and wildlife conservation and protection works including watershed development works within forest areas undertaken and financed under the Fund.
 - (c) Maintaining a separate account in respect of funds received for conservation and protection of Protected Areas.
 - (d) Earmarking upto two percent of the funds for monitoring and evaluation.
4. The State CAMPA ACCOUNT shall be created and there shall be credited into this account of the State CAMPA:
 - (i) Amount transferred to it by the ad-hoc CAMPA.
 - (ii) Receipt of all monies from user agencies towards Compensatory Afforestation, Additional Compensatory Afforestation, Catchment Area Treatment Plan or for compliance of any other condition (s) stipulated by the Central Government while according approval under the Forest (Conservation) Act, 1980;
 - (iii) The unspent funds already realized by the State from User agencies and not yet transferred to the Adhoc CAMPA;
 - (iv) The funds recoverable from the user agencies in cases where forest land diverted falls within the protected areas i.e. areas notified under Section 18, 26-A or 35 of the Wildlife (Protection) Act, 1972 (53 of 1972) for undertaking activities related to protection of biodiversity and Wildlife, which would be maintained separately.
 - (v) Net Present Value (NPV) of the forest land diverted for nonforestry purposes collected under the Forest (Conservation) Act, 1980 and the rules and the guidelines made thereunder and in pursuance of the judgment of the Supreme Court dated the 29th October 2002 from user agencies.;
 - (vi) The state government may also credit to the Fund:
 - a Grants or aid received;
 - b Any loan take by the Authority or any borrowings made by it; and
 - c Any other sums received by the Authority by way of benefaction, gift or donations
 - (vii) The monies received in the State CAMPA shall be kept in interest bearing account(s) in nationalized bank(s) and periodically withdrawn for the works as per the Annual Plan of Operations (APOs) approved by the Steering Committee.
5. UTILIZATION OF THE MONEY:
 The money available with the state CAMPA shall be utilized for meeting–
 - (i) expenditure towards the development, maintenance and protection of forests and wildlife management as per the approved APO;
 - (ii) the non-recurring as well as recurring expenditure for the management of the State CAMPA, including the salary and allowances payable to its officers and other employees, by utilizing a part of the income from interest received by funds invested by State CAMPA, but excluding income from funds recoverable from the user agencies in cases where forest land diverted falls within the protected areas, that is, areas notified under sections 18, 26A or 35 of the Wildlife (Protection) Act, 1972 for undertaking activities related to protection of biodiversity and wildlife;
 - (iii) the expenditure incurred on monitoring and evaluation subject to overall ceiling of 2% of the amount to be spent every year; and
 - (iv) disbursement on such other projects related to forest conservation.

6. DISBURSEMENT OF FUNDS:

- (a) The money received for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, Catchment Area Treatment Plan and for any other site specific scheme may be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act, 1980.
- (b) After receipt of the money, State CAMPA shall accomplish the afforestation for which money is deposited in the Compensatory Afforestation Fund within a period of one year or two growing seasons after project completion, as may be appropriate.
- (c) The money received on account of Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.
- (d) Monies realized from the user agencies in pursuance of the Hon'ble Supreme Court's orders or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form a distinct corpus and shall be used exclusively for undertaking protection and conservation activities in protected areas of the State.
- (e) State CAMPA shall release monies to the field officers in predetermined installments as per the Annual Plan of Operation (APO) finalized.

7. The State CAMPA shall function through a Governing Body, a Steering Committee and an Executive Committee namely:

7.1. GOVERNING BODY:

(i)	Chief Minister	- Chairperson.
(ii)	Forest Minister	- Vice Chairperson
(iii)	Minister for Panchayati Raj & Rural Development	- Member
(iv)	Minister for Tribal Welfare	- Member
(v)	Chief Secretary	- Member
(vi)	Addl. Chief Secretary (Forests)	- Member
(vii)	Pr. Secretary (Finance & Planning)	- Member
(viii)	Pr. Secretary (Tribal Welfare)	- Member
(ix)	Pr. Secretary (Panchayati Raj & Rural Development)	- Member
(x)	Pr. Secretary (Environment)	- Member
(xi)	Chief Wildlife Warden	- Member
(xii)	Principal Chief Conservator of Forests H.P.	- Member Secretary

The Governing Body shall lay down the broad policy framework for the functioning of State level CAMPA and review its working from time to time.

7.2. The STEERING COMMITTEE of State CAMPA shall consist of the following:

(i)	Chief Secretary	- Chairperson
(ii)	Addl. Chief Secretary (Forests)	- Member
(iii)	Principal Chief Conservator of Forests	- Member
(iv)	Principal Secretary (Finance)	- Member
(v)	Principal Secretary (Rural dept & Panchayati Raj)	- Member
(vi)	Principal Secretary (Environment)	- Member
(vii)	Chief Wildlife Warden	- Member
(viii)	Nodal Officer (CAMPA)	- Member
(ix)	A representative of the Ministry of Environment & Forests	- Member
(x)	Two eminent NGO's to be nominated by the State Government for a period of 2 years at a time who shall be eligible for re-nomination	- Members
(xi)	Addl. Pr. Chief Conservator of Forests (CAT Plans)	- Member Secretary

7.3. POWERS & FUNCTIONS OF THE STEERING COMMITTEE:

The Steering Committee shall–

- (i) lay down and/ or approve rules and procedures for the functioning of the body and its Executive Committee, subject to the overarching objectives and core principles of State CAMPA;
- (ii) monitor the progress of the utilization of funds released by the State CAMPA;
- (iii) approve the Annual Plan of Operation (APO) prepared by the Executive Committee;
- (iv) approve the annual reports and audited accounts of the State CAMPA;
- (v) ensure inter-departmental coordination;
- (vi) meet at least once in six months.

7.4. EXECUTIVE COMMITTEE:

The Executive Committee shall consist of the following:

- (i) Principal Chief Conservator of Forests - Chairperson
- (ii) Chief Wildlife Warden - Member
- (iii) Addl. Pr. Chief Conservator of Forests (CAT Plans) - Member
- (iv) Addl. Pr. Chief Conservator of Forests (Finance) - Member
- (v) Financial Controller in the o/o PCCF HP - Member
- (vi) Two eminent NGOs to be nominated by the State Government for a period of 2 years at a time who shall be eligible for re-nomination - Members
- (vii) Nodal Officer (CAMPA) - Member Secretary

7.5. POWERS & FUNCTIONS OF EXECUTIVE COMMITTEE:

The State level Executive Committee shall –

- (i) take all steps for giving effect to the State CAMPA and overarching objectives and core principles, in accordance with rules and procedures approved by the Steering Committee and the approved APO;
- (ii) prepare the APO of the State for various activities, submit it to the Steering Committee before end of December for each financial year, and obtain the Steering Committee's concurrence for release of funds, while giving break-up of the proposed activities and estimated costs;
- (iii) supervise the works being implemented in the State out of the funds released from the State CAMPA;
- (iv) be responsible for proper auditing of both receipt and expenditure of funds;
- (v) develop the code for maintenance of the account at the implementing agency level;
- (vi) submit reports to the Steering Committee for review / consideration; and
- (vii) prepare Annual Report by end-June for each financial year.

8. ACCOUNTING PROCEDURE

- (i) State CAMPA shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the State CAMPA.
- (ii) State CAMPA shall adopt financial regulations and procedures, in particular the procedure for approval and implementing the APO.
- (iii) State CAMPA shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Accountant General concerned.
- (iv) The accounts of the State CAMPA shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General.

- (v) The Accountant General and any other person appointed by him in connection with the audit of the accounts of the State CAMPA shall have the same rights and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the State CAMPA.
- (vi) The accounts of the State CAMPA as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon and annual report, shall be forwarded annually to the State Government, the MoEF and the Adhoc CAMPA by the State CAMPA.
- (vii) The State Government and the MoEF shall have the power to conduct special audit or performance audit of the State CAMPA. (viii) The Annual Report shall provide, inter alia, for--
 - (a) the details of various works done and the amount spent;
 - (b) the details of the amount received by the State CAMPA from various sources; and
 - (c) the observations made in the audit report.

9. MONITORING AND EVALUATION OF THE WORKS

- 1) An independent system for concurrent monitoring and evaluation of the works implemented from the State CAMPA funds shall be evolved and implemented to ensure effective and proper utilization of funds.
- 2) The National CAMPA advisory council shall have the powers to order special inspection and financial audit of works executed by the State CAMPA with utilizing CAMPA money.
- 3) If satisfied that the funds released are not being utilized properly, the National CAMPA advisory council as well as the State level Steering Committee shall have the power to withhold or suspend the release of remaining funds or part thereof.

This is in supersession of the earlier notification No.FFE-B-F (2)72/2004-Pt-II dated 17.06.2009.

By order,

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

Dated Shimla-2, the 3/8/2009

Endst. No. As above.

Copy is forwarded to:

- 1. Sh. Vijay Sharma, Secretary, Ministry of Environment and Forests, Govt. of India, CGO Complex, Lodhi Road, New Delhi.
- 2. Director General (Forests) & Spl. Secy, GoI, MoEF, Paryavarn Bhawan, New Delhi.
- 3. The Principal Secretary to the Chief Minister, HP.
- 4. The P.S. to the Forest Minister, H.P.
- 5. The P.S. to the Chief Secretary to the Govt. of H.P.
- 6. All Administrative Secretaries to the Govt. of H.P.
- 7. The Pr. Chief Conservator of Forests, H.P. Shimla.
- 8. The Managing Director, HPSFC, SDA Complex, Shimla-9.
- 9. The Secretary to the Governor H.P., Shimla-2.
- 10. All APCCFs/CCFs/ CFs in H.P.
- 11. The Controller P & S Department, Shimla-9 with request to publish the Notification in extra ordinary gazette at an early date.
- 12. Guard file.

Joint Secretary (Forests) to the
Government of Himachal Pradesh

Government of Himachal Pradesh
Department of Forests
NOTIFICATION

No. FFE-B-F-(2)-72/2004-Pt-II

Dated Shimla-2, the 30.9.2009.

In supersession of the earlier notification No.FFE-B-F-(2)-72/2004-Pt-II dated 3rd August 2009, concerning the guidelines for the preparation of the Catchment Area Treatment Plans (CAT Plans), it is stipulated that apart from the regular activities like afforestation, fuel-fodder plantation, pasture development, soil and moisture conservation measures including erosion control and protection against floods, forest protection including construction/ repair of boundary pillars, Forest infrastructure development, publicity, awareness, capacity building, training and Socioeconomic development, every CAT Plan being submitted by the User Agencies shall mandatorily conform to the following requirements:

1. The CAT Plan size should be based on the actual extent of works to be done in the catchment, but shall not be less than 2.5% of the total project cost. The CAT Plan size would cover the outlay for all components/treatment measures, provisions for offsetting cost escalation, and other special provisions viz. Payments for Environmental Services (PES), Eco-Battalion, Monitoring & Evaluation, Eco-tourism etc. Total Project Cost shall be the cost of the project proposal mentioned in the Techno-Economic Clearance (TEC Cost).
2. Minimum area to be treated under the CAT Plan would be approximately 15% of the total effective catchment.
3. The total cost of the CAT Plan would be deposited by the User Agency in equal yearly instalments spread over the duration from commencement to commissioning of the project, with the last instalment payable at least 6 months before the commissioning of the Project.
4. A provision with appropriate budget is to be made in the CAT Plan for carrying out forestry research of relevance to the area.
5. A provision for establishment of silt observation posts at strategic points for recording soil and silt data at regular intervals.
6. Areas of operations may be depicted clearly on the Survey of India topo-sheet for effective monitoring and location of work sites.
7. A detailed chapter depicting the Joint Forest Management (JFM) processes/ activities including micro-planning may also be included.
8. 1% of the CAT Plan budget should be earmarked for Eco-tourism.
9. 5% provision for monitoring and evaluation activities.
10. A separate chapter for improvement and development of wildlife and reduction of human-animal conflicts duly vetted by the Pr. CCF (WL), H.P will be incorporated.
11. A provision is to be made for forest protection measures in view of the induction of a large number of outside work force/labour in the area for project activities.
12. A provision of 10% of total CAT Plan outlay is to be ear-marked for Payment for Ecoservices to the local communities.
13. A provision of 10% per year to offset inflationary trends (Contingencies) to absorb any escalation in the cost of plan proposals on account of increase in wage- rate and material cost would be made. This provision could also be utilised to meet any unforeseen expenses, arising in future, necessary for the achievement of the objectives of the CAT Plan.
14. A provision is to be incorporated for training of the forest staff involved and sensitisation of local communities.
15. Adequate provision for energy-saving devices to reduce the load on forests for firewood is required.
16. Rural infrastructure component may be deleted as similar works are provided for under the Local Area Development Fund (LADF) of the Hydro Electric Projects.

These instructions will apply to all CAT Plans which have not yet been approved by the H.P. Forest Department or forwarded to the Govt. of India, henceforth. It is further reiterated that the express approval of the HP Forest Department, to the CAT Plan, is mandatory before the said document can be submitted to the Environment Wing of the HP Government for onward transmission to Ministry of Environment and Forests, Government of India.

By order,

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

THE NATIONAL GREEN TRIBUNAL ACT, 2010
(No. 19 OF 2010)

[2nd June, 2010]

An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

AND WHEREAS India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, calling upon the States to take appropriate steps for the protection and improvement of the human environment;

AND WHEREAS decisions were taken at the United Nations Conference on Environment and Development held at *Rio de Janeiro* in June, 1992, in which India participated, calling upon the States to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution and other environmental damage;

AND WHEREAS in the judicial pronouncement in India, the right to healthy environment has been construed as a part of the right to life under article 21 of the Constitution;

AND WHEREAS it is considered expedient to implement the decisions taken at the aforesaid conferences and to have a National Green Tribunal in view of the involvement of multi-disciplinary issues relating to the environment.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:-

CHAPTER-I
PRELIMINARY

1. (1) This Act may be called the National Green Tribunal Act, 2010.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. (1) In this Act, unless the context otherwise requires, -
 - (a) “accident” means an accident involving a fortuitous or sudden or unintended occurrence while handling any hazardous substance or equipment, or plant, or vehicle resulting in continuous or intermittent or repeated exposure to death, of, or, injury to, any person or damage to any property or environment but does not include an accident by reason only of war or civil disturbance;
 - (b) “Chairperson” means the Chairperson of the National Green Tribunal;
 - (c) “environment” includes water, air and land and the inter-relationship, which exists among and between water, air and land and human beings, other living creatures, plants micro-organism and property;
 - (d) “Expert Member” means a member of the Tribunal who, is appointed as such, and holds qualifications specified in sub-section (2) of section 5, and, is not a Judicial Member;
 - (e) “handling”, in relation to any hazardous substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such hazardous substance;
 - (f) “hazardous substance” means any substance or preparation which is defined as hazardous in the Environment (Protection) Act, 1986, and exceeding such quantity as specified or may be specified by the Central Government under the Public Liability Insurance Act, 1991;
 - (g) “injury” includes permanent, partial or total disablement or sickness resulting out of an accident;

- (h) "Judicial Member" means a member of the Tribunal who is qualified to be appointed as such under sub-section (1) of section 5 and includes the Chairperson;
- (i) "notification" means a notification published in the Official Gazette;
- (j) "person" includes—
 - (i) An individual,
 - (ii) a Hindu undivided family,
 - (iii) a company,
 - (iv) a firm
 - (v) an association of persons or a body of individuals, whether incorporated or not,
 - (vi) trustee of a trust,
 - (vii) a local authority, and
 - (viii) every artificial juridical person, not falling within any of the preceding sub-clauses;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "Schedule" means Schedules I, II and III appended to this Act;
- (m) "substantial question relating to environment" shall include an instance where,—
 - (i) there is a direct violation of a specific statutory environmental obligation by a person by which,—
 - (A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or
 - (B) the gravity of damage to the environment or property is substantial; or
 - (C) the damage to public health is broadly measurable;
 - (ii) the environmental consequences relate to a specific activity or a point source of pollution;
- (n) "Tribunal" means the National Green Tribunal established under section 3;
- (o) "workman" has the meaning assigned to it in the Workmen's Compensation Act, 1923.

(2) The words and expression used in this Act but not defined herein and defined in the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Forest (Conservation) Act, 1980, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991 and the Biological Diversity Act, 2002 and other Acts relating to environment shall have the meaning, respectively, assigned to them in those Acts.

CHAPTER-II

ESTABLISHMENT OF THE TRIBUNAL

3. The Central Government shall, by notification, establish, with effect from such date as may be specified therein, a Tribunal to be known as the National Green Tribunal to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act.
4. (1) the Tribunal shall consist of :-
 - (a) a full time Chairperson;
 - (b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;
 - (c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.
- (2) The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialized knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.
- (3) The Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting.

(4) The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including:-

- (a) the rules as to the persons who shall be entitled to appear before the Tribunal;
- (b) the rules as to the procedure for hearing applications and appeals and other matters [including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)], pertaining to the applications and appeals;
- (c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals:
Provided that the number of Expert Members shall, in hearing as application or appeal, be equal to the number of Judicial Members hearing such applications or appeal;
- (d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.

(5) (1) A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as Judicial Member.

(2) A person shall not be qualified for appointment as an Expert Member, unless he, -

- (a) has a degree in Master of Science (in physical sciences or life sciences) with a Doctorate degree or Master of Engineering or Master of Technology and has an experience of fifteen years in the relevant field including five years practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or
- (b) has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution.

(3) The Chairperson and other Judicial Member and Expert Member of the Tribunal shall not hold any other office during their tenure as such.

(4) The Chairperson and other Judicial and Expert Members shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956.

6. (1) Subject to the provisions of section 5, the Chairperson, Judicial Members and Expert Members of the Tribunal shall be appointed by the Central Government.

(2) The Chairperson shall be appointed by the Central Government in consultation with the Chief Justice of India.

(3) The Judicial Members and Expert Members of the Tribunal shall be appointed on the recommendations of such Selection Committee and in such manner as may be prescribed.

7. The Chairperson, Judicial Member and Expert Member of the Tribunal shall hold office as such for a term of five years from the date on which they enter upon their office, but shall not be eligible for re-appointment:

Provided that in case a person, who is or has been a Judge of the Supreme Court, has been appointed as Chairperson or Judicial Member of the Tribunal, he shall not hold office after he has attained the age of seventy years:

Provided further that in case a person, who is or has been the Chief Justice of a High Court, has been appointed as Chairperson or Judicial Member of the Tribunal, he shall not hold office after he has attained the age of sixty-seven years:

Provided also that no Expert Member shall hold office after he has attained the age of sixty-five years.

8. The Chairperson, Judicial Member and Expert Member of the Tribunal may, by notice in writing under their hand addressed to the Central Government, resign their office.
9. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson, Judicial Member and Expert Member of the Tribunal shall be such as may be prescribed.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson, Judicial member and Expert Member shall be varied to their disadvantage after their appointment.

10. (1) The Central Government may, in consultation with the Chief Justice of India, remove from office or the Chairperson or Judicial Member of the Tribunal, who,-
 - (a) has been adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (c) has become physically or mentally incapable; or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest.
- (2) The Chairperson or Judicial Member shall not be removed from his office except by an order made by the Central Government after an inquiry made by a Judge of the Supreme Court in which such Chairperson or Judicial Member has been informed of the charges against him and given a reasonable opportunity or being heard in respect of those charges.
- (3) The Central Government may suspend from office the Chairperson or Judicial Member in respect of whom a reference of conducting an inquiry has been made to the Judge of the Supreme Court under sub-section (2), until the Central Government passes an order on receipt of the report of inquiry made by the Judge of the Supreme Court on such reference.
- (4) The Central Government may, by rules, regulate the procedure for inquiry referred to in sub-section (2).
- (5) The Expert Member may be removed from his office by an order of the Central Government on the grounds specified in sub-section (1) and in accordance with the procedure as may be notified by the Central Government:

Provided that the Expert Member shall not be removed unless he has been given an opportunity of being heard in the matter.

11. In the event of the occurrence of any vacancy in the office of the Chairperson of the Tribunal, by reason of his death, resignation or otherwise, such Judicial Member of the Tribunal as the Central Government may, by notification, authorize in this behalf, shall act as the Chairperson until the date on which a new Chairperson is appointed in accordance with the provisions of this Act.
12. (1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions.

- (2) The recruitment of the officers and other employees of the Tribunal shall be made by the Chairperson in such manner as may be prescribed.
- (3) The officers and other and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairperson.
- (4) The salaries and allowances and conditions of service of the officers and other employees of the Tribunal shall be such as may be prescribed.
13. The Chairperson of the Tribunal shall exercise such financial and administrative powers as may be vested in him under the rules made by the Central Government:
- Provided that the Chairperson may delegate such of his financial and administrative powers, as he may think fit, to any Judicial Member or Expert Member or officer of the Tribunal subject to the condition that the member or such officer, while exercising such delegated power, continues to act under the direction, control and supervision of the Chairperson.

CHAPTER-III

JURISDICTION, POWERS AND PROCEEDINGS OF THE TRIBUNAL

14. (1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

15. (1) The Tribunal may, by an order, provide,-

- (a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule-I (including accident occurring while handling any hazardous substance);
- (b) for restitution of property damaged;
- (c) for restitution of the environment for such area or areas as the Tribunal may think fit.

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991.

(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule-II so as to provide the compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

(5) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may be, compensation or relief received from, any other court or authority.

16. Any person aggrieved by,--

- (a) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 28 of the Water (Prevention and Control of Pollution) Act, 1974;
- (b) an order passed, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government under section 29 of the Water (Prevention and Control of Pollution) Act, 1974;
- (c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under section 33 A of the Water (Prevention and Control of Pollution) Act, 1974;
- (d) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977;
- (e) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government or other authority under section 2 of the Forest (Conservation) Act, 1980;
- (f) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under section 31 of the Air (Prevention and Control of Pollution) Act, 1981;
- (g) any direction issued, on or after the commencement of the National Green Tribunal Act, 2010, under section 5 of the Environment (Protection) Act, 1986;
- (h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986;
- (i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986;
- (j) any determination of benefit sharing or order made, on or after the commencement of the National Green Tribunal Act, 2010, by the National Biodiversity Authority or a State Biodiversity Board under the provisions of the Biological Diversity Act, 2002,

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.

17. (1) Where death of, or injury to, any person (other than workman) or damage to any property or environment has resulted from an accident or the adverse impact of an activity or operation or process, under any enactment specified in Schedule I, the person responsible shall be liable to pay such relief or compensation for such death, injury or damage, under all or any of the heads specified in Schedule II, as may be determined by the Tribunal.
- (2) If the death, injury or damage caused by an accident or the adverse impact of an activity or operation or process under any enactment specified in Schedule I cannot be attributed to any single activity or operation or process but is the combined or resultant effect of several such activities, operations and processes, the Tribunal may, apportion the liability for relief or compensation amongst those responsible for such activities, operations and processes on an equitable basis.
- (3) The Tribunal shall, in case of an accident, apply the principle of no fault.

18. (1) Each application under sections 14 and 15 or an appeal under section 16 shall be made to the Tribunal in such form, contain such particulars, and, be accompanied by such documents and such fees as may be prescribed.
- (2) Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—
- (a) the person, who has sustained the injury; or
 - (b) the owner of the property to which the damage has been caused; or
 - (c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or
 - (d) any agent duly authorized by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or
 - (e) any person aggrieved, including any representative body or organization; or
 - (f) the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 or any other law for the time being in force;

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation or relief or settlement of dispute, the application shall be made on behalf of, or, for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application:

Provided further that the person, the owner, the legal representative, agent, representative body or organization shall not be entitled to make an application for grant of relief or compensation or settlement of dispute if such person, the owner, the legal representative, agent, representative body or organization have preferred an appeal under section 16.

(3) The application, or as the case may be, the appeal filed before the Tribunal under this Act shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application, or, as the case may be, the appeal, finally within six months from the date of filing of the application, or as the case may be, the appeal, after providing the parties concerned an opportunity to be heard.

19. (1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.
- (2) Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure.
- (3) The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.
- (4) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:--
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence of affidavits;
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;
 - (e) issuing commissions for the examination of witnesses or documents;

- (f) reviewing its decision;
- (g) dismissing an application for default or deciding it *ex parte*;
- (h) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
- (i) pass an interim order (including granting an injunction or stay) after providing the parties concerned an opportunity to be heard, on any application made or appeal filed under this Act;
- (j) pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule- I;
- (k) any other matter which may be prescribed.

(5) All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

20. The tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.

21. The decision of the Tribunal by majority of members shall be binding:

Provided that if there is a difference of opinion among the Members hearing an application or appeal, and the opinion is equally divided, the Chairperson shall hear (if he has not heard earlier such application or appeal) such application or appeal and decide:

Provided further that where the Chairperson himself has heard such application or appeal along with other Members of the Tribunal, and if there is a difference of opinion among the Members in such cases and the opinion is equally divided, he shall refer the matter to other Members of the Tribunal who shall hear such application or appeal and decide.

22. Any person aggrieved by any award, decision or order of the Tribunal, may, file an appeal to the Supreme Court, within ninety days from the date of communication of the award, decision or order of the Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908:

Provided that the Supreme Court may entertain any appeal after the expiry of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.

23. (1) While disposing of an application or an appeal under this Act, the Tribunal shall have power to make such order as to costs, as it may consider necessary.

(2) Where the Tribunal holds that a claim is not maintainable, or is false or vexatious, and such claim is disallowed, in whole or in part, the Tribunal may, if it so thinks fit, after recording its reasons for holding such claim to be false or vexatious, make an order to award cost including lost benefits due to any interim injunction.

24. (1) Where any amount by way of compensation or relief is ordered to be paid under any award or order made by the Tribunal on the ground of any damage to environment that amount shall be remitted to the authority specified under sub-section (3) of section 7A of the Public Liability Insurance Act, 1991 for being credited to the Environmental Relief Fund established under that section.

(2) The amount of compensation or relief credited to the Environmental Relief Fund under sub-section (I), may notwithstanding anything contained in the Public Liability Insurance Act, 1991, be utilized by such persons or authority, in such manner and for such purposes relating to environment, as may be prescribed.

25. (1) An award or order or decision of the Tribunal under this Act shall be executable by the Tribunal as a decree of a civil court, and for this purpose, the Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may transmit any order or award made by it to a civil court having local jurisdiction and such civil court shall execute the order or award as if it were a decree made by that court.

(3) Where the person responsible, for death of, or injury to any person or damage to any property and environment, against whom the award or order is made by the Tribunal, fails to make the payment or deposit the amount as directed by the Tribunal within the period so specified in the award or order, such amount, without prejudice to the filing of complaint for prosecution for an offence under this Act or any other law for the time being in force, shall be recoverable from the aforesaid person as arrears of land revenue or of public demand.

CHAPTER IV PENALTY

26. (1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention:

Provided that in case of company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code.

27. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by the company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm means a partner in the firm.

28. (1) Where any Department of the Government fails to comply with any order or award or decision of the Tribunal under this Act, the head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER V MISCELLANEOUS

29. (1) With effect from the date of establishment of the Tribunal under this Act, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine under its appellate jurisdiction.
- (2) No civil court shall have jurisdiction to settle dispute or entertain any question relating to any claim for granting any relief for compensation or restitution of property damaged or environment damaged which may be adjudicated upon by the Tribunal, and no injunction in respect of any action taken or to be taken by or before the Tribunal in respect of the settlement of such dispute or any such claim for granting any relief or compensation or restitution of property damaged or environment damaged shall be granted by the civil court.
30. (1) No court shall take cognizance of any offence under this Act except on a complaint made by—
- (a) the Central Government or any authority or officer authorized in this behalf by that Government; or
 - (b) any person who has given notice of not less than sixty days in such manner as may be prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.
- (2) No court inferior to that of a Metropolitan Magistrate or, a Judicial Magistrate of the first class shall try any offence punishable under this Act.
31. The Chairperson, the Judicial and Expert Members, officers and other employees of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
32. (1) No suit or other legal proceeding shall lie against the employees of the Central Government or a State Government or any statutory authority, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.
- (2) No suit, prosecution or other legal proceeding shall lie against the Chairperson or, Judicial Member or Expert Member of the Tribunal or any other person authorized by the Chairperson or Judicial Member or the Expert Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.
33. The provisions of this Act, shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
34. (1) The Central Government may, by notification, amend the Schedule-I by including therein any other Act, enacted by Parliament having regard to the objective of environmental protection and conservation of natural resources, or omitting therefrom

any Act already specified therein and on the date of publication of such notification, such Act shall be deemed to be included in or, as the case may be, omitted from the Schedule-I.

(2) a copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

35. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) rules as to the persons who shall be entitled to appear before the Tribunal under clause (a) of sub-section (4) of section 4;
- (b) the procedure for hearing applications and appeals and other matters pertaining to the applications and appeals under clause (b) of sub-section (4) of section 4;
- (c) the minimum number of members who shall hear the applications and appeals in respect of any class or classes of applications and appeals under clause (c) of sub-section (4) of section 4;
- (d) the transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting;
- (e) the selection committee and the manner of appointment of the Judicial Member and Expert Member of the Tribunal under sub-section(3) of section 6;
- (f) the salaries and allowances payable to, and other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson, Judicial Member and Expert Member of the Tribunal under section 9;
- (g) the procedure for inquiry of the charges against the Chairperson or Judicial Member of the Tribunal under sub-section (4) of section 10;
- (h) the recruitment of officers and other employees of the Tribunal under sub-section (2) of section 12; and the salaries and allowances and other conditions of service of the officers and other employees of the Tribunal under sub-section (4) of that section;
- (i) the financial and administrative powers to be exercised by the Chairperson of the Tribunal under section 13;
- (j) the form of application or appeal, the particulars which it shall contain and the documents to be accompanied by and the fees payable under sub-section (1) of section 18;
- (k) any such matter in respect of which the Tribunal shall have powers of a civil court under clause (k) of sub-section (4) of section 19.
- (l) The manner and the purposes for which the amount of compensation or relief credited to the Environment Relief Fund shall be utilized under sub-section (2) of section 24;
- (m) The manner of giving notice to make a complaint under clause (b) of sub-section(1) of section 30;
- (n) Any other matter which is required to be, or may be, specified by rules or in respect of which provision is to be made by rules.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may

be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. The enactments specified in the Schedule-III to this Act shall be amended in the manner specified therein and such amendments shall take effect on the date of establishment of the Tribunal.

37. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

38. (1) The National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997 are hereby repealed (hereinafter referred to as the repealed Act).

(2) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act.

(3) The National Environment Appellate Authority established under sub-section (1) of section 3 of the National Environment Appellate Authority Act, 1997, shall, on the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, stand dissolved.

(4) On the dissolution of the National Environment Appellate Authority established under sub-section (1) of section 3 of the National Environment Appellate Authority Act, 1997, the persons appointed as the Chairperson, Vice-chairperson and every other person appointed as Member of the said National Environment Appellate Authority and holding office as such immediately before the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, shall vacate their respective offices and no such Chairperson, Vice-chairperson and every other person appointed as Member shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service.

(5) All cases pending before the National Environment Appellate Authority established under sub-section (1) of section 3 of the National Environment Appellate Authority Act, 1997 on or before the establishment of the National Green Tribunal under the National Green Tribunal Act, 2010, shall, on such establishment, stand transferred to the said National Green Tribunal and the National Green Tribunal shall dispose of such cases as if they were cases filed under that Act.

(6) The officers or other employees who have been immediately before the dissolution of the National Environment Appellate Authority appointed on deputation basis to the National Environment Appellate Authority, shall, on such dissolution, stand reverted to their parent cadre, Ministry or Department, as the case may be.

(7) On the dissolution of the National Environment Appellate Authority, the officers and other employees appointed on contract basis under the National Environment Appellate Authority and holding office as such immediately before such dissolution, shall vacate their respective offices and such officers and other employees shall be entitled to claim compensation for three months' pay and allowances or pay and allowances for the remaining period of service, whichever is less, for the premature termination of term of their office under their contract of service.

(8) The mention of the particular matters referred to in sub-section (2) to (7) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

SCHEDULE-I

[See sections 14(1), 15(1), 17(1) (a), 17(2), 19(4) (j) and 34(1)]

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.

SCHEDULE-II

[See sections 15(4) and 17(1)]

HEAD UNDER WHICH COMPENSATION OR RELIEF FOR DAMAGE MAY BE CLAIMED.

- (a) Death;
- (b) Permanent, temporary, total or partial disability or other injury or sickness;
- (c) Loss of wages due to total or partial disability or permanent or temporary disability.
- (d) Medical expenses incurred for treatment of injuries or sickness;
- (e) Damages to private property;
- (f) Expenses incurred by the Government or any local authority in providing relief, aid and rehabilitation to the affected persons;
- (g) Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including compensation for environmental degradation and restoration of the quality of environment;
- (h) Loss to the Government or local authority arising out of, or connected with, the activity causing any damage;
- (i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;
- (j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;
- (k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water land and eco-systems;
- (l) Loss and destruction of any property other than private property;
- (m) Loss of business or employment or both
- (n) Any other claim arising out of, or connected with, any activity of handling of hazardous substance.

SCHEDULE III

(See section 360)

AMENDMENT TO CERTAIN ENACTMENTS

PART I

AMENDMENT TO THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 (6 OF 1974)

After section 33A, the following section shall be inserted, namely:-

“33B. Any person aggrieved by, -

- (a) an order or decision of the appellate authority under section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or
- (b) an order passed by the State Government under section 29, on or after the commencement of the National Green Tribunal Act, 2010; or
- (c) directions issued under section 33A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”

PART II
AMENDMENTS TO THE WATER (PREVENTION AND CONTROL OF POLLUTION)
CESS ACT, 1972
(36 OF 1977)

1. In section 13, in sub-section (4), for the words, figures and letters 'shall, if no appeal has been filed under section 13A, be final" shall be substituted.
2. After section 13, the following section shall be inserted, namely:-

"13A. Any person aggrieved, by an order or decision of the appellate authority made under section 13, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act."

PART III
AMENDMENT TO THE FOREST (CONSERVATION) ACT, 1980
(69 OF 1980)

After section 2, the following section shall be inserted, namely:-

"2A. Any person aggrieved, by an order or decision of the State Government or other authority made under section 2, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act."

PART-IV
AMENDMENT TO THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.
(14 OF 1981)

After section 31A, the following section shall be inserted, namely:-

"31 B. Any person aggrieved by an order or decision of the Appellate Authority under section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act".

PART-V
AMENDMENT TO THE ENVIRONMENT (PROTECTION) ACT 1986.
(29 OF 1986)

After section 5, the following section shall be inserted, namely:-

"5A. Any person aggrieved by any directions issued under section 5, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provision of that Act".

PART-VI
AMENDMENT TO THE BIOLOGICAL DIVERSITY ACT, 2002.
(18 OF 2003)

1. In section 52, after the proviso, the following provisos shall be inserted, namely:-
"Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010:
Provided also that any appeal pending before the High Court, before the commencement of the National Green Tribunal Act, 2010, shall continue to be heard and disposed of by the High Court as if the National Green Tribunal had not been established under section 3 of the National Green Tribunal Act, 2010."
2. After section 52, the following section shall be inserted, namely:-
"52A. Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act 2010, in accordance with the provisions of that Act."

V. K. BHASIN,
Secy. to the Govt. of India.

AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT
NOTIFICATION No. FFE-A(C) 7-1/96-II DATED 17.11.1999 AS REQUIRED UNDER
CLAUSE (3) OF ARTICLE 348 OF THE CONSTITUTION OF INDIA.

GOVERNMENT OF HIMACHAL PRADESH
FOREST DEPARTMENT

NOTIFICATION

No. FFE-A(C) 7-1/96-II

Dated Shimla-2, the 17-11-1999.

In the exercise of the powers conferred by clause (h) of Section 32 of the Indian Forest Act, 1927 (Act No. XVI of 1927), the Governor, Himachal Pradesh is pleased to make the following rules, namely:-

Short title, commencement and application:

- (1) These rules may be called the Himachal Pradesh Forests (Protection from Fire) Rules, 1999.
- (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.
- (3) These rules shall be applicable throughout the year except for the period from 1st of July to 13th of September.

Definitions:

- (1) In these rules, unless there is anything repugnant in subject or context,
 - (a) "Act" means the Indian Forest Act, 1927 (XVI of 1927);
 - (b) "Divisional Forest Officer" means,
 - (i) Divisional Forest Officer of a Forest Division.
 - (ii) Divisional Manager of the Himachal Pradesh State Forest Corporation Ltd., and
 - (iii) Collector (in whose justification in forest lies);
 - (c) "Forest" means a reserved forest or protected forest, duly notified as such under the Act;
 - (d) "Section" means section of act; and
 - (e) "Schedule" means Schedule appended to these Rules.
- (2) The words and expressions used, but not defined in these rules, shall have the meanings assigned to them in the Act.
- (3) **Prohibition of kindling of Fire:-**
 - (1) Kindling of fire within one hundred meters from a forest without permission of the Divisional Forest Officer, or his authorized representative shall be prohibited.
 - (2) Any person lighting a fire even beyond on hundred meter from the boundary of a forest shall take precautions, by clearing a fire path, not less than 10 meters in width between such place and such boundary, or by employing watchers or otherwise, to prevent the fire from spreading.
- (4) Precautions to be taken in burning agriculture residue bushes or "ghasnies" near forest. No person shall ignite agriculture residue or set fire to "ghasnies", or clear by fire any land, within a distance of one hundred meter from the boundary of the forest, unless;
 - (a) he gives notice of his intention to burn or clear the land by fire, at least one week before doing so, to the nearest Forest Range Officer under whose jurisdiction such land lies; and
 - (b) there is between such boundary, and the spot on which such materials are ignited, a space at least ten meters in width which is clear of all vegetation capable of carrying fire from such spot to the forest.
- (5) Restrictions on the collection and stacking of inflammable forest produce of inflammable material outside the boundary of or in the forest. Any person collecting such inflammable

material, that is to say, forest produce such as grass, dried leaves and pine needles, firewood, timber, bamboo and resin, on a land adjoining a forest, or a holder of a pass or permit issued by a Forest Officer, or a person exercising his privilege or right to collect such forest produce from a forest, shall stack it at, as the case may be, in an open space in the forest as the Divisional Forest Officer may, by general or special order, specify, and shall isolate such stacks in such manner that, if it catches fire, the fire shall not spread to the surrounding area to endanger the forests.

(6) Precautions to be taken at camping places:-

- (1) No person shall camp in a forest, except in a camping place specially cleared and set apart and duly notified for the said purpose by the Divisional Forest Officers.
- (2) A person camping at such camping place may light fire for the purpose of cooking or for any other purpose in such a manner as not to endanger the forest or any building, shed and property at the camping place.
- (3) A person camping at the camping place shall, before vacating it, collect in the centre of the camping place all inflammable material, which is to be left behind, and shall carefully extinguish all fires at the site.

By Order

Commissioner-cum-Secretary (Forests)
to the Government of Himachal Pradesh,
Shimla – 171002.

**THE HIMACHAL PRADESH KUTLEHAR FOREST (ACQUISITION OF MANAGEMENT)
ACT, 1992.**

(ACT NO. 19 OF 1992)¹

(Received the assent of the President of India on the 6th September, 1992 and was published in Hindi and English in R.H.P. Extra., dated the 23rd September, 1992 at pages 2995 to 3002 and 3003 to 3010).

An Act to provide for the acquisition of management, supervision and control of the Kutlehar Forest and ancillary matters thereto.

Preamble.- WHEREAS, the Ex-chief or the ruler of the erstwhile princely estate of Kutlehar has been allowed to manage the Kutlehar Forest and to appropriate portion of the income derived therefrom as managerial charges;

AND WHEREAS, such management, if allowed to continue, will result in heavy loss to the Government and huge un-earned profits to the individuals;

AND WHEREAS, for the purpose of securing the principles laid down in clauses (b) and (c) of Article 39 of the Constitution of India, it is necessary in the public interest that such undue profits to a few persons are utilised for the common benefit of the general public.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Himachal Pradesh Kutlehar Forest (Acquisition of Management) Act, 1992.

(2) It shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions. - In this Act, unless the context otherwise requires,-

(a) "appointed day" means the date on which this Act comes into force;

¹ . Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.Extra., dated 28.3.1992, pp 1709 & 1719.

² . Act came into force from 11th day of March, 1995 vide Not. No. VAN(A)4-3/91 Vol.-II, dated 10.3.1995, published in R.H.P. Extra., dated 10.3.1995, p. 998.

- (b) "grant" means the management of Kutlehar Forest permitted by the Government ;
- (c) "grantee" means the person in whose favour a grant has been made and includes his heirs, successors and assignees;
- (d) "Kutlehar Forest" means the forests and waste lands which, on the appointed day are under the management and control of the Superintendent, Kutlehar Forest and are more specifically described in the Schedule to this Act.

Explanation.-For the purposes of this clause the Superintendent, Kutlehar Forest means the Ex-chief or ruler of a princely estate of Kutlehar appointed by the Government as the Superintendent, Kutlehar Forest and includes his heirs, successors and assignees;

- (e) "prescribed" means prescribed by rules made under this Act.

3. Grant to which Act applies.- This Act shall apply to all grants of management, supervision or control over forest and waste lands made or granted by or on behalf of the Government in favour of the Ex-chief or Exruler of a princely estate of Kutlehar which contain all or any of the following terms and conditions, namely:-

- (a) the grantee may manage the forests and appropriate part of the income derived therefrom as managerial charges ;
- (b) the grantee may appropriate for his own use trees standing, or other forest produce derived therefrom subject to the payment of royalty at the rates, specified in the deed or revenue or forest settlement records evidencing such grant, in respect of the timber or forest produce, as the case may be, taken out of the land;
- (c) tree value at a nominal rate has to be paid when the land is cleared; and
- (d) the grantee is not liable to pay any assessment or rent or he is liable to pay only nominal assessment or rent for the grant.

4. Vesting of rights of grantee in Government and extinction of rights in grant.- Notwithstanding anything contained in any law for the time being in force, or in any contract or in any judgement, decree or order of any Court, with effect from the appointed day,-

- (i) The grant shall stand extinguished and any service or obligation attached to such land shall stand abolished; and the grantee shall have no liability to perform any condition or obligation to render any service attached to such grant ;
- (ii) all rights, title and interest of the grantee in the forests or waste lands held by him, shall vest in the Government free from all encumbrances.

³**5. Amount to be paid by the Government.-** (1) In consideration of the vesting in the Government the right, title and interest of any person under section 4, the Government shall, subject to the provisions of this Act, pay to such person an amount equivalent to the net income, after deduction of all lawful expenses incurred by him in the management, accrued to him during the financial years preceding immediately the Publication of this Act in the Official Gazette, in five equal instalments.

(2) The amount payable under sub-section (1) shall be paid on the 1st day of June, every year for a period of five years from the appointed day and shall bear interest at the rate of 10 per cent per annum from the date such amount becomes payable till the date of payment.]

6. Manner of payment of net amount.- (1) The Government shall appoint, by order in writing, a person, having adequate knowledge and experience in matters relating to accounts, as Special Officer to assess the net amount payable under this Act by the Government to the grantee, after making deductions mentioned in section 7.

³ . Subs. vide H.P. Act No. 3 of 1995 (Sec. 2).

(2) The Special Officer may call for the assistance of such Officers and staff of the Government as he may deem fit in assessing the net amount payable.

(3) Where the gross amount payable to the grantee is equal to or less than the total amount to be deducted under section 7, no payment shall be made to such person by the Government.

(4) If there is any difference or dispute regarding assessment of the amount the same shall be determined by the arbitrator under section 13.

7. Deductions from gross amount.- The Government shall be entitled to deduct the following sums from the gross amount payable under this Act to the grantee, namely :-

- (a) the amount, if any, already paid in advance;
- (b) the amount, if any, which the Government is entitled to deduct under section 12 ;
- (c) the amount due, if any, including interest thereon, from such person, to the Government before the appointed day ;
- (d) the amount, if any, relating to debts ; mortgages or obligations as mentioned in sub-section (2) of section 11 :

Provided that before making any deduction under this section, the grantee, shall be given a notice to show cause against such deductions, within a period of thirty days from the date of receipt of such notice.

8. Transfer of services of existing employees.- (1) Every whole time employee who was on or before the 16th day of March, 1992, appointed or employed in connection with the management of the Kutlehar Forest Estate and has been continued to be so appointed or employed on the appointed day in connection with the said management, the right of management of which has been acquired under this Act, shall, on the appointed day, become an employee of the Government and shall hold his office by the same tenure, at the same remuneration and upon same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if the management of the Kutlehar Forest has not been transferred to and vested in the Government and shall continue to do so unless and until his employment under the Government is duly terminated or until his remuneration or terms and conditions of service are duly altered by the Government:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in this sub-section shall not be varied to his disadvantage.

(2) If any question arises as to whether any person was a whole-time employee in or in connection with the management of the Kutlehar Forest immediately before the appointed day, the question shall be referred, within a period of one year from the appointed day, to an officer of the Government, who shall not be lower in rank of the Divisional Commissioner and that officer shall, after giving a reasonable opportunity of being heard to the person concerned in the matter, decide it in such manner as he thinks fit and such decision shall be final.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or, in any other law for the time being in force, the transfer of the services of an employee employed in or in connection with the management of the Kutlehar Forest to the Government shall not entitle such employee to any compensation under that Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

9. Power of entry.- An employee of the Government, authorised in this behalf by general or special order by the Government, or the Special Officer appointed under section 6 may, at any time after giving the grantee or any other person in possession of such forests and waste lands a reasonable notice, enter upon any land or premises in his possession and make any survey, examination or investigation, preliminary or incidental to the purposes of this Act.

10. Duty to deliver possession of properties.- (1) Where any property in relation to management of Kutlehar Forest has been transferred to and vested in the Government under this Act,-

- (a) every person in whose possession, custody or control any such property may be, shall, on demand by the Government or an officer authorised in this behalf, deliver to the Government or to such officer, as the case may be, forthwith;
- (b) any person who, immediately before such vesting, has, in his possession, custody or control, any books, documents or other papers, relating to the management of the Kutlehar Forest or grant shall be liable to account for the said books, documents and papers to the Government and shall deliver them up to the Government or to such person as the Government may authorise in this behalf.

(2) Without prejudice to other provisions contained in this section it shall be lawful for the Government to take all necessary steps for taking possession of all properties, which have been transferred to and vested in it under this Act.

11. General effect of vesting.- (1) The property vested in the Government under section 4 shall be deemed to include the properties, rights, liabilities and obligations specified below, namely:-

- (i) all the fixed assets of the grantee in relation to the management of the Kutlehar Forest and all documents relating thereto ;
- (ii) all rights, liabilities and obligations of the grantee in relation to the grant or management under any contract entered into bonafide before the appointed day, not being contract relating to the borrowing or lending money, or to the employment of staff.

(2) All the assets specified in clause (i) of sub-section (1) shall vest in the Government free from any debts, mortgages or similar obligations of the grantee or attaching to the management of the Kutlehar forest :

Provided that such debts, mortgages or obligations shall attach to the amount payable under this Act to the grantee.

(3) It shall be lawful for the Government or any officer authorised by it, to take possession of the entire management or property or, as the case may be, the fixed assets and of all documents relating to such management, or property, which the Government may require for its management, after removing any obstruction, if any, that may be offered.

12. Effect of transactions not bonafide.- Where the Government is of opinion that the grantee or any other person has on or after the appointed day disposed of any fixed asset, whether by way of sale, exchange, gift, lease or otherwise, or incurred any expenditure, liability or obligation otherwise than in the normal course of events, with a view to benefit unduly such person and thereby caused loss to the Government as succeeding owners of the property, the Government shall be entitled to deduct from the amount payable to the grantee under this Act, an amount which they consider to be the loss sustained by them:

Provided that before making such deduction, the grantee shall be given a notice to show cause against such deductions, within a period of thirty days from the date of receipt of such notice.

13. Arbitration.- (1) Where any dispute arises in respect of any of the matters specified below, it shall be determined by an arbitrator appointed by the Government, who shall be a sitting or retired District or High Court Judge,-

- (a) whether the amount determined by the Special Officer and payable in consideration of extinguishment of rights in the Kutlehar Forest is in conformity with the provisions of section 6 of Act;

- (b) whether property belonging, or any right, liability or obligation attaching, to the grantee vests in the Government;
- (c) whether any agreement or other contract referred to in section 12 has been entered into bonafide or not.

(2) Subject to the provisions of this section, the provisions of the Arbitration Act, 1940 (10 of 1940) shall apply to all arbitrations under this Act.

14. Penalties.- Any person who,-

- (a) having in his possession, custody or control any property forming part of the grant wrongfully withholds such property from the Government; or
- (b) wilfully withholds or fails to furnish to the Government, or any person authorised in this behalf by the Government, any books, documents, papers relating to the grant which may be in his possession, custody or control; or
- (c) fails to deliver to the Government any assets, books of accounts, registers or other documents in his possession, custody or control relating to the grant; or
- (d) wrongfully obtains possession of, or retains any property forming part of the grant; or
- (e) wrongfully removes or destroys any property forming part of the grant; or
- (f) wrongfully uses any property forming part of the grant, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

15. Cognizance of offences.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court shall take cognizance of any offence under this Act except on a complaint in writing made by the Government, or any officer authorised in that behalf by the Government.

(2) Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Magistrate of the First Class, specially empowered by the Government in this behalf, to impose a sentence of fine exceeding five thousand rupees when awarding punishment under section 14.

16. Protection of action taken in goods faith.- No suit, prosecution or other legal proceeding shall lie against the Government or any employee of the Government, or the Special Officer appointed under section 6, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

17. Power to make rules.- (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) The rules under this section shall be made subject to the condition of previous publication.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly for a period of fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

[See section 2(d)]

DESCRIPTION OF THE FORESTS INCLUDED IN THE KUTLEHAR FORESTS

Sl. No.	Name of Forests
1.	2.

DEMARCATED PROTECTED FORESTS:

District: HAMIRPUR

(1)	THETHU
(2)	CHATRAH
(3)	BAN MASLANA
(4)	CHELLI-SAT RUKHA
(5)	SASAL

District: UNA

(6)	PANIALA
(7)	THAPAL
(8)	BORU
(9)	RAMGARH-WARLA
(10)	RAMGARH-PARLA
(11)	TANDA
(12)	KANURA
(13)	SOLA SINGHI AND BHIAMBI
(14)	CHARARA
(15)	BAN DHANET
(16)	KARIARA
(17)	CHAROLI
(18)	SARKARU AND GHOR PLANI
(19)	OEL-DA-BAN
(20)	BEALA
(21)	DHIUNSAR
(22)	AKOI-DI-DHAR
(23)	CHANGRERI
(24)	THANA DULEHRI
(25)	TANDA BAGWAIN
(26)	TIRA AGHLAUR
(27)	BUSAL
(28)	GHUGAN KAKRANA
(29)	KAWARI
(30)	MAU
(31)	KATOH
(32)	AMROH
(33)	ATIA
(34)	CHAUKI MANIAR
(35)	JOL

- (36) KHARIAN
- (37) CHAOLI
- (38) CHAPLAH GARLAN
- (39) SOHARI BADUHA
- (40) SARI
- (41) CHAPLAH-KUTLEHRIAN
- (42) BHARMAUT
- (43) CHHATEHR
- (44) BHIAMBI
- (45) SUKRIAL
- (46) MATOH
- (47) KOT
- (48) CHAMIARI
- (49) BASATAR

H.P. KUTLHAR FOREST (ACQUISITION OF MANAGEMENT) ACT, 1992

UNDEMARCATED PROTECTED FORESTS:

District: UNA

- (1) MACHHAHLI
- (2) DHAR CHAMUKHA
- (3) KOTLA
- (4) ARLOO
- (5) SOLASINGI
- (6) MOMANIAR
- (7) CHAUKIMANIAR
- (8) BEH
- (9) KHARIALTA
- (10) DHANET
- (11) HEROO
- (12) DHIUNGLY
- (13) THARRA
- (14) TIRA

District: HAMIRPUR

- (1) GIARAN-GRAN
- (2) PANJ-GRAN

**THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND
(EVICTION AND RENT RECOVERY) ACT, 1971
ARRANGEMENT OF SECTIONS**

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Unauthorised occupation of public premises.
4. Issue of notice to show cause against order of eviction.
5. Eviction of un-authorised occupants.
6. Disposal of property left in public premises by un-authorised occupants.
7. Power to require payment of rent or damages in respect of public premises.
8. Power of Collector.
9. Appeals.
10. Finality of orders.
11. Offences and penalty.
12. Power to obtain information.
13. Liability of heirs and legal representatives.
14. Recovery of rent etc., as arrears of land revenue.
15. Bar of jurisdiction.
16. Protection of action taken in good faith.
17. Power to make rules.
18. Repeal.

**THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND
(EVICTION AND RENT RECOVERY) ACT, 1971
(ACT No. 22 OF 1971)¹**

(Received the assent of the Governor on the 5th November, 1971 and was published in R.H.P. Extra., dated the 19th November, 1971 at p. 1448-1454).

Amended, repealed or otherwise affected by:-

- (i) H.P. Act No. 9 of 1983², assented to by the Governor on the 30th April, 1983 and published in R.H.P. Extra., dated 30-4-1983, P. 507)

An Act to provide for the eviction of un-authorised occupants from public premises and for certain incidental matters.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) “Collector” means the Collector of the district, and includes any other officer appointed by the State Government for performing the functions of the Collector under this Act;
- (b) “corporate authority” means any company or corporation referred to in sub-clauses (ii) and (iii) of clause (e) of this section.

¹ For Statement of Objects and Reasons, see R.H.P., Extra., dated 24th September, 1971, P. 1235.

² For Statement of Objects and Reasons, see R.H.P., Extra., dated 17-3-1983, P. 296. 2

- (c) “estate” has the meaning assigned to it in the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954);
 - (d) “premises” means any land, whether used for agricultural or nonagricultural purposes, or any building or part of a building and includes,-
 - (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and
 - (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;
 - (e) “public premises” means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the State Government and includes any premises belonging to, or taken on lease by, or on behalf of-
 - (i) any municipal corporation/committee, notified area committee, panchayat samiti, Panchayat or improvement trust;
 - (ii) any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty one per cent of the paid up share capital is held by the State Government,³***]
 - (iii) any corporation (not being a company as defined in section 3 of the Companies Act, 1956 or a local authority) established by or under a Central Act as defined in clause (7) of section 3 of the General Clauses Act, 1897, or a Himachal Pradesh Act and owned or controlled by the State Government⁴; and]
- ⁵[(iv) any Co-operative Society registered or deemed to have been registered under the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969).]
- (f) “prescribed” means prescribed by rules made under this Act.
 - (g) “rent” in relation to any public premises means the consideration payable periodically for the authorised occupation of the premises, and includes-
 - (i) any charge for electricity, water or any other services in connection with the occupation of the premises; and
 - (ii) any tax (by whatever name called) payable in respect of the premises, where such charge or tax is payable by the State Government, the corporate authority or a local body as given in sub-clause (i) of clause (e) of this section.

3. Unauthorized occupation of public premises.- For the purposes of this Act, a person shall be deemed to be in unauthorised occupation of any public premises-

- (a) where he has whether before or after the commencement of this Act entered into possession thereof otherwise than under and in pursuance of any allotment, lease or grant; or
- (b) where he, being an allottee, lessee or grantee, has by reason of the determination or cancellation of his allotment, lease or grant in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such public premises; or
- (c) where any person authorised to occupy any public premises has, whether before or after the commencement of this Act
 - (i) sub-let in contravention of the terms of allotment, lease or grant, without the permission of the State Government or of any other authority competent to permit such sub-letting the whole or any part of such public premises, or
 - (ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such public premises.

³ Word “and” omitted vide Act No. 9 of 1983.

⁴ Words and sign “; and” ins. vide ibid.

⁵ New Sub-clause (iv) added vide Act No. 9 of 1983.

Explanation.-For the purposes of clause (a) a person shall not merely by reason of the fact that he has paid any rent be deemed to have entered into possession as allottee, lessee or grantee.

4. Issue of notice to show cause against order of eviction.- (1) If the Collector is of opinion that any persons are in unauthorised occupation of any public premises situate within his jurisdiction and that they should be evicted, the Collector shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall-

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

(3) The Collector shall cause the notice to be affixed on the outer door or some other conspicuous part, of the public premises, or of the estate in which the public premises are situate, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Collector knows or has reasons to believe that any persons are in occupation of the public premises, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

5. Eviction of unauthorised occupants.- (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the public premises are in unauthorised occupation, the Collector may, on a date to be fixed for the purpose, make an order of eviction, for reasons to be recorded therein directing that the public premises shall be vacated by all persons who may be in unauthorised occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises or of the estate in which the public premises are situate.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (1), the Collector or any other officer duly authorised by him in this behalf may evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

6. Disposal of property left on public premises by un-authorised occupants.- (1) Where any persons have been evicted from any public premises under section 5, the Collector may, after giving fourteen days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or sell by public auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, if any, due to the State Government, a corporate authority or a local body as given in sub-section (i) of clause (e) of section 2 on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the Collector to be entitled to the same:

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

7. Power to require payment of rent or damages in respect of public premises.- (1) Where any person is in arrears of rent payable in respect of any public premises, the Collector may, by order, require that person to pay the same within such time as may be specified in the order.

(2) Where any person is, or has at any time been, in unauthorized occupation or any public premises, the Collector may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Collector.

8. Power of Collector.- A Collector shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed.

9. Appeals.- (1) An appeal shall lie from every order of the Collector made in respect of any public premises under section 5 or section 7 to the Commissioner.

(2) An appeal under sub-section (1) shall be preferred-

- (a) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under subsection (1) of that section; and
- (b) in the case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant:

Provided that the Commissioner may entertain the appeal after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Collector, the commissioner may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the Commissioner as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the Commissioner.

10. Finality of orders.- Save as otherwise expressly provided in this Act, every order made by the Collector or Commissioner under this Act, shall be final and shall not be called in question in any original suit, application or execution proceeding, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

11. Offences and penalty.- (1) If any person who has been evicted from any public premises under this Act again occupies the premises without authority for such occupation, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any action that may be taken against him under this Act.

12. Power to obtain information.- If the Collector has reasons to believe that any persons are in unauthorised occupation of any public premises, the Collector or any other officer authorised by him in this behalf may require those persons, or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

13. Liability of heirs and legal representatives.- (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages

is to be or has been taken dies before the proceeding is taken or during the tendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the State Government, any corporate authority or a local body as mentioned in sub-clause (i) of clause (e) of section 2 from 7 any person whether by way of arrears of rent or damages or costs shall, after the death of the person; be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

14. Recovery of rent etc., as arrears of land revenue.- If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government, any corporate authority or a local body as given in sub-clause (i) of clause (e) of section 2 under sub-section (5) of section 9 or any portion of such rent, damages, or costs, within the time, if any, specified therefore in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue.

15. Bar of jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorized occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of section (7) or the damages payable under sub-section (2) of that section or the costs awarded to the State Government, corporate authority or a local body as given in sub-clause (i) of clause (e) of section 2 under sub-section (5) of section 9 or any portion of such rent, damages or costs.

16. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the State Govt. or the Commissioner or the Collector in respect of anything which is in good faith done or intended to be done in pursuance of this Act, or of any rules or orders made thereunder.

17. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules⁶ not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, and without prejudice to the generality of the preceding sub-section, such rules may provide for all or any of the following matters, namely:-

- (a) the form of any notice required or authorised to be given under this Act, and the manner in which it may be served;
- (b) the holding of inquiries under this Act;
- (c) the procedure to be followed in taking possession of public premises;
- (d) the manner in which damages for unauthorized occupation may be assessed and the principles which may be taken into account in assessing such damages;
- (e) the manner in which appeals may be preferred and the procedure to be followed in appeals; and
- (f) any other matter which has to be or may be prescribed.

(3) All rules made under this Act shall as soon as may be after they are made, be laid before the State Legislature and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following:

18. Repeal.- The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959 (31 of 1959), as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) is hereby repealed.

⁶ The Rules framed vide Not. No. 1-12/71-L.S.G., dt. 10th March, 1972 (Appended).

**NOTIFICATIONS AND RULES
UNDER
THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND
(EVICTION AND RENT RECOVERY) ACT, 1971
APPOINTMENT OF COLLECTOR
GOVERNMENT OF HIMACHAL PRADESH
LOCAL SELF GOVERNMENT DEPARTMENT**

Simla-2, the 30th June, 1972

No. 1-21/72-LSG.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No.22 of 1971), the Governor, Himachal Pradesh is pleased to appoint all the Sub-Divisional Officers (Civil) in Himachal Pradesh to perform the functions of the Collector under the above Act.

(R.H.P., dated the 15th July, 1972, P. 713)

Simla-2, the 17th January, 1976

No. 1-21/70LSG.- In exercise of powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, (Act No 22 of 1971), the Governor, Himachal Pradesh is pleased to appoint the General Assistant, Solan district at Solan, Himachal Pradesh to perform the functions/duties of the Collector under the aforesaid Act within the said district.

(R.H.P., dated the 31st January, 1976, p. 152).

Simla-171002, the 30th July, 1976

No. LSG. 1-21/70.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh, is pleased to appoint Estate Officer of Himachal Pradesh Government to perform the functions of the Collector under the above Act in respect of public premises as defined under clause (e) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.
This will supersede all the previous notifications issued in this behalf.

(R.H.P. dated 11-9-1976, p. 1396).

Shimla-171002, the 4th May, 1982

No. 1.21/70-LSG-II.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh, is pleased to appoint the City Magistrate, Shimla to perform the functions of the Collector under the above Act in respect of the public premises as defined under clause (e) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.

[R.H.P., Extra., dated 21-5-1982, p. 489]

[Issued and published in Hindi in R.H.P. Extra., dated 22.9.1984, p. 1657]]

Shimla-2, the 9th September, 1984.

No. 1-21/70-LSG.- In supersession of this Department Notification No. 1-21/70 LSG, dated 19-12-1974 and in exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1970 (Act No. 22 of 1971), the Governor, Himachal Pradesh is pleased to appoint the General Assistant Kangra District, Dharamsala to perform the function of the Collector under the above Act in respect of the public premises defined under clause (e) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1970 within the jurisdiction of Kangra district.

(R.H.P. Extra., dated 22-9-1984, P. 1657-58).

[Issued and published in Hindi in R.H.P. Extra, dated 11-10-1986, p. 1774]
Shimla-2, the 3rd September, 1986

No. 1-21/70-LSG.- In supersession of this Department notification No. 1-21/70-LSG-II, dated 3-4-84 and in exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1970), the Governor, Himachal Pradesh, is pleased to appoint the Estate Officer in Directorate of Estates, Himachal Pradesh, Shimla to perform the functions of the Collector under the above Act in respect of the public premises as defined under clause (e) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 belonging to the State Government in Shimla.

[R.H.P. Extra., Dated 11-10-1986, P. 1775].

Shimla-2, the 2nd February, 1989

No. 1-21/71-LSG.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor of Himachal Pradesh is pleased to appoint all the Executive Engineers (B&R) Divisions of the Public Works Department, Himachal Pradesh, to perform the functions of the Collector within their respective jurisdiction under the aforesaid Act as far as road side encroachments are concerned, in respect of cases dealing with unauthorized occupation of the acquired width of land of the road, with immediate effect.

(R.H.P. Extra., dated 22-4-89, P. 914).

(Issued and published in Hindi in R.H.P. Extra, dated 17-11-1993, p. 2125)
Shimla-2, the 29th October, 1993.

No. 1-21/70-LSG.- The President of India, in exercise of the powers conferred under clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971) read with section 20 of the Himachal Pradesh General Clauses Act, 1968, is pleased to rescind this department notification of even number 2.2.1989, with immediate effect.

(R.H.P. Extra., dated 17-11-1993, p. 2126)

(Issued and published in Hindi in R.H.P. Extra., dated 11-6-1994, p. 1976)
Shimla-2, the 2nd June, 1994.

No. 1-21/70-LSG.- In supersession of this department notification of even number dated 27-9-1993 and in exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (22 of 1971) the Governor, Himachal Pradesh is pleased to appoint the additional Secretary/Joint Secretary/Deputy Secretary/Under Secretary (GAD) to the Government of Himachal Pradesh who is functioning as an ex-officio Director of Estate as the case may be to perform the functions of Collector under the aforesaid Act, in respect of premises as defined under clause (e) of section 2 of the Act *ibid*, belonging to the State Government in Shimla.

(R.H.P. Extra., dated 11-6-1994, p. 1976).

(Issued and published in Hindi in R.H.P. Extra., dated 18-6-94, p. 1994-1995)
Shimla-2, the 8th June, 1994.

No. 1-21/71-L.S.G.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971) the Governor of Himachal Pradesh is pleased to appoint all the Divisional Forest Officers of the Forest Department to perform the functions of the Collector within their jurisdiction under the aforesaid Act in so far as the encroachments as well as unauthorized occupation of Forest Land is concerned with immediate effect.

(R.H.P. Extra., dated 18-6-1994, p. 1995).

(Issued and published in Hindi in R.H.P. Extra, dated 4.9.2002, P. 1668)
Shimla-2, the 24th August, 2002.

No. 1-21/71-LSG.- In exercise of the powers conferred by clause (a) of section (2) of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh, is pleased to appoint Director, Transport, Himachal Pradesh, to perform the functions of the Collector in respect of public premises of Himachal Pradesh, Bus-Stands Management and Development Authority in Himachal Pradesh under the said Act.

The Governor, Himachal Pradesh is further pleased to order that consequent upon the appointment of the Director, Transport as Collector as aforesaid, the Sub-Divisional Officers (Civil) appointed as Collector vide Notification No. 1-21/72-LSG dated 30-6-1972 shall cease to perform the functions of Collector in respect of public premises of Himachal Pradesh Bus-Stands Management and Development Authority in Himachal Pradesh.

(R.H.P.Extra., dated 4.9.2002 P. 1669)

(Issued and published in Hindi in R. H. P. Extra., dated 28. 4. 2003. p 129)
Shimla-2, the 7th April, 2003.

No. 1-21/71-LSG. - In exercise of the powers conferred by clause (a) of section (2) of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971) the Governor, Himachal Pradesh is pleased to appoint all Sub-Divisional Officers (Civil) in Himachal Pradesh to perform the functions of the Collector in respect of public premises of Himachal Pradesh Bus Stands Management and Development Authority in Himachal Pradesh under the said Act.

The Governor, Himachal Pradesh is further pleased to order that consequent upon the appointment of the SDO(Civil) as Collector as aforesaid, the Director (TPT) appointed as collector vide Notification No. 1-2/71-LSG, dated 24-8-2002 shall cease to perform the function of Collector in respect of public premises of Himachal Pradesh Bus-Stands Management and Development Authority in Himachal Pradesh.

(R.H.P.Extra dated 28.4.2003, p. 130)

(Issued and published in Hindi in R.H.P.Extra dated, 8-10-2004.p 2097)
Shimla-2, the 27th September, 2004.

No. 1-21/71-LSG.-In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of (1971), the Governor, Himachal Pradesh is pleased to appoint the Conservator of Forest, Great Himalayan National Park, Shimla of the Forest Department as Collector to perform the function of the Collector within his jurisdiction under the aforesaid Act, in so far as the encroachment as well as unauthorized occupation of forest land is concerned, with immediate effect.

(R.H.P.Extra dated, 8-10-2004, p. 2098)

**THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND
(EVICTION AND RENT RECOVERY) RULES, 1971
ARRANGEMENT OF RULES**

Rules:

1. Short title.
2. Definitions.
3. Form of notices and orders.
4. Manner of service of notices and orders.
5. Holding of enquiries.
6. Manner of taking possession of public premises.
7. Assessment of damages.
8. Procedure in appeals.
9. Repeal and savings.

FORM 'A'
FORM 'B'
FORM 'C'
FORM 'D'
FORM 'E'
FORM 'F'

**THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND
(EVICTION AND RENT RECOVERY) RULES, 1971
LOCAL SELF GOVERNMENT DEPARTMENT
NOTIFICATION**

Simla-2, the 10th March, 1972

No. 1-12/71 -LSG.- In exercise of the powers conferred by section 17 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971) the Governor, Himachal Pradesh, is pleased to make the following rules entitled as the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Rules, 1971, the same having been previously published in Himachal Pradesh Rajpatra (Extraordinary issue), dated 13th December, 1971:-

1. **Short title.-** These rules may be called the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Rules, 1971.
2. **Definitions-** (1) In these rules
(a) 'Act' means the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971;
(b) 'Form' means a form appended to these rules.
(2) Words and expressions used but not defined in these rules shall have the meaning, if any, assigned to them in the Act.
3. **Form of notices and orders.-** A notice or order under the Act, shall be in one of the appropriate forms 1[A, B, C, D, E & F] appended to these rules.
4. **Manner of service of notices and orders.-** (1) Where the person on whom a notice under sub-section (1) of section 4, or sub-section (1) section 6 of the Act is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult member of his family.
(2) The Collector may also proclaim the contents of any notice in the locality by beat of drum.
5. **Holding of enquiries.-** (1) Where any person on whom a notice or order under this Act has been served desires to be heard through his representative, he should authorise such representative, in writing.
(2) The Collector shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.
6. **Manner of taking possession of public premises.-** If any obstruction is offered or is in the opinion of the Collector likely to be offered to the possession of any public premises

under the Act, the Collector or any other officer duly authorised by him in this behalf may obtain necessary police assistance.

- (2) Where any public premises of which possession is to be taken under the Act, is found locked, the Collector or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier, and enter the premises:

Provided that-

- (1) no entry shall be made into or possession taken of a public premises before sunrise or after sunset;
- (2) where any public premises is forced open, an inventory of the articles found in the premises shall be prepared in the presence of two witnesses.

1 Ins. by Not. No. 1-12/71-LSG, dt. 7-1-1974, published in R.H.P. Extra., dt. 11-1-1974, P. 31-32.

7. Assessment of damages.- In assessing damages for unauthorized use and occupation of any public premises, the Collector shall take into consideration the following matters, namely:-

- (a) the purpose and the period for which the public premises were in unauthorised occupation;
- (b) the nature, size and standard of the accommodation available in such premises;
- (c) the rent that would have been realised if the premises been let on rent for the period of unauthorised occupation to a private person;
- (d) any damage done to the premises during the period of unauthorized occupation;
- (e) any other matter relevant for the purpose of assessing the damages.

8. Procedure in appeals.- (1) An appeal preferred under section 9 of the Act, shall be in writing, shall set forth concisely the grounds of objections to the order appealed against, and shall be accompanied by a copy of such order.

- (2) On receipt of the appeal and after calling for and purusing the record of the proceedings before the Collector, the appellate officer shall appoint time and place for the hearing of the appeal and shall give notice thereof to the Collector against whose orders the appeal is preferred and to the appellant.

9. Repeal and savings.- Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable are hereby repealed :
Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM 'A'

(See rule 31)¹

Form of notice under sub-section (1) of section 4 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971

To

Shri/Shrimati/Kumari

Whereas, I the undersigned, am of opinion, on the grounds specified below, that you are in unauthorised occupation of the public premises mentioned in 1 Ins. by Not. No. 1-12/71-LSG, dt. 7.1.1974, published in R.H.P. Extra., dt. 11.1.1974, P. 31-32. the schedule below and that you should be evicted from the said premises:-

GROUND

Now, therefore, in pursuance of sub-section (1) of section 4 of the Act, I hereby call upon you to show cause on or before the*..... why such an order of eviction should not be made.

SCHEDULE

Date

Signature and Seal of Collector.

*This date should be a date not earlier than ten days from the date of issue of the notice.

FORM 'B'
(See rule 3)¹
**Order under sub-section (1) of section 5 of the Himachal Pradesh Public
Premises and Land (Eviction and Rent Recovery) Act, 1971**

Whereas, I, the undersigned, am satisfied for the reasons recorded below that Shri/Shrimati/Kumari is/are in unauthorised occupation of the public premises specified in the schedule below.

REASONS

Now, therefore, in exercise of the powers conferred on me by subsection (1) of section 5 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, I hereby order the said Shri/Shrimati/Kumari and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within thirty days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Shri/Shrimati/Kumari. and all other persons concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

SCHEDULE

Signature and seal of the Collector.

Date

FORM 'C'
(See rule 3)²

¹ Ins. by Not. No. 1-12/71-LSG, dt. 7.1.1974, published in R.H.P. Extra., dt. 11.1.1974, P. 31-32.

² Ins. by Not. No. 1-12/71-LSG, dt. 7.1.1974, published in R.H.P. Extra., dt. 11.1.1974, P. 31-32.

**Form of notice under sub-section (1) of section 6 of the Himachal Pradesh Public
Premises and Land (Eviction and Rent Recovery) Act, 1971**

To

Shri/Shrimati/Kumari

Whereas on the you were evicted from the public premises described in the schedule below which was unauthorisedly occupied by you.

Now, therefore, in exercise of the powers conferred on me by subsection

(1) of section 6 of the Act, I hereby give you notice that after fourteen days of the service of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent I damages due from you are paid within the said period of fourteen days.

SCHEDULE

Date Signature and seal of the Collector.

FORM 'D'
(See rule 3)¹
**Order under sub-section (1) of section 7 of the Himachal Pradesh Public
Premises and Land (Eviction and Rent Recovery) Act, 1971**

To
Shri/Shrimati/Kumari

Whereas, you are in occupation of the public premises described in the schedule below:-

And, whereas, a sum of Rs. being the arrears of rent from the
..... day of 19 upto the
..... day of 19..... in respect of said premises is
due and payable by you to the Government.

Now, therefore, in exercise of the powers conferred on me by sub-

¹ Ins. by Not. No. 1-12/71-LSG, dt. 7.1.1974, published in R.H.P. Extra., dt. 11.1.1974, P. 31-32.

section (1) of section 7 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, I hereby require you to pay the said sum on or before, the.
..... In case the said sum is not paid within the said period, it will be recovered as an arrear of land revenue.

SCHEDULE

Date Signature and seal of the Collector

FORM 'E'
(See rule 3)¹
**Notice under sub-section (2) of section 7 of the Himachal Pradesh Public
Premises and Land (Eviction and Rent Recovery) Act, 1971**

To
Shri/Shrimati/Kumari

Whereas, I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the schedule below:-

And, whereas, in exercise of the powers conferred on me by sub-section (2) of section 7 of the Himachal Pradesh Public Premises and Land
(Eviction and Rent Recovery) Act, 1971, I consider the damages amounting to Rs.
..... at the rate of Rs. and P.M./P. A. have been
caused on account of unauthorised use and occupation of the premises for the period from
..... to

Now, therefore, under the provisions of sub-section (2) of section 7 of the Act, I hereby call upon you to show cause on or before the why an order requiring you to pay the said damages should not be made.

SCHEDULE

Date Signature and seal of the Collector

¹ Ins. by Not. No. 1-12/71-LSG, dt. 7.1.1974, published in R.H.P. Extra., dt. 11.1.1974, P. 31-32.

FORM 'F'
(See rule 3)¹
Form of order under sub-section (2) of section 7 of the Himachal Pradesh
Public Premises and Land (Eviction and Rent Recovery) Act, 1971

To

Shri/Shrimati/Kumari

Whereas, I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the schedule below:-

And whereas, by a written notice, dated You were called upon to show cause on or before, the why an order requiring you to pay damages of Rs..... for unauthorised use and occupation of the said premises, should not be made;

*And, whereas, I have considered your objections and or the evidence produced by you

And whereas you have not made any objection or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of section 7 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, I hereby order you to pay the sum of Rs. assessed by me as damages on account of your unauthorised occupation of -the said premises on or before the

In the event of your refusal or failure to pay the damages within the said period, the amount will be recovered as an arrear of land revenue.

SCHEDULE

Date Signature and seal of the Collector.

¹ Ins. by Not. No. 1-12/71-LSG, dt. 7.1.1974, published in R.H.P. Extra., dt. 11.1.1974, P. 31-32.

* Strike off portion not required.

NOTIFICATION REGARDING COMPOUNDING/DEALING WITH FOREST OFFENCE CASES

(Authoritative English text of the Department Notification No. FFE-B-A(3)-3/2010 dated 05-05-2010 as required under Article 348(3) of the Constitution of India)

Government of Himachal Pradesh
Forest Department

NOTIFICATION

No. FFE-B-A(3)-3/2010

Dated 05-05-2010

In exercise of the powers conferred by Section 68 of the Indian Forest Act, 1927 read with directions issued by the Hon'ble High Court of Himachal Pradesh vide its judgement dated 28.8.2009 in COPC No.56/2009, titled as Kuldip Singh Chauhan Vs Balbir Singh and others and in super session of all the previous guidelines issued on the subject, the Governor, Himachal Pradesh is pleased to empower all the Range Officers-in-charge of the ranges to compound forest offences and to accept compensation and/or release the seized property as mentioned in the aforesaid section. The regulation of the compounding of forest offences, disposal of the cases of illicit felling and other forest offences shall be as under:-

1. Cases not liable to be compounded:- The following are the cases which shall not be compounded, namely:-

- (i) Illicit transport of resin, timber, katha and bamboos irrespective of magnitude of offence;
- (ii) Cases of habitual offenders i.e. an offender who commits more than one offence during the year;
- (iii) Illicit encroachment of forest land;
- (iv) Where an individual/right holder/saw-miller is in possession of unaccounted timber, resin, katha for which satisfactory proof of procurement is not given by him;
- (v) Where value of forest produce is more than rupees to lacs;
- (vi) Illegal establishment of depot and illegal running of saw mills;
- (vii) Deliberate causing of forest fire;
- (viii) Illegal purchase and sale of timber;
- (ix) Cases under Section 62 and 63 of the Indian Forest Act, 1927;
- (x) Cases of shifting/uprooting/intentionally damaging the forest boundary pillars;
- (xi) Defacing of hammer marks; and
- (xii) Infringement on the stipulations imposed by Government of India while granting permission under Forest Conservation Act, 1980 and rules framed thereunder.

2. Cases which may be compounded:-

- (1) Forest offences cases of right holders in the following circumstances can be compounded:-
 - (a) Where illicit felling of tress has been done to meet the bonafide domestic requirements and the offence is petty in nature.
 Note:- The expression 'petty offences' in relation to illicit felling shall mean the offence where the amount involved is less than rupees two lakh. For determining that the offence is for bonafide domestic use, it must be established during investigation that timber has actually been used for domestic purpose only.
 - (b) No case of petty forest offences involving illicit felling shall be compounded until an enquiry and investigation is held by an officer not below the rank of Forest Ranger.
 - (c) Weak cases lacking in evidence and subsequently rendered un-fit for challan shall be compounded after examination by Divisional Forest Officer on advice of concerned District Attorney. Where there is difference of opinion between the Divisional Forest Officer and District Attorney, the Conservator of Forests thereon shall be final.
- (2) All forest offence cases relating to illicit lopping against the regulatory provisions/rules by right holders either for the purpose of fodder or fuel shall be compounded and taken to courts only if the accused refuses to compound the same.
- (3) Cases relating to illicit grazing shall be compounded and be taken to courts only if the offender refuses to compound.
- (4) No case of violation of provisions of H.P. Land Preservation Act, 1978 shall be compounded except, where no element of trade is involved and unauthorized felling of trees from private land is for bonafide domestic use and involves not more five trees than the limit specified under the Act *ibid*.
- (5) In all cases to be compounded under Indian Forest Act, 1927, in addition to the acceptance of compensation as per provisions of the said Act, the case property *shall not** be released after charging value thereof at the market rate.
- (6) In cases to be compounded under Himachal Pradesh Land Preservation Act, 1978 only compensation for the forest offence shall be charged and no value for release of property be charged.
- (7) In the under mentioned cases double rates shall be charged both for compensation and release of property
 - (i) Where offence is committed before sun rise or after sun set;

* the word "*shall not*" stands replaced by "*shall only*" vide Corrigendum No. FFE-B-A(3)-3/2010, dated: 2-11-2012.

- (ii) Where offence is committed in reserve forest;
- (iii) Where resistance is offered at the time of detection of offence;
- (iv) Where compounding of offence is done with the permission of the court where the matter is pending for adjudication;
- (v) Unauthorized uprooting of stumps of all species; and
- (vi) Offence committed in plantation or regeneration area.

(8) Forest offences relating to unavoidable damages caused by the Companies or Corporate Bodies shall be compounded after ascertaining by an officer not below the rank of Divisional Forest Officer, that the damage is unavoidable.

(9) Forest offences relating to avoidable damages up to Rs. 2 lacs caused by the Companies or Corporate Bodies shall be compounded after realizing value of the forest produce and compensation at the double rates.

Explanation:- 1. 'Avoidable damage' means the damage which can be avoided by taking reasonable humanly or mechanical precaution.

2. 'Unavoidable damage' means the damage which cannot be avoided even by taking reasonable humanly or mechanical precaution.

3. Cases to be taken to Courts by the Forest Department:- The following cases shall be taken to courts by department and defended through District Attorneys:-

- (i) Cases not liable to be compounded as detailed at para 1 of this notification;
- (ii) Where offender refuses to compound the offence;
- (iii) Where the value of produce involved is between rupees two lacs and rupees ten lacs; and
- (iv) Cases of avoidable damages caused by the Companies/Corporate Bodies involving amount more than Rs. 2 lacs and upto Rs. 10 lacs.

4. Cases to be registered with Police:- The following types of cases shall be registered with the police by the department, namely:-

- (i) Forest offence cases where the value of produce is more than rupees ten lacs;
- (ii) Cases relating to area where Indian Forest Act, 1927 and rules framed there under are not applicable or there are no special rules under which prosecution is possible.
- (iii) Where Divisional Forest Officer concerned considers that police rather than Forest Department may deal with the matter to have deterrent effect. In all these cases, previous sanction of Conservator of Forests shall be obtained.
- (iv) When encroachment is detected on forest land, action for removal of such encroachment shall be initiated under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 and also action for committing forest offence by the encroacher shall be initiated under the Indian Forest Act, 1927. FIR under various provisions of Indian Penal Code shall be registered with Police in case:-
 - (i) boundary pillars have been tampered with;
 - (ii) permanent structure has been made;
 - (iii) area encroached is more than 10 bighas;
 - (iv) offence of encroachment is committed repeatedly;
 - (v) there is encroachment within the protected area network (PAN) i.e. in a Wildlife Sanctuary of National Park.
 - (vi) The cases involving avoidable damages exceeding rupees 10 lacs caused by the Companies or Corporate Bodies.

5. The powers for fixing of rates of compensation, value of forest produce, implements and review of damage reports shall be as under:-

- (i) The rates of compensation of forest offence including illegal/illicit muck dumping shall be fixed by the concerned Conservator of Forests of the Circle.
- (ii) The value of forest produce will be determined at the market value as fixed by the Principal Chief Conservator of Forests every year. The value of minor forest produce shall be the market value prevalent at that time to be fixed by the Conservator of Forests.
- (iii) The rates of implements involved in the offence and to be released on compounding of the offence shall be fixed by Conservator of Forests of the Circle.
- (iv) All the damage reports shall be dealt with and reviewed at the range level for compounding and prosecution on monthly basis and report in this respect shall be sent to the Divisional Forest Officer.

By Order

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

Government of Himachal Pradesh
Forest Department

CORRIGENDUM

No.FFE-B-A(3)-3/2010

Dated: 2-11-2012

In the second last line of Clause 2 (5) of this Department's Notification of even number dated 05.05.2010, the word "shall not" shall be replaced with the word "shall only".

By Order

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

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

New Delhi, the 2nd January, 2007/Pausa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:--

**THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS) ACT, 2006**

No. 2 OF 2007

(29th the December, 2006)

An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognized rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,--
 - (a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;
 - (b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by the Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) of section 4;

- (c) “forest dwelling Scheduled Tribes” means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs and includes the Scheduled Tribe pastoralist communities;
- (d) “forest land” means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;
- (e) “forest rights” means the forest rights referred to in section 3;
- (f) “forest villages” means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;
- (g) “Gram Sabha” means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Pada, Telas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;
- (h) “habitat” includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;
- (i) “minor forest produce” includes all non-timber forest produce of plant origin including bamboos, brush wood, stumps, can, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;
- (j) “nodal agency” means the nodal agency specified in section 11;
- (k) “notification” means a notification published in the Official Gazette;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “Scheduled Areas” means the Scheduled Areas referred to in clause(1) of article 244 of the Constitution;
- (n) “sustainable use” shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002.
- (o) “other traditional forest dweller” means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bonafide livelihood needs.

Explanation---- For the purpose of this clause, “generation” means a period comprising of twenty-five years;

- (p) “village” means—
 - (i) A village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
 - (ii) Any area referred to as a village in any State law relating to Panchayats other than Scheduled Areas; or
 - (iii) Forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; of
 - (iv) In the case of States where there are no Panchayats, the traditional village, by whatever name called;
- (q) “wild animals” means any species of animal specified in Schedules I to V of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

- (a) Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

- (b) Community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
 - (c) Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
 - (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
 - (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
 - (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
 - (g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest to titles;
 - (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
 - (i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
 - (j) rights which are recognized under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
 - (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
 - (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
 - (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.
- (2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-
- (a) schools;
 - (b) dispensary or hospital;
 - (c) anganwadis;
 - (d) fair price shops;
 - (e) electric and telecommunication lines;
 - (f) tanks and other minor water bodies;
 - (g) drinking water supply and water pipelines;
 - (h) water or rain water harvesting structures;
 - (i) minor irrigation canal;
 - (j) non-conventional source of energy;
 - (k) skill upgradation or vocational training centres;
 - (l) roads ; and
 - (m) community centres;
- 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
 - (ii) The clearance of such developmental project shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III
RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Government hereby recognizes and vests forest rights in –

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognized under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

- (a) The process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;
- (b) It has been established by the concerned agencies of the State Government, is exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;
- (c) The State Government has concluded that other reasonable options, such as, co-existence are not available;
- (d) A resettlement or alternatives package has been prepared and communicated threat provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
- (e) The free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;
- (f) No resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package:

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest right under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognized and vested by sub-section(1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirement, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

(8) The forest rights recognized and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

5. The holders of any forest right, Gram Sabha and village level institution in areas where there are holders of any forest right under this Act are empowered to—

- (a) protect the wild life, forest and biodiversity;
- (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protect;
- (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
- (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV

AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

6.(1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The Composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V OFFENCES AND PENALTIES

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in the section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorized by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

12. In the performance of its duties and exercise of its powers by or under this Act, every

authority referred to in Chapter IV shall be subject to such general or special directions as the Central Government may, from time to time, give in writing.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions 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.

14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generally of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) procedural details for implementation of the procedure specified in section 6;
- (b) The procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest right under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;
- (c) The level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State level Monitoring Committee under sub-section (8) of section 6;
- (d) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;
- (e) Any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

K.N. CHATURVEDI,
Secy. to the Govt. of India

Extract of the minutes of the meeting (Point No. 11) held under the Chairmanship of Addl. Chief Secretary (Forests) to the Govt. of H.P. on 7-03-2009 regarding the implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued vide Pr. CCF letter No. Ft. 48-66/83 (P&L) dated 2nd April, 2009.

-.-.-.-.

11. After discussions the following criteria were arrived at:

- (i) The member of ST & OTFD should be a resident of the Tribal Area.
- (ii) The member of ST & OTFD should be residing within the forest.
- (iii) The member of ST & OTFD should depend on forests for livelihood.
- (iv) Any government employee, regular or on contract is not eligible for forest rights under the Act.
- (v) Practising professionals, businessmen and traders are not eligible for forest rights under this Act.
- (vi) Any income tax payee should be excluded from the purview of this Act.
- (vii) Land should be under actual cultivation.
- (viii) Enumeration list of trees shall be prepared by the concerned DFO.

(Authoritative English Text of this Department notification number FFE-B-E(3) 43/2006-Vol-I dated 2nd January, 2010 as required under clause (3) of article 348 of the constitution of India)

**Government of Himachal Pradesh
Department of Forest.**

No. FFE-B-E(3)-43/2006-Vol-I Dated: Shimla-171002, 2nd January, 2010.

NOTIFICATION

Whereas, the draft Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2009 were published in the Rajpatra, Himachal Pradesh Extra Ordinary on 14.10.2009 vide Notification of even number dated 13.10.2009 for inviting objections and suggestions from persons likely to be effected thereby within a period of 21 days from the date of publication;

Now, after receipt and analyzing the objections/suggestions received from the concerned parties, in exercise of the powers conferred by clause (L) of section 32 of the Indian Forest Act, 1927 (16 of 1927), the Governor of Himachal Pradesh is pleased to make the following rules namely:-

- 1. Short title.-** These rules shall be called the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2010.
- 2. Definitions.-**
- (1) In these rules, unless the context otherwise requires,-
 - (a) 'Government' means the Government of Himachal Pradesh;
 - (b) The term 'below poverty line' shall have meaning as assigned to it by the Department of Panchayati Raj, Himachal Pradesh;
 - (c) 'Right Holder' means a person entitled to exercise rights recorded in the 'record of rights' as per the Forest Settlement Report of the area concerned;
 - (d) 'Record of rights' means, rights recorded in the Forest Settlement Reports;
 - (e) 'Timber Distribution' means the policy of distribution of timber to the right holders as per record of rights recorded in the Forest Settlement Reports; and
 - (f) 'Timber Distribution Rights' means right of a Right Holder having cultivable lands for grant of timber for construction of residential house and cow shed etc. for bonafide domestic use of the Right Holder, recorded in the Forest Settlement Report of the area concerned,;
 - (2) All other words and expressions used but not defined in these rules shall have the meaning 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 Distribution for construction/maintenance of residential house, cow sheds etc. for bonafide domestic use:
- Provided that:-
- (i) no Timber Distribution shall be granted in urban area;

- (ii) no Timber Distribution shall be granted if trees to meet the requirement of timber for construction of residential house, cowshed etc. are available on the land holdings of the Right Holder concerned. However, he shall have the right to fell trees from his own land as per the provisions of the Himachal Pradesh Land Preservation Act, 1978 and rules made there under;
- (iii) no Timber Distribution shall be granted for 10 years if the right holder has sold trees yielding timber for construction of houses from his private land holding;
- (iv) in case right holder has land holding at more than one place, he shall have option of getting Timber Distribution at one place only. For this purpose a Right Holder shall submit an affidavit clarifying therein his rights of Timber Distribution at different places and his place of option for getting Timber Distribution. Option once exercised shall not be allowed to be changed;
- (v) With effect from the date of notification of these Rules, no Timber Distribution shall be granted to a land owner who has purchased land 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.
- (vi) Timber Distribution shall be granted only to the head of the family as per the revenue records;
- (vii) Timber Distribution shall not be granted for the construction/ maintenance of buildings to be used for commercial and hiring purposes;
- (viii) Timber Distribution 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;
- (ix) Timber Distribution Rights shall be subject to 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 as contained in the Forest Settlement Report, his right of Timber Distribution shall be suspended upto 10 years; and
- (x) Timber Distribution Right of a Right Holder shall be suspended upto 10 years if he is found to have mis-utilized the Timber Distribution grant or committed any forest offence until he is eligible again for Timber Distribution.

4. Quantity.- (1) Timber Distribution shall be granted in converted form from the depots to be specified separately as per scale fixed below:-

- (i) for construction of new house = 3 cubic meters; and
- (ii) for maintenance = 1 cubic meter.

(2) Timber Distribution shall be given from salvage (fallen, dry standing), silviculturally available green trees in the order of preference.

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

- (iii) for new construction once in life time or 30 years whichever is later;

- (iv) for additions/alterations – once in 15 years; and
- (v) sufferers of natural calamities/fire sufferers: as per actual requirement as recommended by the Sub Divisional Officer (Civil) and after personal verification by the ACF/DFO concerned subject to the grant not exceeding the maximum limit prescribed under rule-4.

6. Rates. - The rates to be charged from the different types of Right Holders for grant of Timber Distribution will be as under:-

- (i) Right Holders above poverty line- 30% of the rates at which timber is sold by the Himachal Pradesh State Forest Development Corporation Ltd. commercially;
- (ii) Right Holders below poverty line- 10% of the rates at which timber is sold by the Himachal Pradesh State Forest Development Corporation Ltd. Commercially; and
- (iii) Right Holders suffering from natural calamities- Free of cost.

7. Priority for grant of Timber Distribution.- Priority for grant of Timber Distribution shall be given to the Right Holders belonging to Below Poverty Line. Right Holders above poverty line shall be granted Timber Distribution on first come first served basis.

8. Procedure for grant of Timber Distribution.-Application for grant of Timber Distribution, on the form appended to these rules as 'Annexure-I' shall be submitted by Right Holder (s) to the Panchayat concerned after getting necessary remarks from the patwari concerned. The Panchayat after ascertaining genuineness of the requirement of the Right Holders shall pass resolution in the Gram Sabha of the Panchayat indicating actual quantity of requirement of Timber Distribution of the individual (s) concerned. After resolution recommending grant of Timber Distribution is passed by the concerned panchayat, right holders shall submit his Timber Distribution application to the Forest Guard of the area who shall enter the same in the register maintained for the purpose and issue receipt of the application to the Right Holder. He shall send his recommendations to the Block Officer after ascertaining the genuineness of demand, who in turn shall submit his recommendations to the Range Officer. After receipt of Timber Distribution application from the Range Officer, the Divisional Forest Officer shall take action for sanction of the Timber Distribution after satisfying himself about the genuineness of the requirement and silvicultural availability of trees/timber in the concerned forest and intimate his decision/ Timber Distribution grant to the Right Holder concerned on the proforma appended to these rules as 'Annexure II'. A schedule for grant of Timber Distribution shall be framed and notified for publicity to all panchayats and other functionaries in the Forest Division by the Divisional Forest Officer.

9. Time schedule for grant of Timber Distribution.-The right holders shall apply for grant of Timber Distribution through concerned Panchayat to the concerned forest guard by 31st March of each year. The application shall be processed and Timber Distribution shall be given to eligible right holders between September to December of the year as per procedure under rule -8 and no Timber Distribution shall be granted thereafter for that year.

10. Jurisdiction of the use of Timber:- Timber granted under these rules shall be allowed to be carried within revenue estate without obtaining any permission after affixing of Timber Distribution hammer and if the timber is to be carried out from one estate to another, the Right Holder shall have to obtain a permission from the Range Officer concerned for this purpose. Timber granted shall be utilized by the Right Holder within a period of maximum one year. In case, Timber Distribution grant could not be utilized within the specified period, concerned Divisional Forest Officer shall grant extension for its use based on the genuineness of the case. The Divisional Forest Officer shall ensure through his staff that the Timber Distribution grant is used for the purpose for which it was sanctioned. In case Timber Distribution grant is not utilized during the permissible period, the same may be seized by the Forest Department and the decision taken by the Divisional Forest Officer relating to grant of Timber Distribution shall be final.

11. Depot.- The depots from where Timber Distribution in converted form shall be supplied to the right holders shall be notified by the Divisional Forest Officer every year. Any change during the next year in the place of these depots shall also be notified. These notifications shall be widely circulated up to the Panchayat level by the Divisional Forest Officer.

12. Size and dimensions of Timber Distribution timber.- The Timber Distribution timber shall be converted and sold in different sizes other than standard sizes made by Himachal Pradesh State Forest Development Corporation Ltd. for commercial purpose.

13. Monitoring of data base and checking.- The data regarding details of right holders, options exercised by the right holders, Timber Distribution granted, utilized, etc. shall be maintained and monitored panchayat and range wise by the Divisional Forest Officer concerned. This data shall further be monitored and evaluated by Chief Conservator of Forests (Monitoring and Evaluation) at Sundernagar and annual report sent to Principal Chief Conservator of Forests, Himachal Pradesh.

Penalty and Punishment.- The right holders who,-

- (i) misuse of Timber Distribution for commercial purpose;
- (ii) sells Timber Distribution;
- (iii) transports timber outside the jurisdiction of Revenue estate without permission;
- (iv) utilizes Timber Distribution after the time schedule given in permit has expired; and
- (v) do not participate in the duties enshrined in the Forest Settlement Report alongwith rights, shall be penalized as per relevant provisions of Indian Forest Act, 1927, in addition to suspension of their rights for such period as may be determined by the concerned Divisional Forest Officer.

15. Repeals and savings.- (1) The existing rules, notifications, directions and instructions framed and issued by the Government or Himachal Pradesh Forest Department concerning the Timber Distribution to the Right Holders are hereby repealed and rescinded.

(2) Notwithstanding such repeal or recession any action taken or anything done under the rules so repealed and notifications, directions and instructions framed and issued so rescinded shall be deemed to have been taken or done under the corresponding provisions of these rules.

Form
(See rule-8)

Annexure-I

PROFORMA FOR APPLICATION FOR GRANT OF TIMBER DISTRIBUTION

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. Whether the applicant belongs to 'below poverty line' family. If yes, enclose attested copy of certificate issued by the competent Authority. _____

12. Year in which Timber Distribution was earlier granted and quantity/No. of trees granted. _____

13. Purpose for which Timber Distribution required (whether for new construction of residential house/cowshed or for maintenance) _____

Details of Timber Distribution required :

Specie	Volume metre in Cubic	Name of forest where right exists

14. I, hereby declare that,-

- (i) Timber Distribution requirement is not for construction/maintenance of house located in urban area;
- (ii) trees to meet the requirement for construction/maintenance of house/cowshed are not available on my land;
- (iii) I have not sold any trees from my land under the 10 year felling programme during the last 10 years;
- (iv) I have land holding at only one place/more than one place i.e. at _____. An affidavit regarding my option for getting Timber Distribution at _____ has been submitted to the Divisional Forest Officer, _____/enclosed herewith;
- (v) I am the original right holder and also the head of the family;
- (vi) I have not purchased land after obtaining the permission of the Government under Section 118 of the Tenancy and Land Reforms Act, 1972;
- (vii) I shall not use timber granted to me for the purpose of construction/maintenance of house to be used for commercial/hiring purposes;
- (viii) I understand that rights and concessions including Timber Distribution rights are subject to cooperation and participation of right holders in forest conservancy and I shall perform my duties for apprehending forest offenders, extinguishing fire etc. and
- (ix) I shall not misuse the Timber Distribution grant and abide by the rules/instructions of the Forest Department in this regard.

Dated _____

(Signature of applicant)
Name in block letters _____

Verification/report of Panchayat

It is certified that Sh. _____ S/o Sh. _____ is a permanent resident of village _____ Mauza _____ and is head of the family. The requirement of timber of the applicant is genuine and he requires _____ Cum of timber for construction/maintenance of his house/cowshed. A copy of resolution passed by the Panchayat in this regard is enclosed.

Dated _____

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 _____ amount of Rs. _____ per annum as land Revenue and has a right to obtain trees in T.D. He is the head of the family.

Dated _____

Signature Halqua Patwari

Report of Forest Guard:

- (i) The applicant has not obtained timber under Timber Distribution for construction of new residential house/cowshed during his life time/for the last 30 years/the applicant has not obtained timber under Timber Distribution for maintenance of residential house/cow shed for the last 15 years.
- (ii) Applicant has not sold any trees from his land during the last ten years under 10 years felling programme.
- (iii) Applicant does not have trees standing on his own private land.
- (iv) The applicant has not caused any loss/damage to forest wealth/encroached forest land and no damage report/FIR/court case relating to any forest offence is pending against him.
- (v) The requirement of timber is on account of _____.
- (vi) The applicant extends full cooperation in protection of the forest.
- (vii) The applicant may be sanctioned _____ cum converted timber of _____ species from _____ depot.
- (viii) Timber recommended for grant in Timber Distribution are silviculturally available in the forest where right of the right holder exists.

Signature
Forest Guard
_____ Beat

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 visited and inspected the site of construction of new residential house/cow shed/maintenance of residential house/cow shed, where Timber Distribution grant is proposed to be utilized and also the forest on spot and the applicant may be granted _____ Cum of timber of _____ species in converted form which is silviculturally available from _____ forest.

Signature
Block Officer,
_____ Block

Report of Range Officer:

The requirement of the applicant is genuine and he may be granted _____ Cum timber of _____ species from the _____ Depot for which trees are silviculturally available.

Signature _____
Forest Range Officer _____

Sanction by DFO

_____ Cum of timber of _____ species from _____ Depot is hereby granted to the applicant.

Signature
Divisional Forest Officer
_____ Forest Division

**Form
(See rule-8)**

Annexure- II

No.
Himachal Pradesh Forest Department

From
Divisional Forest Officer,
_____ Forest Division

To
Sh/Smt _____
Village _____ Post Office _____
Tehsil _____ Distt. _____
Dated _____

Subject: Grant of Timber Distribution

Sir,

Please refer to your application dated.....

2. Your application for grant of _____ cum timber of _____ species for construction/maintenance of house/cowshed has been considered by the undersigned and it is decided to sanction TD measuring _____ (cum) of _____ species from _____ Depot for the construction/ maintenance of house/cowshed.

The timber shall be lifted from the depot within _____ months from the date of sanction and shall be utilized within _____ months or within the extension granted, if any, otherwise the timber obtained by you in T.D. is liable to be seized.

OR

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

Yours faithfully,
Divisional Forest Officer,
_____ Forest Division,

Endst. No. _____ Dated _____

Divisional Forest Officer,
_____ Forest Division,

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

By Order,

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

Endst. No. FFE-B-E(3)-43/2006-Vol-I Dated: Shimla-171002, 2nd January, 2010. Copy forwarded for information and necessary action to:

1. All Administrative Secretaries to the Govt. of H.P.
2. The Principal Chief Conservator of Forests, H.P. Shimla-1.
3. The Principal Chief Conservator of Forests, Wildlife, HP/ MD HPSFDC Ltd. Shimla-9
4. All the Addl.Principal CCFs/CCFs and Conservators of Forests/Divisional Forests officers in Himachal Pradesh.
5. All Heads of the Departments in Himachal Pradesh.
6. The Controller, H.P. Printing & Stationery Department Ghora Chowki. Shimla-5 for publication in Rajpatra(Extra ordinary). Five copies of the same be sent to this Department.
7. All the Deputy Commissioners in Himachal Pradesh.
8. The Under Secretary (Finance) to the Govt. of Himachal Pradesh, Shimla-2.
9. The DLR-cum-Deputy Secretary (Law) to the Govt. of H.P. Shimla171002.
10. Guard file.
11. Spare copies (50).

Sd/-
Deputy Secretary (Forests) to the
Government of Himachal Pradesh

POLICY ON DEVELOPMENT OF ECO-TOURISM IN HIMACHAL PRADESH
HIMACHAL PRADESH FOREST DEPARTMENT
MAY, 2001

1. Introduction:

Himachal Pradesh is a hill state nestled in the western Himalayas. The state takes pride in its natural beauty manifested by the snow clad mountains; alpine pastures containing colourful flowers; landscape dotted with perennial streams, lush green forests, herds of grazing animals, picturesque villages, natives in traditional dresses, and indigenous architecture. The traditional hospitality and crime free society has added to the natural attractions of the state, making it one of the most sought after tourist destination in India.

However, what is generally publicised about this vast plethora of attractions in the state in the name of tourism is just the cool climate and hotel facilities available at various known destinations like Shimla, Manali, Dalhousie or Dharamsala. Tourists, in the absence of comprehensive tour packages, reach the known destinations on their own and start looking for any worthwhile tourist attractions only after landing at a place. Their short stay at a place allows them to visit only the nearby sites, which have become overcrowded and already started showing negative environmental effects of such tourism. On the other hand, the tourists are deprived of opportunities to enjoy the rural, remote and the most scenic parts of the state. Moreover, benefits of such mass tourism are reaped largely by the city dwellers. The state and the large majority of rural people are, therefore, not able to harvest this huge tourism potential.

The present policy has been framed with the intention to trap this huge tourism potential in the state by organizing tourism activities in an ecologically friendly and culturally acceptable way so that the State, the tourists, as well as the local people can benefit from such ventures.

2. Concept Defined:

This policy is based on the hypothesis that *involvement of local communities in the tourism (called 'eco-tourism' herein after) would support their livelihood needs and consequently create their direct stake in conservation of local culture, ecology and environment.*

'Eco-tourism', in a very broad sense, means venturing into and enjoying nature in such a way as to assure that the negative impacts on the cultural and natural environment are minimized and mitigated. It is, therefore, responsible tourism that, besides being ecologically and culturally sensitive, helps the local communities in realizing the social and economic benefits.

More than 90% population of the state lives in rural areas, where, in the absence of worthwhile income generation opportunities, people have to largely live on subsistence agriculture, sale proceeds of NTFP collected from the forests and occasional labour provided by various government departments. This concept of '*community based eco-tourism*' would go a long way in providing better income generation options to the rural people. This would also mean less dependence upon the natural resources in as far as it amounts to removal of produce from these areas. There would be, moreover, greater incentive in conservation of local traditions, culture, heritage and environs, as these would be seen as aiding in local economy rather than an impediment to it.

The 'community based eco-tourism' would also help in creating better understanding and worldview about the state. Moreover, with the rising consciousness about rural livelihoods and conservation – both cultural and environmental - needs, a large number of responsible tourists would have a reason to make the state a prime tourist destination.

3. Objectives:

This 'community based eco-tourism' policy in the state is proposed with a long-term goal of conserving the rich cultural and ecological heritage of the state, so that various benefits from this conservation endeavour, including the benefits by way of tourism, could continue to accrue to generations to follow.

The policy also aims at achieving the following immediate objectives:

- To enable the local communities in managing eco-tourism for optimum economic benefits to them.

- To develop ways and means to attract responsible nature and adventure loving tourists to the state so as to broaden the tourism base and place the state firmly on the international tourist map.
- To develop infrastructural facilities for such tourism.
- To develop and enforce protocols to minimize the negative impacts of traditional tourism on the ecology and social fabric of the area.
- To protect cultural integrity of local people and use the same to further eco-tourism concepts.
- To generate revenues which could be ploughed back for the maintenance and preservation of the environment.

4. Area of Operation:

In the state about 2/3rd of total geographical area is designated as forests, out of which about 12% area is under Protected Area Network. All these areas are dotted with scattered presence of villages and hamlets. Paths leading to some of the most beautiful and breathtaking sites in the state pass through these hamlets, which fall within and outside the PA network.

To benefit the maximum number of people in the state through eco-tourism, it is envisaged to encompass various treks, which have potential to provide insights into the cultural and ecological diversity of the state. These treks, to be marketed as 'eco-trails', would be suitably named after some important local feature. For example, the eco-trek to and from Churdhar would be named "Churdhar Eco-trail" and the one from Dharamsala to Triund as "Dhauladhar Eco-trail". Under the first phase of the programme, one to two 'eco-treks' per district would be identified and developed. As the concept catches on and the communities start seeing benefits accruing to them, more and more viable 'eco-treks' would be added to the programme. The concept of 'eco-treks' has been proposed for the reason that bridle/ inspection paths to some of the most picturesque areas in the state are already existing and with little expenditure can be made eco-tourism worthy. Moreover, it is easier to identify the beneficiaries/ stakeholders along this essentially linear strip, making the management of the programme easier.

The State also has 32 Wildlife Sanctuaries that can provide unique opportunities for observing nature in its pristine conditions. Camping sites can be developed within these and similar eco-tourism packages created as for "eco-treks".

5. Target Group/ Tourist Profile:

The proposed eco-tourism policy incorporates much more than the commonly perceived tourism of just enjoying the cool climes of the state without bothering about its effects on the environment. It is rather proposed to be an educational experience for the tourists. Under this programme the tourists would be taken on a journey through the rich cultural and ecological diversity of the state and would be exposed to the customs and rituals of the area they visit. And all this under continuous reiteration of conservation values in their sub-conscious mind.

The following tourist profile, of both national and international tourists, for such type of programme is envisaged:

- Student Groups from Educational Institutions.
- Groups from various professional organisations/ business concerns.
- Elite and responsible tourists in family groups.
- Keen individuals looking for trekking, adventure and exploring something new.

6. Strategies:

To achieve the above objectives, following cost-effective strategies are proposed:

6.1 Infrastructure Development: Infrastructure requirements for programmes formed under this policy would fall under the following three broad categories:

6.1.1 Accommodation: To put the programme into practice at the earliest it is imperative to look for and arrange existing accommodation facilities, which would be kept modest. The following initial arrangement is suggested:

The State Forest Department (SFD) owns and maintains a network of Forest Rest Houses (FRH) and Inspection Huts (IH), in almost all parts of the state. Located, as they are, at vantage locations, these FRHs and IHs provide a bird's eye view of the scenery around and convey a feeling of staying in wilderness, albeit under the watchful eyes of forest field staff. Most of these

FRHs consist of two bedrooms, with attached toilets, and a common living/ dining space, a design to suit the requirements of touring officers. These FRHs can, after suitable alterations/ modifications and working out modalities for use by touring officers, be put to use for the purpose of enhancing eco-tourism.

Bigger groups can also be handled at these places by pitching tents in the FRH compounds/ camping grounds. SFD, at some places, also maintains tents and related field equipment including camp cots, sleeping bags, mats etc. This facility could also be utilised.

Some host families, having reasonable traditional accommodation in the villages enroute these eco-treks, would be identified to accommodate tourists on paying guest basis (adopted from eco-tourism model in Annapurna Sanctuary, Nepal). This would ensure immediate economic benefits to the host families. As the programme develops, more local people would be encouraged to modify one/ two of their rooms for such purpose. Suitable technical know how on the specifications for such accommodation and modalities for keeping paying guests would be provided to the host families.

6.1.2 Trek-Routes: Most of the Eco-trails in the state would fall on the network of bridle paths and inspection paths being maintained by the SFD and village panchayats. Moreover, FRHs are located within one day's trek (about 15 kilometers) from each other along most of these paths. Some of these paths would be developed further by providing lean-tos and resting places enroute. Appropriate directional and interpretative signage would be affixed along the route at appropriate places to provide information to the trekkers and for their reassurance about the correctness of their movement. Further thrill would be added to the trek by providing the tourists with route maps and asking them to find their way by using the given signage. The existing network of such trekking routes (bridle/ inspection paths) would be adequate to launch the programme.

6.1.3 Information Centres: The tourist groups visiting various eco-treks under the programme would need to be exposed to a pictorial and interpretative exhibition about the state, its customs, scenic beauty, richness of bio-diversity, characteristics of the area and issues of tourism concern, before being actually taken on the eco-track. It is for housing this interpretative exhibition that buildings need to be constructed at appropriate places.

To begin with, low cost temporary sheds with tin roofs would be put up in the compound of FRHs, from where the eco-tours would commence. It would provide the tourists an easy and relaxed access to this exhibition. In addition it would also save on the expenses related to watch and ward and general maintenance as the FRH watchman would take care of it.

6.2 Capacity Building: The proposed approach to this 'community based eco-tourism' is new to the state and would need orientation and capacity building of both the managers and the communities in this respect.

6.2.1 Managers: The managers would include officials of the SFD and other cultural and tourism related departments/ organisations of the state government. Since major responsibility in proposed eco-tourism activities in the state would rest with the local communities, the role of the managers would be mainly that of facilitators. At many places, the facilities available with the officials viz. FRH etc. would be put to use for the purpose of eco-tourism. Most of the eco-treks would be passing through forests and also link to temples, palaces or other heritage buildings.

The managers would, therefore, need to be provided orientation in their new role as facilitators and in strengthening the local community organisations for the ultimate aim of conserving the local heritage. They would also need to be enabled to design innovative ways to promote eco-tourism. Short term training programmes, participation in seminars, workshops and conferences and exposure visits to successful community based eco-tourism areas would definitely help the managers in acquiring knowledge and skills required for the success of this programme.

6.2.2 Communities: Community involvement in the programme is envisaged at two levels i.e management level and at the level of providing services.

This programme relies heavily upon the ability of the local communities in managing the eco-tourism, even if under facilitation by the managers. The role of communities in this programme would be to manage the eco-tourism initially at the local and ultimately at the state level. For this, local committees would need to be formed and imparted training in group dynamics and

its management, eco-tourism planning, resource sharing, rights and responsibilities, record keeping, etc.

The other level of community involvement in the programme would be by way of providing services to the tourists viz. guides, porters, FRH attendants, cooks, park wardens, hosts for paying guests etc. All these categories would need training for their respective jobs. Souvenir/ local handicraft shops could also be set up by local communities or the eco-tourism Society.

Short-term locally organised workshops for skill development and exposure visits to successful eco-tourism areas will help the local communities in handling this new venture.

6.3 Extension/ Publicity: Although it is expected that interest in eco-tourism will spread more by word of mouth than by any other means, initial publicity of the scheme is a *sine-qua-non* for its success. Following publicity/ extension measures will be put in place:

An attractive web-site will be developed and linked with existing tourism web-sites. Advertisements, brochures and pamphlets giving details of the various packages and 'eco-treks' would be prepared and widely circulated.

Liaison with HPTDC and other tourist agencies of repute would be established and strengthened for directing interested groups to this scheme. These agencies would be offered tour packages, including use of infrastructure at reasonable rates. An initial tour for representatives of these agencies and other tour operators would be considered, *gratis*, to orient them to the scheme.

7. Implementing Agency:

The programme as envisaged under this policy is proposed to be implemented through a number of Eco-tourism Societies (here-in-after called The Society), each having its own geographical area and unique activity, such as trekking, nature walks, camping, wildlife observation etc..

Implementation of the programme in a Society mode has been preferred for obvious reasons of flexibility with the Societies to raise funds both for infrastructure development and working capital and ploughing back the profits into the programme. The inherent flexibility available to the Society will facilitate incorporation of changes in response to local needs and experiences. This model will also have the crucial advantage of encouraging local community participation and involvement.

Although they would be practically autonomous, functioning of these Societies would be overseen by the SFD, which would play the role of facilitator in evolving broad policy prescriptions, net-working with domestic and foreign agencies for raising funds, coordinating with various government departments, and so on. A special cell, headed by a Conservator of Forests (Nodal Officer, Eco-tourism) has been created in the o/o Pr. Chief Conservator of Forests to look after eco-tourism in the state. The SFD has already taken initiative in forming a Core Group on Eco-tourism comprising of five officers to act as think tank on the subject and to deal with issues related to the subject.

In addition, an 'Eco-tourism Advisory Committee' under the Chairmanship of FC-cum-Secretary (Forests) and having following members would be set up to formulate broad policy guidelines, to seek government approvals and to steer the programme.

2.	PCCF / APCCF	Vice Chairman
3.	Finance Secretary	Member
4.	MD, HPTDC	Member
5.	Director, Tourism	Member
6.	Member Secretary, State Council for Science & Technology and Environment	Member
7.	Member Secretary, Pollution Control Board (H.P.)	Member
8.	Director, TCP	Member
9,10.2	Non official Members (eminent persons actively involved in environmental conservation, ecology, tourism)	Member
11	CF (Nodal Officer, Eco-tourism)	Member Secretary

The Committee would also co-opt two members on rotational basis from the Eco-tourism Societies set up under the programme. The Committee may also co-opt specialists as special invitees, if required.

7.1 Structure of the Societies: FC-cum-Secretary (Forests) would be ex-officio patron of eco-tourism societies set up under the programme. The governing body of the Society would include members drawn from a wide spectrum of public life - public servants, representatives of immediate stakeholders, NGOs etc., with a senior Forest Officer as its chairperson. The Society would be duly registered under the Societies Act. The executive committee of the Society would comprise of local Forest Officers and representatives of stakeholders. Committee may co-opt experts as special invitees.

Till the local communities are adequately empowered, member secretary of the Society would be a Forest official at a senior level to provide the authority required to manage inter-agency linkages for success of the programme. Adequate financial and managerial autonomy is essential for this officer to effectively implement the programme.

The society would have its own bye-laws based on the prototype formulated by the FD. The Society would undertake to abide by the policy guidelines on eco-tourism as formulated/modified by the government from time to time. These local level societies would be suitably named after some locally important feature viz. 'Himalayan Nature Park Eco-tourism Society, Kufri', 'Chansil Eco-tourism Society', 'Potter's Hill Eco-tourism Society' etc. Agencies involved in the implementation of the programme with broad responsibilities are depicted in the diagram below:

7.2 Functioning of the Societies: The Eco-tourism Societies would be given adequate autonomy to be able to perform effectively.

7.2.1 Raising of Funds: The Society will raise funds towards working capital and development of infrastructure. Even when the existing infrastructure of the SFD is proposed to be used for the programme, it will have to be modified, upgraded and refurbished to suit the requirements of eco-tourism. At many places toilets would need to be built and water supply augmented. At almost every place extra beds, furniture, crockery and utensils would need to be procured to be able to handle tourist groups. In addition, furnishings and fittings would need replacement at almost every place. The societies would make efforts to raise the required funds through tour operators, centrally sponsored schemes, EAPs etc. This amount could also be raised as a loan. If the proposal is bankable, State Government may also consider standing guarantee on the merits of each case. The Society can, if it is able to manage a large donation, also act as trustee for trust fund.

The Society may also enter into long-term agreement with tour operators for suitable updating of facilities and allow them to use these facilities at concessional rates for an agreed period.

The Society would also need to be given autonomy to seek funding from international donors, like GEF, concerned with biodiversity conservation through involvement of local communities/stakeholders.

The societies would be duly authorized to levy and collect fees for use of eco-treks and recycle the revenue so generated into the programme. In this respect it is proposed that the Society be allowed to fix its own fees according to its needs and the market acceptability.

7.2.2 Infrastructure/ Ownership Issues: It has been proposed that, to begin with, the existing infrastructure of mainly SFD would be made use of under the programme. A question would arise about the ownership of these assets. The FRHs have been primarily constructed for touring officers and would be needed for the purpose in future too. Therefore, a long-term workable arrangement has to be arrived at so that these assets could be put to optimum use without compromising the primary functions for which these were developed.

It is, therefore, proposed that ownership of these assets would remain with the organisations to which these belong. The Society would, however, enter into MoU with these organisations for use, up gradation and maintenance of these assets for an agreed period, under supervision of officials of the concerned organisation. Provisions for making these facilities available to touring officers (as per their programme circulated well in advance) would be incorporated in the MoU.

The portion of the trekking routes passing through the forests would continue to be under the overall management of the Forest Department, but this function would be delegated to the concerned Society under adequate supervision. Upkeep of these routes, likely to bear increased traffic and consequential increased wear & tear, would also be the responsibility of the Society. The Society would also seek permission for putting up/ erecting signposts, information boards

and resting places from its own funds enroute the identified tracks. It will be the responsibility of the Society to maintain these facilities created.

Once the MoU is signed with the Society, the officials of the concerned departments would be responsible for making these assets/ facilities available to the society for eco-tourism purposes.

7.2.3 Capacity Building: Initial responsibility for capacity building would have to be shouldered by the SFD. Both the officials and the community representatives would need to be oriented before taking a plunge into this programme. Agencies like Wildlife Institute of India (WII), Centre for Environmental Education (CEE), National Museum of Natural History, HP Gyan Vigyan Samiti, Forest Training Schools of SFD have necessary wherewithal to organise special training programmes for communities in eco-tourism. The SFD would be responsible for organizing these training programmes till the Society becomes adequately functional. Once the Society is set up and its initial members get tuned to the idea of eco-tourism, training programmes for the eco-track level societies and for service providers (cooks, guides etc.) would be taken up. Local crafts persons would also be trained to produce and exhibit their articles for the eco-tourism purposes too.

7.2.4 Promotion/ Publicity: This shall initially be the responsibility of the SFD, though the ultimate objective would be that the individual societies undertake their own promotional activities. Publicity would be started with attaching an advertisement in the web-sites of HPSTDC. Society' own web-site would be developed gradually with linkages established with existing web-sites on the subject.

Liaison will be established with the HPSTDC and other local tour operators to guide the tourists to the eco-tours. As a promotional strategy, these agencies could be provided the use of these facilities on concessional rates.

As the resources build up, advertisements in national newspapers and in the brochures of international tour operators would be inserted. Society would also prepare and widely circulate its own brochure and pamphlets. Appropriate literature and exhibition material for each eco-track would be developed by the Society under guidance of local Forest Officials.

7.2.5 Income Generation/ Sharing of Benefits: Eco-tourism, marketed and managed in a professional way, could turn out to be a good source of income generation for local communities and the government. The entire programme is based on the premise that even the communities living in remote localities and having no real income generation opportunities may benefit from the eco-tourism potential in their areas. Whereas the major benefit to the local communities is envisaged by way of their providing direct services such as hosts, guides, porters, cooks, etc. to the tourists, the Societies would earn revenue by way of levying of fees and providing of infrastructural facilities.

Rates for direct services by local people would be fixed by the society and service providers would be called to the job by turns so that in the zeal to get a client, they may not enter into competitive wage rates. It would also reassure the tourists of fair deal and any suspicion of their being fleeced by the local people would get eliminated.

Revenue generated by the Societies would be used for repaying the loans etc., meeting establishment charges and for recycling into infrastructure up gradation and maintenance. A fixed percentage of the fees collected would be paid to the government as royalty for use of natural resources, but only after a few years, when the Societies are established and have become viable.

Exemptions: Since these Eco-tourism societies would be functioning at the village level, and since their objective is to benefit the population at grass root level, they would be exempt from any registration with the Tourism Department and from the payment of luxury tax etc.

8. Points of Concern:

Eco-tourism, if managed professionally and with conviction, is a recognised strategy to improve the living standards of local communities along with conservation of natural resources. However, assumptions regarding possible adverse impacts of such tourism, if it slides down to the level of unorganised conventional tourism due to lack of professional management, need to be kept in view.

Some of such assumptions are as under:

‘natural resource tourism may have negative impact on the resource base via demands created upon firewood, environmental pollution and conflicts with resource needs of local communities’.

‘there may be more number of tourists interested in a particular eco-track than its carrying capacity, causing added pressures on resource base and environment quality’.

‘the tourist influx may result in cultural pollution of the area’.

‘the programme might be high jacked by the influential people even in remote areas and the have-nots continue to remain deprived of benefits’.

Even as issues like ‘carrying capacity’ and ‘assessment of environmental impact’ could be taken up for research and regular monitoring through competent agencies, most of these assumptions raise points of serious concern. Definite strategies to address these assumptions need to be developed and put in place.

9. Eco-trail Profile & Government Assets:

The programme proposes to identify and develop eco-trails in all parts of the state so that the benefits could be extended to the maximum number of people. Before the programme is launched at the state level, some pilot eco-treks shall be identified to work out and refine modalities of the programme.

The exclusive staff of Forest Department in these units would continue to draw their salaries from the SFD as heretofore but would be deployed with the concerned society, and budgetary support to them for salaries frozen at current levels. The government would also continue the budgetary support for other charges such as maintenance, office expenses, rent rates and taxes etc. at current levels. Societies would be allowed to retain the revenues earned by them from their eco-tourism operations. This arrangement would be reviewed after two years, by which time the financial viability and sustainability of these units would become clearer.

10. Linkages with other Policies/ Programmes of the State Government:

The State Government has recently issued its ‘Tourism Policy –2000’ with various objectives including the ones related to ‘economically, culturally and ecologically sustainable tourism’ and generation of ‘employment opportunities in rural, tribal and remote areas’. This policy also recognises the importance of village and nature tourism and has provision for incentives to village level tourism cooperatives and for developing paying guesthouse facilities in the villages. These provisions in the Tourism Policy would be taken advantage of while designing proposals for eco-tourism development in the state.

Eco-treks identified under this programme pass through some of the pristine forest areas in the state. These eco-treks and their surrounds would need to be maintained as such for continuation of their ecological functions and to retain their appeal. The Department of Town and Country Planning would, therefore, have to keep a strict vigil over any unplanned development along these tracks.

A SFD project on sustainable rural livelihoods is under finalization with financial support from DFIDI. Eco-tourism concept, as proposed in this paper, would go a long way in achieving the objectives of this project. Appropriate linkages with this project would be established as the concept grows further.

11. Initial Selection:

1. Nature Park, Kufri
2. Van Vihar, Potter’s Hill, Shimla
3. Khajjiar
4. Renuka
5. Chansil Pass Eco-Trail
6. Great Himalayan National Park

**REVISED POLICY ON DEVELOPMENT OF ECO-TOURISM
IN
HIMACHAL PRADESH
2005**

1. PREAMBLE

Himachal is bestowed with unique features in its climate, its rich natural and man-made heritage and above all, the warm and peace loving people. This is what projects Himachal as one of the top five tourist destinations in the country, both for domestic as well as international visitors. As per estimates, roughly around 60 lakh tourists visit the State every year, as much as its actual population. However much of the tourism related activities are concentrated in the four major hill stations of Shimla, Manali, Dharamshala and Dalhousie. Due to this lop-sided growth pattern, the bulk of the tourist does not get an opportunity to visit the 'country side' leave alone our forests and sanctuaries which are indeed a paradise for the discerning lot.

Himachal Pradesh has legally classified forest area of 37,033 Sq. Kms., which is 66% of the total geographical area. Out of the area designated as forests, 12% area is under Protected Area Network. The per capita availability of forests in Himachal is 0.22 hectares, against the national average of 0.06 hectares. According to the reports of the Forest Survey of India, Himachal Pradesh during the last few years has registered an increase of 1859 Sq. Kms. in the forest cover. This increase is about 9% of the culturable forest area of the State. A small State like Himachal, which has only 1.7% of the geographical area of the country, has contributed a remarkable 4.5% of the net increase in the forest cover of the country. In addition the State has 32 wildlife sanctuaries and two National Parks. The State is a treasure house, both for plants as well as wild life. It is also home to some of the rare and endangered species like Snow Leopard, Musk, Deer, Himalayan Brown Bear and among pheasants, the Western-horned Tragopan which has been bred in captivity for the first time in the world in H.P.

The Revised Eco-Tourism Policy aims to bring the wilderness of Himachal closer to the tourist visiting the State and at the same time attempts to put in place adequate safeguards and systems leading to the preservation of these natural resources. By involving the local communities, the policy would help improve their prosperity through increased livelihood opportunities. It would also ensure adequate economic returns to the State which would be ploughed back into the environmental system for its proper up keep and maintenance.

2. VISION

The vision is to preserve and protect the natural heritage, both flora and fauna, of Himachal Pradesh and attract discerning tourists and visitors to the State; and in the bargain provide opportunities to enhance livelihood of the local people and alongside generate revenue for the sustainable development of its resources through the creation of a special purpose vehicle (SPV). The Eco-Tourism Policy would encourage a partnership between the SPV on the one hand and the civil society (local communities, NGOs, academic institutions and private enterprises/businesses) and the State (Forest, Tourism and Fisheries Department) on the other.

3. MISSION STATEMENT

To make Himachal Pradesh a leading Eco-tourism Destination in the Country by 2010.

4. OBJECTIVES

To achieve the above mission, the Policy seeks to pursue the following objectives:

- i) Create appreciation, education and awareness of natural heritage of Himachal Pradesh. The State will emerge as a resource center and a leading destination with reference to eco-tourism for the entire country and the Greater Himalayan Region.
- ii) Enunciate mechanisms for partnerships in eco-tourism both with the local communities as well as private enterprise committed to the goals of eco- tourism.

- iii) Identify and promote activities in tandem with the principles of community-based eco-tourism with the benefits accruing to the local community in terms of income as well as employment generation.
- iv) Ensure safeguards from environment point of view to effectively regulate the ecotourism activities in forest area.
- v) To generate resource through the Special Purpose Vehicle from the assets made available to it by the Forest Deptt. which would be used to create and maintain the assets.
- vi) To create a cadre of personnel within and outside the Forest Deptt. who are sensitive to the tenets of eco-tourism and can act as resource persons to further its cause.
- vii) To actively coordinate with the Tourism, Fisheries, Handicrafts, Culture, YSS, HMI (Himalayan Mountaineering Institute) and other related Deptts. to further the cause of eco- tourism.
- viii) To actively promote the concept of homesteads in rural areas connected with eco-tourism so that the income accrues to the local people.
- ix) To implement CBET (Community Based Eco-Tourism) concepts with the involvement of local communities, voluntary organizations, staff of the HPFD and other departments.
- x) To undertake sustainable public-private partnerships with regard to Government properties in the field of eco-tourism with the permission of the Govt. of HP and to raise funds there under.
- xi) To decongest the over-loaded tourist places so that the benefits of tourism are spread to rural areas. It will work in tandem with the Rural Tourism Scheme of the Department of Tourism.

5. STRATEGY

The above objectives would be achieved through the following:

A. Creating a Special Purpose Vehicle for anchoring the Eco Tourism activities:

1. The Forest Deptt will create a **Special Purpose Vehicle** in the form of a Society registered under the Registration of Societies Act 1860 for delivering the objectives of the Policy.
2. This SPV will cover the entire State. All existing Societies will either be merged with this Society or will work under or in tandem with this apex body to be chaired by the Chief Minister of the State.
3. It will work closely with the Forest Deptt both at the State as well as the local level. In fact its Chief Executive Officer (CEO) as well as the other officials will be from the Forest Deptt. holding additional charge as ordered by the Govt. so as to effect economy as well as effective coordination.
4. At the project / site level, if need be, local Committees would be formed under the over all control of the SPV with adequate devolution of financial as well as administrative powers commensurate with the work at hand including having separate bank account .
5. It will concentrate its activities within the forest land, existing Wild Life Sanctuaries and Parks. The lessons learned from GNHP and the Potters Hill would be main-streamed into the functioning of the system.

B. Creating awareness and capacity building of the principal actors:

1. The State will develop as a resource center and a learning destination for eco-tourism not only for the country but for the entire Greater Himalayan Region.
2. The SPV to be created, in the initial years will concentrate on capacity building through experience sharing, workshops, field visits etc. It will be in touch with the leading organizations in this field and will organize at-least one national/ international level seminar each year on the subject.
3. For capacity building, the SPV will coordinate with the Government for fund requirement to be made available through the Externally Aided Projects, the CAT plan funds in the Forest Deptt. and capacity building programmes of Tourism Development Board.
4. A percentage of the CAT Plan funds would be earmarked for ECO-TOURISM purposes.

5. The government would encourage people's participation in eco-tourism through Panchayati Raj Institutions, local bodies, co-operatives, non-governmental organizations and enterprising local youth & Mahila Mandals to create public awareness and to achieve a wider spread of tourist facilities.
6. Improved access is to be provided to markets, credit and training through interaction with Tourism Development Board, Western Himalayan Mountaineering Institute Manali, Hotel Management Institute Kufri and such other organizations.
7. Development of appropriate training modules (continuous, practical & participatory) and training material/case studies for the various stakeholders and to ensure emergence of appropriate technologies is to be advanced.
8. Ensure conducting periodic impact assessment studies ,whether positive or negative with regard to each project covering -
 - **Environmental i.e.** tourist number and carrying capacity
 - **Economic i.e.** seasonal employment opportunities for porters, employment of women etc.
 - **socio-cultural i.e.** decline in local support for local traditions and institutions, changes in traditional architecture, adverse impact on women etc.

C. Coordination with partner departments in the Govt.:

The government will aim to achieve necessary linkages and synergies in the policies and programmes of all concerned departments/agencies by establishing effective coordination mechanisms at the State and the District levels. Linkages with other policies/programs of the State Government will be established, especially with the New Revised Forest Policy, the New Tourism Policy of the State and active involvement of the various other departments i.e. Rural Development, Department of Fisheries, Town & Country Planning (SADA), Youth Services and Sports, Culture, Handicrafts and Handloom etc.

D. CBET the corner stone of the Policy:

1. The concept of Community Based Eco-Tourism would be at the heart of the Policy.
2. The endeavor would be to extend maximum benefit to the local community either in the form of employment or income generation. All things being equal, priority would be given to the local communities which may come forward to take up activities--- economic or promotional.
3. The local communities could be in the form of PRIs, CBOs, User Groups, Mahila Mandal, Yuvak Mandals, Forest Development Committees, Watershed-Development Committees etc.
4. Even where site is leased out to private parties under Public Private Partnerships, part of the income (at least 10%) would accrue to the local Panchayat / CBO.
5. Members of the local community will be represented in the committee/ society of the project/ site.
6. Incentives, market mechanisms and business support will be provided to the CBET Project by the SPV to be created.

E. Identification of Projects and sites:

1. The Forest Deptt. will identify sites for eco-tourism and hand them over for management to the SPV(The ownership would continue with the Forest Deptt.).
2. The existing projects and sites being managed by various societies constituted till date, will also hence forth function under the directions and guidelines issued by the apex body i.e. the SPV created for the purpose.
3. Specific areas within the State that are endowed with unique qualities will be promoted as 'Hot Spots' for eco-tourism. These may also include the remote cold-arid deserts of Pooh, Lahaul & Spiti with its unique culture; areas in Kullu for nature and out door activities with GHNP as the focal point, Tirthan for angling; Pong Dam for bird watching and water sports; and Shimla for trekking and nature trails etc.
4. The criteria for selection of project site would be its nearness to the tourist destination (which is essential for effective marketing), its viability as an economic proposition,

its potential to attract discerning tourists and above all an enthusiastic local community willing to preserve its nature as well as man made heritage.

F. Public Private Partnership:

1. A constructive and mutually beneficial partnership between the public and the private sector would be worked out, with the sole purpose of development of the local area, income generation for the village folks and generation of resources and funds for the effective creation and maintenance of assets so essential for the development of eco-tourism.
2. All private parties or NGOs desirous of taking such properties on lease would have to be sensitive / sensitized in eco-tourism practices. Preference would be given to parties with proven track record in working in the field of eco-tourism.
3. The private entrepreneur would not be permitted to operate within the National Parks/Wildlife Sanctuaries.
4. In addition, a system of 'Reverse Tendering' would be adopted under which the proposals will be invited from the NGOs and private parties committed to the principles of eco-tourism for projects. These projects would be self proposed with a proper project format which would be reverse tendered with the first right of refusal with the originator of the proposal.
5. The project will not be leased out purely on commercial considerations. The compliance of eco-tourism principles would be a guiding principle for allotment of any project.
6. The private enterprise may be allowed to operate through the SPV subject to the following conditions:-
 - The company / NGO should have sufficient knowledge and if possible experience in working on an eco tourism project.
 - All projects identified for tie-up of this nature will be granted only through an open bidding process. No projects including self identified ones will be given without open competitive bidding process. In all such cases the reverse tendering system will be followed.
 - The Forest Deptt. /SPV has the right to reject any self proposed forests' project without assigning any reason.
 - Stringent guidelines would be laid down by the Forest Deptt. with regard to the dos and don'ts for each project before offering it for competitive bidding.
 - In the first instance, the project would be allotted for only 3 years subject to annual assessment of the compliance of the conditions imposed by the Forest Deptt.
 - No permanent structure will be allowed to be erected under any circumstance by the private entrepreneur. Each and every temporary structure will have to be approved by the Eco-Tourism Society.
 - Accommodations of all types shall only be in the form of tents or dismentable prefab material.
 - Only on successful and satisfactory completion of project for the initial 3 years, will the project be extended, in which case it will be for a maximum for another 10 years (for 5 years at one time) subject to an increase of at least 15 % of lease amount after the initial three and the next five years. Renewal without bids will only be in exceptional cases and that too with the clear recommendation of the CEO in charge of the Eco Tourism Society.
 - Normally at the end of the management lease of three years, the project will be re-tendered.
 - A security deposit of Rs 1 lakh per hectare will be taken in each case. Failure to comply with the terms and conditions will result in forfeiture in full or in part of the above amount.

- Successful bidder will be issued the Letter of Intent which would be valid for three months from the date of issuance. This Letter of Intent issued to the entrepreneur would entitle the entrepreneur to enter the identified location and make detailed project report (DPR) to be submitted to the HPFD/ SPV in accordance with Deptts. guidelines. The project report submitted by the entrepreneur would then be examined within a time frame of three months and a final decision taken on the basis of which the IA would be signed/affidavit taken. In the first instance the lease would not exceed 3 years.
- The entrepreneur while submitting the Detailed Purpose Report (DPR) must include detailed description of all temporary work he would undertake, mentioning the arrangements to be made for disposing of solid and liquid waste, detail the trails/treks he would put to use for hiking, trekking, walking etc. A site development plan and a clear essential action plan for conservation and management of the allotted forest area would also be a part of the DPR.
- Due weight-age would be given to such projects where there is substantial use of locally produced products, including food stuffs; where percentage of job opportunities to the locals is high; where use and promotion of non-conventional energy is incorporated; where measures have been taken to ensure ecological balance and where carrying capacity and sustainability is maintained. Concerted efforts need to be taken to reduce fuel-wood consumption through alternative energy sources; reduce the levels of garbage; reduce grazing impacts; strengthen community based institutions to plan and continue conservation activities; increased participation of locals in tourism related activities (porters, pack animal operators) and adopting participatory models of consultation and decision making process are there.

G. Proposed activities:

1. An inventory of existing and potential locations for nature-based tourism will be drawn-up by the special purpose vehicle (SPV) with information of facilities for tourists, and recreational activities and resources in rural areas etc.
2. Packages would be developed which involve nature trails, sightseeing adventures, bio-diversity tours, glaciers tours, angling, camping tours, cultural tours, horticulture (apple) tourism, village tourism, helicopter tours and others i.e. rafting, rock climbing, skiing etc. The services to be looked into would include boarding & lodging, guides, promotion of night halts & prices—that would go with service quality and environmental conservation.
3. Highlight trekking/nature walks through designated paths/eco-treks-- there are various excellent eco-treks and trails in H.P like the 'Churdhar Eco-trail', 'Dhauladhar Eco-trail'. Many bridle/inspection paths to some of the most picturesque areas in the State already exist and with little expenditure can be made ideal for eco-tourism. The other activities could be overnight camping in designated camps and forest rest houses, bird watching (ornithology) and study of flora and fauna (especially viewing of nocturnal wildlife) angling/fishing, nature camps etc.
4. Forest Rest Houses & Forest Inspection huts--The State Forest Department alone manages more than 400 forest bungalows located at vantage-points across the length and breadth of the State. It also manages 5000 kilometers long network of bridle paths and inspection trails, criss-crossing through the most beautiful forests of the State. This gives visitors myriad opportunities to trek across mountain passes, explore remote temples, to reach crystal clear lakes and traditional villages. These facilities beckon the young and the old alike to come and enjoy the best of Himachal Pradesh in its entire splendor. To begin with, a Memorandum of Understanding (MOU) would be signed between the Forest Deptt and the special purpose vehicle (SPV) for transfer of management of some of the Forest Rest Houses on mutually agreed basis. Forest Officers on tour will continue to stay in these rest houses on the present rates, terms and conditions.

5. Interpretation & information centers with the Himachal Pradesh Forest Department (HPFD) could also be handled by Non-governmental Organizations (NGO s) or other professional parties.
6. Concept of Homesteads could be promoted. Host families having reasonable traditional accommodation in the villages, en-route to good eco-treks can accommodate tourists on paying guest basis.
7. Community involvement to provide services would be promoted i.e. guides, porters, forest rest houses (FRH) attendants, cooks, park wardens, hosts for paying guests etc.
8. Extension and Publicity conducting by the SPV.

H. Involvement of NGOs and CBOs

1. The NGOs with good track record and reputation will be encouraged to participate in the programme especially for capacity building, promotion and evaluations.
2. Community based organizations will be actually encouraged to take part in the activities.

I. Safety measures:

1. The entry of the number of tourists permissible shall be kept within limits. The carrying capacity concept will be the cornerstone of the State's Eco-Tourism Policy.
2. Clear definitions of 'off limit activities', and 'off limit areas' (no private enterprise to be allowed in Sanctuaries/National Parks) will be strictly enforced. The onus shall always remain with the operator to abide by the laws of the State and the Union Government.
3. Where private sector is involved there must be collective responsibility for laying down industry standards, ethics and fair play.
4. Eco-tourism would aim to have low impact on environment and further minimal infrastructure requirements. The DPR/management plans would establish standards for development, refurbishing of the infrastructure, waste disposal, and treatment of sewage, control of litter and optimum use of the fragile eco-system accordingly.
5. Introduce regulatory measures to ensure social, cultural and environmental sustainability as well as safety and security of tourists.
6. There would be conscious effect towards sustainable human development, including poverty alleviation, employment generation, environmental regeneration and advancement of women and other disadvantaged marginal groups in the State.
7. Greater demand would be created for local products and new employment opportunities for the local community. Negative effects of traditional tourism on the ecology and social fabric must be reduced and the cultural integrity of the local people would be furthered.
8. Casual tourists shall be discouraged. It is necessary that tourists desirous of entering forests and wilderness areas should have an interest in the flora and fauna.
9. Addressing ecological and environmental concerns would form an important component of the Tourism Master Plans for popular destinations.
10. Revenues generated would be ploughed back for the maintenance and preservation of the environment.
11. The Deptt. would constantly evaluate the project and if it is found that community based ecotourism (CBET)/eco-tourism norms and concepts are not being followed, the project will be terminated forthwith.

H.P. FOREST DEPARTMENT
Participatory Forest Management
National Afforestation Programme (Govt. India Guidelines)
Status of JFMCs under FDAs in HP
Grant in Aid – 2002
Sanjhi Van Yojna – 2001
Grant in Aid – 2000
Participatory Forest Management Rule – 2000
SANJHI VAN YOJNA - 2001
GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FOREST

File No FFE-C (9).1/2001

Dated 23.8.2001

Notification

The Governor of Himachal Pradesh is pleased to promulgate the following scheme for sustainable management of forest resources in the State in collaboration with the local communities, namely:

1. This scheme shall be called Sanjhi Van Yojna Scheme, 2001.
2. It shall come into force with immediate effect.
3. The existing Sanjhi Van Yojna Scheme, 1998, the Parisharam Hamara Van Hamara Scheme, 2000 and the Apna Van, Apna Dhan Scheme, which was to be launched during the year 2001 shall stand clubbed with the Sanjhi Van Yojna Scheme, 2001.
- 4. Objectives:** The present scheme shall have the following objectives:
 - (i) Involvement of grass root level institutions such as gram panchayats, mahila mandals, yuvak mandals, ex-servicemen's bodies, schools, Village Forest Development Societies (VFDSs), User groups, other Community Based Organisations (CBOs) and NGOs in sustainable management of forest resources;
 - (ii) Grant of 100 % income from plantations to the VFDSs and Panchayats;
 - (iii) Grant of total usufruct rights to the VFDSs;
 - (iv) Regeneration of degraded forest areas and conservation & sustainable use of better forests through community involvement.
 - (v) Involvement of local communities in the choice of species to be planted under the scheme;
 - (vi) Creation and enhancement of social, physical and financial capital of the participating communities for poverty reduction;
 - (vii) Special emphasis on involvement of women in the scheme;
 - (viii) Address problem of rural unemployment by utilising degraded forest land for large scale plantations;
 - (ix) Establish linkage between Food for Work Programme and the present scheme by making payments in the shape of food grains under the scheme;
 - (x) Increasing productivity of the Forest areas by improvement of nursery stock and adoption of mixed plantations.
 - (xi) Training of forest staff, VFDS members and CBOs / NGOs for facilitating and strengthening community participation.
 - (xii) Gradually empower local communities and local level institutions to become more pro-active in sustainable forest management.
 - (xiii) To help VFDSs achieve financial viability and sustainability by introducing proper mix of short and long duration cropping patterns as a short and long term objective to ensure their continued participation in the scheme.
- 5. Strategy:**
 1. Recognise that participatory processes are critical to Sustainable Forest Management in HP.
 2. Recognise that to institutionalise participation, strengthening of local institutions like the Panchayat, Forest Development Societies, User groups etc., and the forest department is essential.

3. Recognise the link between rural poverty reduction and the sustained and increasing availability of forest resources and access to them for the rural communities particularly the poor, to target pockets of poverty in the state.
4. Recognise that the role of the HPFD, as the main facilitating agency for PFM, shall need to be complemented by a regular, equitable participatory system through which stakeholders on their own meet, debate strategic issues, consider optimal solutions and form partnerships. In strengthening the latter, the engagement of Non Governmental Organisations (NGOs) and Community Bases Organisations (CBOs) would be encouraged.
5. Recognise that Gender issues form a thematic concern in PFM. Thus a gender sensitive approach shall need to be adopted within the HPFD and amongst the organised community groups involved with PFM.

6. Implementation:

The scheme shall be governed by the PFM Rules, 2001 promulgated vide Notification No. Fts.II(B)15.10.87 dated 23.08.2001.

7. Coverage:

- (i) To begin with the existing 364 VFDSs and 153 VFDCs formed earlier under the Sanjhi Van Yojna and the Himachal Pradesh Forestry Project in Kullu and Mandi shall be brought under the umbrella of this scheme;
- (ii) The scheme shall be extended to other areas subsequently.
- (iii) In tribal areas of the state the scheme shall be implemented from the current financial year i.e. 2001-02.

8. Process Approach:

Since Participatory Forest Management entails a process approach, the Sanjhi Van Yojna scheme shall not be target driven. For the long-term success and the sustainability of the village level institutions, it is important that proper and adequate methods of community organisation and management are followed. Thus, normally in the first year where the scheme is introduced, major emphasis shall be on the systematic and sequential formation of VFDSs, training of staff, CBOs and community members. Towards the end of the first year, a well documented but simple and understandable micro-plan needs to be ready for approval and implementation during the next year. The procedure for approval of micro-plans as laid out in the PFM processes has to be strictly followed. The forest department may also begin creation / extension of nurseries in the first year so that plants are ready in the second year.

9. Funding:

- (i) The funding under Sanjhi Van Yojna scheme to the VFDSs for works to be carried out by them shall be made in the form of Grant-in-Aid (GIA) to the concerned society by the Divisional Forest Officer (DFO) concerned.
- (ii) The Grant-in-Aid shall be governed and regulated as per the GIA Rules notified vide Notification No. FFE-B-(G)9-6/99 dated 31.05.2000.
- (iii) The GIA shall be deposited in the bank account of the VFDS and unspent funds shall be allowed to roll over to the next financial year.

10. Contribution by the VFDSs:

On the pattern of *Vikas Mein Jan Sahyog* policy of the Government, each VFDS shall be required to make a cash contribution of 15 % of the annual outlay under the approved micro-plan. This contribution can be made in instalments during the year provided each instalment shall be 15 % of the GIA being released to the VFDS at one time. In the case of plantation work this contribution can be in the form of *shramdan* and deducted from the wage bill for the plantation work.

11. Maintenance:

The maintenance of physical assets created shall be the responsibility of the VFDS concerned. For plantations, however, the forest department shall continue to supply planting material to the VFDS on demand, free of cost for three years including the year of plantation. Thereafter, for any more supply of plants price shall be charged from the VFDS.

12. Income Generation Activities:

- (i) In order to enhance the economic stake of rural communities in the conservation and sustainable utilisation of forest resources as well as to create means of income for the VFDS

and its members, forestry related income generation activities be promoted under Sanjhi Van Yojna scheme. Such activities may include water harvesting and its use for irrigation / drinking purposes. *In situ* or *Ex situ* growing of medicinal plants of high economic value within the selected areas or even on private lands. Value addition to medicinal raw drugs through simple semi- processing etc., and training in these. Introduction of improved grasses and development of village pastures. High-density fuelwood / fodder plantations. These examples are illustrative only and suitable income generation activities can be adopted as per the local conditions.

- (ii) The income generation activities, however, may commence only in the second or third year of the micro-plan. The proportion of funds earmarked to support income generation activities shall be as enumerated in the subsequent paragraphs.

13. Input Sharing Arrangement:

- (i) The HPFD shall encourage social fencing by the VFDS as a matter of policy. Wherever necessity of physical fencing arises it shall be done by using local materials like bushes etc. In order to encourage social fencing, funds that are normally spent on fencing, including cost of materials, shall be made over to the VFDSs. The VFDS's shall then be free to use this money for protection of the plantations as they deem fit.
- (ii) Tools, implements and other material required for carrying out activities under the approved micro-plans shall be arranged by the VFDS.

14. Usufruct Sharing:

- (i) 100 % of forest produce including NTFPs and all intermediate harvest from the closed area(s) shall go to the VFDS.
- (ii) 75 % of the final harvest shall go to the VFDS and 25 % to the Panchayat. However, out of its share of 75 % from the final harvest, 40 % shall be earmarked to regeneration/conservation activities within the closed area(s) of that VFDS.

15. Norms for allocation of budget:

The statement of annual plan of operations under various micro plans shall be submitted by the DFOs to their respective Conservators, who shall scrutinize these APOs vis-à-vis Micro plans submitted to them and shall allot the budget accordingly. Component wise allocations shall be made as per the ratio proportions given in the following table. However, in the first and second year of the execution of the scheme, emphasis shall have to be placed on the initial processes of establishing nurseries, preparation of the micro-plans, soil and moisture conservation measures, workshops, and training. This shall help achieve sustainability. Accordingly in the first two years of the scheme, the budget allocation shall be at variance from the norms given in the table below:

Table showing norms for allocation of budget

S No	Activity		PROPORTION OF BUDGET
1	Lump sum	Preparation of MP	Rs. 5000/- for each MP
2	Micro plan activities. 80% (of this 15 % is to be contributed by the VFDS)	Plantation incl. grasses, NTFPs	60%
		Soil & Water conservation	15%
		Income Generation Activities	25%
3	Departmental Expenditure 20%	Establishment of Nursery	50%
		Trainings	20%
		Workshops	10%
		Monitoring	10%
		Contingencies	10%

By Order

(Avay Shukla)

F.C. – cum – Secy. (Forests) to the
Govt. of Himachal Pradesh

Enst. No. FFE-C (9)1/2001-09-24 Dated Shimla-2, the, 23.8.2001

GRANT-IN-AID - 2000

Notification

The Governor, HP is pleased to promulgate the following rules regulating payment of Grant-in-Aid to the Village Forest Development Societies under the Sanjhi Van Yojna, Himachal Pradesh.

RULES

Short Title and Extent:

- (i) These Rules may be called "Rules Regulating the Grant-in-Aid to the Village Forest Development Societies under the Sanjhi Van Yojna, Himachal Pradesh.
- (ii) These Rules shall come into force immediately.

Definitions:

In these Rules, unless there is any thing repugnant in the subject or context:

- (i) 'Department' means the Himachal Pradesh Forest Department.
- (ii) 'Govt.' means the Government of Himachal Pradesh.
- (iii) 'Revenue' means the revenue administered by Himachal Pradesh Govt.
- (iv) 'Secretary' means the Secretary to the Govt. of Himachal Pradesh in the Himachal Pradesh Forest Department.
- (v) 'Conservator' means the Conservator of Forests of the Circle concerned.
- (vi) 'DFO' means the Divisional Forest Officer of the Division concerned.
- (vii) 'SVY' means Sanjhi Van Yojna.
- (viii) 'Society' means Village Forest Development Society.

Purpose of the Grant-in- Aid:

The purpose of Grant -in-aid is for the furtherance of objectives of Sanjhi Van Yojna and its implementation through the Societies. The assistance in the shape of Grant -in- Aid would be meant for expenditure on preparation of microplans, Entry Point Activitiy, Establishment of Modern nurseries, Trainings, Workshops and Publicity etc., subject to the availability of funds, and based on such norms, and for such other purposes, as may be decided by the Govt. from time to time. All Grant-in- Aid disbursal will be guided by transparent norms, framed in advance, to govern not merely the unit of cost of different activities, but to also specify maximum costings for amounts for different activities that individual Societies would be entitled to.

Mode of Payment:

The amount of Grant-in-Aid shall be sanctioned by the DFO, keeping in view both, the norms and, within these, the requirement of the society, as well as available funds, on receipt of a written request from the Society, indicating the purpose for which it is required. Normally a self-contained proposal containing the demand for the whole year shall be furnished by the Society by 30th April every year, for scrutiny of the DFO, prior to sanction.

Sanction of for Conditions for Grant-in-Aid:

The sanction of the Grant -in-Aid shall be subject to following conditions:

1. That the DFO shall have right to check the accounts of the Society, to satisfy himself that the Grant-in -Aid has been spent for the purpose for which it has been sanctioned. In case it is found that the Grant-in-Aid has been mis-utilised, it will be open to the DFO to recover the aid from the Society, and to stop further payment.
2. The assets acquired wholly or substantially out of Govt. grants would not, without the prior sanction of the Govt., be disposed of, encumbered or utilized for purposes other than those for which grants are sanctioned. The Society shall maintain a register in the form (as in Annexure-A) in respect of the permanent and semi-permanent assets acquired wholly or mainly out of Govt. grant. This register should be maintained by the Society separately in respect of each sanctioning authority to whom a copy thereof will be furnished annually for permanent record. The assets would be taken to means all immovable and movable property of capital nature where the value exceeds Rs. 1000/-. Library books and articles of furniture will not, however, be included in it.

Maintenance of Accounts

1. The Society shall maintain its accounts and records, and the same will be open to inspection by the nominee(s) so deputed by the Government.
2. An un-audited utilization certificate will be furnished by the Society in respect of Grant-in-Aid released to the Society during a particular year by 15th April of next year, as per form in Annexure-B, to the sanctioning authority, who will furnish the same to the Accountant General HP. The account in respect of the Grant-in-Aid released to the Society for SVY activities during a particular year, under various SVY schemes, will be furnished by the DFO to the Accountant General (Audit) H.P. by the end of September of the next/ following year of sanction of Grant-in-Aid. The SVY account of the Society will be audited by a qualified Accountant, or any other agency approved by the Government, before December next, in order to ensure proper utilization of the amount of the Grant-in-Aid released by the Department to the Society. Thereafter the Society will submit one copy of the audited utilization certificate in respect of each project activity to the DFO. The quarterly installment in respect of the Grant -in-Aid for a particular year will be released by the DFO on the basis of un-audited utilization certificate furnished by the Society.

Miscellaneous:

In order to ascertain the utilization of funds released to Societies by DFOs under various microplan activities, the Conservators shall furnish a report to the Addl. PCCF, H.P. and/or Secretary (Forests) to the H.P. Govt., as and when desired by them.

Head of Account:

The expenditure on account of payment of Grant-in-Aid is to be charged under Head 2406 Forestry & Wild Life (Plan)- 01 Forestry - 800 Other Expenditure-06-SOON & 06-SOOS-New Forestry Scheme(SVY).

By order

FC-cum-Secretary (Forests)

to the Govt. of Himachal Pradesh.

Endst. No.FFE-B-(G)9-6/99 Dated Shimla-171001, the 31.05.2000

ANNEXURE-'A'**ASSETS ACQUIRED WHOLLY OR SUBSTANTIALLY OUT OF GOVERNMENT GRANTS**

Serial No.

Institution

No. and date of sanction

Amount of the sanctioned grant

Brief purpose of the grant

Whether any condition regarding the right of ownership of Govt. in the property or other assets acquired out of the grant was incorporated in the grant-in-aid sanction.

Particulars of assets actually created or acquired

Value of assets as on

Purpose for which utilized at present

Encumbered or not

Reason if encumbered

Disposed of or not

Reason and authority, if any, for disposal

Amount realized on disposal

Remarks

FORM OF UTILISATION CERTIFICATE

Sr. No. Letter

Certified that out of Rs. _____

No. amount & dated

of grant -in- aid sanctioned during the year _____ in
favour of under this Department letter number given in the margin
and Rs. _____ on account unspent balance of the previous
year/s sum of Rs _____ has been utilized for the purpose of

for which it was sanctioned and that the balance of Rs. _____
remaining un-utilized on the _____ end of the year shall be utilized
during the next financial year with the prior approval of the Govt.

2. Certified that I have satisfied that the conditions on which the grant-in-aid was
sanctioned have been duly fulfilled/are being fulfilled and that I have exercised the
following checks to see that the money was actually utilized for the purpose for which it
was sanctioned.

Kinds of check exercised:

1. _____

2. _____

3. _____

4. _____

5. _____

Signature _____

Designation _____

Dated _____

PARTICIPATORY FOREST MANAGEMENT RULES – 2000

(Authoritative English text of this Department Notification No. Fts-II (B)15-10/87 Dated 23.8.2001 as required under clause (3) of article 348 of the Constitution of India)

Notification

No. Fts. II (B) 15- 10/87

Dated 23.08.2001

In exercise of the powers conferred by section 80 read with section 81 of the Indian Forest Act, 1927 (Act No. XVI of 1927), the Governor, Himachal Pradesh is pleased to make the following Regulations, namely:

1. Short title, application and commencement:

- (1) These Regulations may be called the Himachal Pradesh Participatory Forest Management Regulations, 2001.
 - (2) They shall apply to such Government forests and such Government land including the common land, which shall be selected jointly for participatory forest management by the Society and the Department.
- They shall come into force from the date of publication in Rajpatra, Himachal Pradesh.

2. Definitions:

In these Regulations, unless there is anything repugnant in the subject or context-

- a. "**Act**" means The Indian Forest Act, 1927, (Act No. 16 of 1927) as amended in its application to Himachal Pradesh;
- b. "**Conflict Resolution Group**" means a group consisting of a representative of the concerned Gram Panchayat, a representative of the local non-government organizations or local community based organizations and the concerned Assistant Conservator of Forests;
- c. "**common land**", "**family**", "**Gram Panchayat**", "**Panch**", "**Pradhan**", "**village**" and "**Ward**" shall have the meanings respectively assigned to them in the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994);
- d. "**Department**" means the Himachal Pradesh Forest Department;
- e. "**Divisional Forest Officer**" means the forest officer in-charge of a territorial or wildlife forest division of the Department;
- f. "**Executive Committee**" means executive body of the Society;
- g. "**Forest Officer**" means a Forest Officer as defined under sub- section (2) of section 2 of the Act;
- h. "**General House**" means General House of the Society;
- i. "**Government**" means Government of Himachal Pradesh;
- j. "**grazier group**" means a group of persons, whether resident members or migratory graziers, who are dependent on the grazing resource in the selected area for meeting their livelihood needs;
- k. "**micro- plan**", means a holistic forest management and development plan of the area selected for participatory management;
- l. "**participatory forest management**" means management of Government forest and Government land including common land managed jointly by the Society and by the Department;
- m. "**selected area**" means any Government forest and Government land including common land selected under regulation 3 of these Regulations;
- n. "**self help group**" means any organized group of persons, who collectively by mutual help are able to enhance their economic status through resource based activities;
- o. "**site specific plan**" means a sub component of the micro-plan which is a technically appropriate plan for the site;
- p. "**Society**" means village forest development society registered under section 3 of the Societies Registration Act, 1860 (Act No. 21 of 1860) for participatory forest management;
- q. "**sustainable forest management**" means management which is economically viable, environmentally benign and socially beneficial, and which balances present and future needs; and

- r. **"user group"** means a group of persons dependent upon a common natural resource for sustaining its livelihood needs.

3. Intent of participatory forest management:

- (1) On an application made to the Divisional Forest Officer signed by at least 50 percent of the voters of a Gram Panchayat Ward, any Government forest and Government land including common land may be brought under participatory forest management. The land so identified shall be known as selected area.
- (2) In accordance with the wider objectives and plans of Government for sustainable forest management, the selected area shall be managed jointly by the Society and the Department on the terms and conditions of an agreement to be entered between the Society and the Department.

4. Village forest development society:

- (1) There shall be a Society for a Gram Panchayat Ward. However, where the Ward is not compact and the hamlets within it do not have common forests, common grazing lands, common rights and concessions more than one Society may be formed for each cluster of hamlets. The Society shall be registered under section 3 of the Societies' Registration Act, 1860. (Act No. 21 of 1860).
- (2) All voters of a Gram Panchayat Ward shall be entitled to be enrolled as members of the Society.

5. Constitution of Executive Committee of the Society:

The Executive Committee shall consist of -

(a)	President	to be elected by the General House;
(b)	Vice President	-do-
(c)	Four Members	-do-
(d)	Treasurer	to be nominated by the elected Members from amongst the members of the Society;
(e)	Joint Secretary (woman)	-do-
(f)	Ward Panch	ex-officio member;
(g)	President - Mahila Mandal	-do-
(h)	Representative - Local women group	-do-
(i)	Three Members to be co-opted from the village level committees constituted by other departments of the Government, societies registered under the Societies Registration Act, 1860, (Act No. 21 of 1860), user groups, self help group and grazier group;	
(j)	Member- Secretary to be elected by the General House. Provided that at least 7 members of the Executive Committee shall be from amongst the women. Joint Secretary shall assist the Member-Secretary.	

6. Term of office of members of the Executive Committee:

Elected members of the Executive Committee shall hold office for a period of two years from the date of assumption of office.

7. Powers of the Executive Committee:

The Executive Committee shall exercise the powers of a "Forest Officer" as assigned by the Government under the Act.

8. Usufruct Sharing:

The Society shall be entitled to the following benefits, namely :-

- a) to collect the yield such as fallen twigs, branches, loppings, grass, fruits, flowers, seeds, leaf fodder and non timber forest products free of cost;
- b) to the sale proceeds of all intermediate harvest, subject to protection of forest and plantations for at least 3 years from the date of agreement;
- c) to organize and promote vocational activities related to forest produce and land; and other activities such as promotion of self help groups which may provide direct benefits, including micro-lending to women. None of the activities so promoted shall affect the legal status of the forest land;
- d) recorded rights over the forest shall not be affected by these benefits;
- e) the Government shall charge no royalty on the forest produce within the selected area;

- f) after 5 years, the Society may expand the area, on the basis of a fresh agreement deed, by inclusion of adjoining or nearby areas;
 - g) after 20 years from the date of agreement and, based on the principles of sustained forest management, 75 percent of the net sale proceeds from the selected area shall be put into the account of Society and the remaining 25 percent of the net sale proceeds shall go to the concerned Gram Panchayat; and
 - h) to utilize at least 40 percent of the net sale proceeds on forest regeneration activities including soil and water conservation.
 - i) Provided that for the purpose of usufruct sharing, family shall be one unit.
- 9. Funds:**
Funds shall be generated by the Society through contributions by members and the sale of usufructs under these regulations. All funds, including those received from the Government, Gram Panchayats and non-government sources, shall be utilized through the micro-planning process.
- 10. Maintenance of Accounts:**
The sum received by the Society shall be deposited in the name of the concerned Society in a nationalized bank or scheduled bank or co-operative bank or post office and the account shall be operated under the signatures of the President, Treasurer and Member-Secretary of the Society.
- 11. Grant-in-Aid:**
The department shall release Grant-In- Aid to the Society under the Grant-In-Aid Rules subject to the availability of funds and satisfactory performance of functions by the Society.
- 12. Settlement of Dispute:**
In case of any dispute in relation to usufruct sharing in the Society, the Deputy Ranger concerned of the Department, shall take steps to reconcile the dispute. In case the dispute is not resolved, the Deputy Ranger shall refer the dispute, along with his report to the Range Officer concerned of the Department. The Range Officer, after hearing the parties, shall resolve the dispute within 30 days from the date of receipt of report of the Deputy Ranger.
- 13. Appeal:**
An appeal shall lie from the decision of the Range Officer to the Conflict Resolution Group to be filed within 30 days from the date of decision, who shall decide the same within 60 days from the date of filing of appeal, after affording an opportunity of being heard to the parties. The decision of the Conflict Resolution Group shall be final and binding on the parties. The Conflict Resolution Group shall send a copy of the decision to the Society and the Divisional Forest Officer concerned free of cost.
- 14. Preparation of micro-plans:**
- (1) A micro-plan shall be prepared for the holistic forest management and development of the selected area, by the Society. The Department shall help the Society in preparation of the micro-plan. A micro-plan shall be operative for a period of five years from the date of its approval by the Divisional Forest Officer and may be revised after three years. The micro-plan shall be passed in the general house with at least 60 percent majority of the members present.
 - (2) The Divisional Forest Officer may approve whole or part of the micro-plan.
- 15. Powers of the Government:**
Notwithstanding anything contained in these regulations, the Government shall have the powers to issue directions to the Society on participatory forest management processes, micro-planning, co-ordination, monitoring, grant -in -aid and implementation mechanisms.

BY ORDER
FC-cum-Secretary (Forests) to the
Government of Himachal Pradesh
Dated Shimla-2 the 23.8.2001

Endst. No. As above

**GOVERNMENT OF HIMACHAL PRADESH
FOREST DEPARTMENT**

NO. FFE-B(G)9-6/99

Dated Shimla-2, the, 30th October, 2002

NOTIFICATION

The Governor, HP is pleased to promulgate the following rules regulating payment of Grant-in-Aid to the Village Forest Development Societies under the Participatory Forest Management (PFM) schemes operative in Himachal Pradesh

Short Title And Extent	1	(i) These Rules may be called "Rules Regulating the Grant-in-Aid to the village Forest Development Societies under the PFM schemes in Himachal Pradesh. (ii) These rules shall come into force immediately.
Definitions	2	a) In these Rules, unless there is anything repugnant in the subject or context. 'Department' means the Himachal Pradesh Forest Department. b) 'Govt.' means the Government of Himachal Pradesh. c) 'Revenue' means the revenue administered by Himachal Pradesh Government. d) 'Secretary' means the Secretary to the Government of Himachal Pradesh in the Himachal Pradesh Forest Department. e) 'Conservator' means the Conservator of Forests of the Circle concerned. f) 'DFO' means the Divisional Forest Officer of the Division concerned. g) 'PFM' means Participatory Forest Management. h) 'Society' means Village Forest Development Society.
Purpose of the Grant-in-Aid	3	The purpose of Grant-in-aid is for the furtherance of objectives of PFM and its implementation through the Societies. <i>The assistance in the shape of Grant-in-Aid would be meant for expenditure on plantation & pasture improvement, soil & water conservation, income generation activities, maintenance, fencing, protection etc., subject to the availability of funds, and based on such norms and for such other purposes, as may be decided by the Govt. from time to time.</i> All Grant-in-aid disbursed will be funded by transparent norms, framed in advance, to govern not merely the unit of cost of different activities, but to also specify maximum costing for amounts for different activities and individual Societies would be entitled to.
Mode of payment.	4	The amount of Grant-in-aid shall be sanctioned and released quarterly by the DFO, keeping in view both, the norms and, within these, the requirement of the society, as well as available funds, on receipt of a written request from the Society, indicating the purpose for which it is required. Normally a self contained proposal containing the demand for the whole year shall be furnished by the Society by 30th April every year for scrutiny of the DFO, prior to sanction
Conditions for Sanction of Grant-in-Aid	5	The sanction of the Grant-in-aid shall be subject to following conditions: (i) That the DFO shall have right to check the accounts of the Society, to satisfy himself that the Grant-in-aid has been spent for the purpose for which it has been sanctioned. In

case it is found that the Grant-in-aid has been mis-utilized, it will be open to the DFO to recover the aid from the Society, and to stop further payment.

- (ii) The assets acquired wholly or substantially out of Government grants would not, without the prior sanction of the Govt. be disposed of, encumbered or utilized for purposes other than those for which grants are sanctioned. The Society shall maintain a register in the form (as in Annexure-A) in respect of the permanent and semi-permanent assets acquired wholly or mainly out of govt. grant. This register should be maintained by the

Society separately in respect of each sanctioning authority to whom a copy thereof will be furnished annually for permanent record. The assets would be taken to mean all immovable and movable property of capital nature where the value exceeds Rs. 10000/- Library books and articles of furniture will not, however, be included in it.

Maintenance of Accounts and Submission of Utilization Certificates.

- 6 (i) The Society shall maintain its accounts and records and the same will be open to inspection by the nominee (s) so deputed by the government.
- (ii) An un-audited utilization certificate will be furnished by the Society in respect of Grant-in-aid released to the Society during a particular year by 15th April of next year, as per form in Annexure-B, to the sanctioning authority, who will furnish the same to the Accountant General HP. The account in respect of the Grant-in-aid released to the Society for *PFM* activities during a particular year, under various *PFM* schemes, will be furnished by the DFO to the Accountant General (Audit) Hp by the end of September of the *next*/ following year of sanction of Grant-in-aid. The *PFM* account of the Society will be audited by a qualified Accountant, or any other agency approved by the government, before, December next, in order to ensure proper utilization of the amount of the Grant-in-aid released by the department of the Society. Thereafter the Society will submit one copy of the audited utilization certificate in respect of each project activity to the DFO. The quarterly installment in respect of the Grant-in-aid for a particular year will be released by the DFO on the basis of un-audited utilization certificate furnished by the Society.

Miscellaneous

- 7 In order to ascertain the utilization of funds released to Societies by DFOs under various microplan activities, the Conservators shall prescribe format to the *Addl. PCCF.PFM*. The expenditure on account of payment of Grant-in-aid is to be charged under Head 2406

Head of Account

- 8 Forestry & Wildlife (Plan(-01-Forestry-800 Other Expenditure-06-SOON & 06-SOOS-under those schemes as may be included under *PFM*).

By Order
Principal Secretary(Forests)
to the Government of HP.

