

No.Ft. 300-16/2013 (P&L)Vol-II
Forest Department, Himachal Pradesh.

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

To: The Dy. Inspector General of (Forest Policy)GoI
Ministry of Environment, Forest & Climate Change
Forest Policy Division Indira Paryavaran Bhawan,
Vayu Wing, 6th Floor, Jor Bagh, Aliganj,
New Deldi-110003.

Dated, Shimla-1, the 6 MAY 2017

Subject: Action taken report on the Guidelines for Felling and Transit
Regulation for tree Species grown on Non-Forests/ Private
Lands- Regarding.

Sir,
Kindly refer to your letter F.No. 8-14/2004-FP Vol.III dated
27th March, 2017 on the subject cited above.

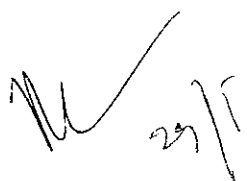

2. Action taken report on the Guidelines for Felling and Transit
Regulation for tree Species grown on Non-Forests Private Lands has
already been sent to you vide this office letter No. Ft. 300-16/2013 (P&L)
Vol-I dated 22-09-2016 and again photo copy of the same sent vide this
office letter of even number dated 09-01-2017. However, as desired vide
your letter under reference latest status/ ATR regarding Felling and
Transit Regulation for tree Species grown on Non-Forests/ Private Lands
is as under:-

i)The GoHP vide order No. FFE-B-A (3)-1/2017 dated 20th
April, 2017 (Photo Copy enclosed) has exempted 23 more tree
species from the purview of Land Preservation Act, 1978.

ii)Further the GoHP vide Notification No. FFE-B-A(3)-4/2016
dated 20th April, 2017 (Photo Copy enclosed) has exempted 24
more tree species growing on private land from the purview of
HP Forest Produce Transit (land Routes) rules 1978.

Encls: As above.

Yours faithfully,



Pr. Chief Conservator of Forests (HoFF)
Himachal Pradesh Shimla-1

(Authoritative English Text of this Department Notification No. FFE-B-A(3)-4/2016 dated 20th April, 2017 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)-4/2016

Dated: Shimla-2, the

20th April, 2017

NOTIFICATION

In exercise of the powers conferred by sections 41 and 42 of the Indian Forest Act, 1927 (XVI of 1927), the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Forest Produce Transit (Land Route) Rules, 2013, notified vide this Department Notification of even number dated 26.11.2013 and published in the Rajpatra, Himachal Pradesh on 30th November 2013, namely:-

Short title

1. These rules may be called the Himachal Pradesh Forest Produce Transit (Land Routes) Amendment Rules, 2017.

Amendment of Annexure-D

2. In the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013, in Annexure D, for Schedule - I, the following Schedule shall be substituted, namely:-

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.

Sr. No.	Local Name of Species	Botanical Name of Species
1.	Kala Siris/Ohi/ Siris	<i>Albizia species</i>
2.	Kachnar/ Karial	<i>Bauhinia species</i>
3.	Safeda	<i>Eucalyptus species</i>
4.	Kimu/Chimu/Shahoot/Tut/Mulbery	<i>Morus species</i>
5.	Poplar	<i>Populus deltoidis</i>

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6.	Indian Willow/ Biuns	<i>Salix species</i>
7.	Bamboo culms/Lathi bans/Maggar/Dharainch/ Baris	<i>Dendrocalamus strictus/Dendrocalamus hamiltonii/Bambusa nutans/ Bambosa bamboo</i>
8.	Kuth	<i>Saussurea costus (=S.lappa)*</i>
9.	Kala Zira	<i>Bunium persicum</i>
10.	Japanese Shehtoot/Paper mulbery	<i>Broussountia papyrifera</i>
11.	Paik/Koi/Kosh/Kunis/Kunish/Nyun	<i>Alnus nitida</i>
12.	Khirk/Khadki	1. <i>Celtis australis</i> 2. <i>Celtis tetrendra</i>
13.	Darak/Bakin	<i>Melia azedarach</i>
14.	Fagoora/phagoora/Tiamble/timla/tirmal/anjiri/cluster fig/goolar	<i>Ficus species</i>
15.	Toon	<i>Toona ciliata</i>
16.	Jamun	<i>Syzygium cumini</i>
17.	Teak/Sagun/Sagwan	<i>Tectona grandis</i>
18.	Arjun	<i>Terminalia arjuna</i>
19.	Seinal/Shalmaltas	<i>Bombax ceiba</i>
20.	Bihul/Beul/Bhimal/Bhiunal/Dhaman	<i>Grewia species</i>
21.	Paza/Padam	<i>Prunus Cerasus</i>
22.	Kamala /Raini/Rohan/ Rohini/Sinduri	<i>Mallotus philippensis</i>
23.	Aam (Wild Variety)	<i>Mangifera indica</i>
24.	Rishtak/Ritha/Dode	<i>Sapindus mukorossi</i>

Export of Kuth (*Saussurea Costus/lappa*) will however be subject to fulfillment of requirement under Wild Life Protection Act, 1972.

The removal and transportation of the forest produce obtained from plants species listed in this schedule and growing on 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 produce from plant species listed in this schedule along with estimate of yield before starting the harvest.

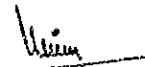
- ii. The Range Forest Officer may himself or through his representative inspect the land from which such harvest is proposed and verify the yield.
- iii. Range Forest Officer shall issue a letter to the landowner giving detail of forest produce obtained from private land.
- iv. The landowner shall carry this letter during transportation of the verified forest produce."

By order,

Tarun Kapoor
Addl. Chief Secretary (Forests) to the
Government of Himachal Pradesh.

Endst. No. FFE-B-A(3)-4/2016 Dated Shimla-2, the 20th April, 2017.
Copy forwarded to the following for information and necessary action:-

1. All the Additional Chief Secretaries /Principal Secretaries / Secretaries to the Govt. of Himachal Pradesh.
2. The Special Secretary (GAD) to the Govt. of Himachal Pradesh w.r.t. item No. 10 of council of Ministers' meeting held on 10.04.2017.
3. DLR - Cum - Deputy Secretary Law (Litigation) to the Government of Himachal Pradesh.
- ✓ 4. Principal Chief Conservator of Forests (HoFF) H.P.
5. Principal Chief Conservator of Forests (Wild Life)-cum-Chief Wild Life Warden, Himachal Pradesh, Shimla, 171 001.
6. All the Deputy Commissioners in Himachal Pradesh.
7. All the Chief Conservators of Forests/CFs/ Divisional Forests Officers in Himachal Pradesh.
8. Private Secretary to the Chief Minister/ Forest Minister. Himachal Pradesh.
9. The Controller, Printing and Stationary, H.P. Shimla-3 for publication in the Rajpatra, Himachal Pradesh.
10. Guard File.



(Sat Pal Dhiman) 20-4-2017
Joint Secretary (Forests) to the
Government of Himachal Pradesh
Phone No. 0177 -2621874

हिमाचल प्रदेश सरकार
वन विभाग

संख्या: एफ0एफ0ई0बी-ए(3)-4/2016

तारीख :शिमला-171002

20 अप्रैल, 2017

अधिसूचना

हिमाचल प्रदेश के राज्यपाल, भारतीय वन अधिनियम, 1927 (1927 का 16) की धारा 41 और 42 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की समसंख्यक अधिसूचना तारीख 26-11-2013 द्वारा अधिसूचित और राजपत्र, हिमाचल प्रदेश में तारीख 30.12.2013 को प्रकाशित हिमाचल प्रदेश वन उपज अभिवहन (भू-मार्गों द्वारा) नियम, 2013 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं अर्थात:-

- संक्षिप्त नाम, 1. इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश वन उपज अभिवहन (भू-मार्गों द्वारा) संशोधन नियम, 2017 है।
- उपाबन्ध 'घ' का संशोधन। 2. हिमाचल प्रदेश वन उपज अभिवहन (भू-मार्गों द्वारा) संशोधन नियम, 2013 के उपाबन्ध 'घ' में अनुसूची -1 के स्थान पर निम्नलिखित अनुसूची रखी जाएगी, अर्थात :-

“अनुसूची-1”

(नियम 8 (1) देखें)

प्राइवेट भूमि पर उगने वाली निम्नलिखित पौध प्रजातियों से अभिप्राप्त वन उपज के लिए अभिवहन पास की अपेक्षा से छूट

क्रम संख्या	प्रजातियों का स्थानीय नाम	प्रजातियों का वानस्पतिक नाम
1.	काला सिरिस /ओई/सिरिस	अलबिजीया प्रजाति
2.	कचनार/करयाल	बौहीनिया प्रजाति
3.	सफेदा	यूकैलिप्टस प्रजाति
4.	किम्मू/ चिम्मू/शैहतूत/ तूत/ मैलबरी	मोरस प्रजाति
5.	पोपलर	पोपलस डेलटियोडिस

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6.	भारतीय विलो / बीयूस	सालिक्स प्रजाति
7.	बेम्बू क्लमस / लाठी बांस / मग्गर / धरेंच / बांस	डेन्ड्रोकेलेमस स्ट्रिक्टस / डेन्ड्रोकेलेमस हेमिलटोनी / बेम्बुसा न्युटेन्स / बेम्बुसा बेम्बु
8.	कुठ	सोसारिया कोस्टस (सोसारिया लापा)*
9.	काला जीरा	बनियम परसिकम
10.	जापानी शहतूत / पेपर मलबैरी	ब्रोसिनिशिया पेपीरीफेरा
11.	पेइक / कोई / कोश / कुनिस / कुनिश / न्यून	एलनस निटिडा
12.	खिड़क / खड़की	1. सैलटिस औस्ट्रालिस 2. सैलटिस टेटरेन्डा
13.	दरेक / बकिन	मेलिया एजादारच
14.	फगूड़ा / फेगुडा / त्यामल / तिमला / तिरमल / अंजीरी / कलस्टर फिग / गुलर	फाइकस प्रजाति
15.	तून	तूना सिलियेटा
16.	जामुन	सिजिजीयम क्यूमिनी
17.	टीक / संगुन / सागवान	टेकटोना ग्राडिस
18.	अर्जुन	टरमिनेलिया अर्जुना
19.	सिमल / शलमाटस	बोम्बाक्स सिवा
20.	बिहूल / बेयूल / भिमल / भियूनल / धमन	ग्रेबिया प्रजाति
21.	पाजा / पदम	प्रुनस सिरासस
22.	कामला / रैनी / रोहण / रोहिनी / सिन्दूरी	मेलोटस फिलीपेन्सिस
23.	आम (वन्य प्रजाति)	मैंगीफेरा इंडिका
24.	रिस्टक / रीठा / डोडे	सेपिंडस मुकोरोसाई

*वृ,ठ (साएसयूरिया कोस्टस / लप्पा) का निर्यात तथापि वन्य जीव (संरक्षण) अधिनियम, 1972 की अपेक्षा को पूर्ण करने के अध्याधीन होगा।

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इस अनुसूची में सूचीबद्ध और प्राईवेट भूमि में उगने वाली पौध प्रजातियों से अभिप्राप्त वन उपज का हटाया जाना और परिवहन करना निम्नलिखित उपबन्धों के अनुसार होगा :-


- I. भूस्वामी स्थानीय वन रक्षक के माध्यम से सम्बद्ध वन परिक्षेत्र अधिकारी को पेड़ कटान प्रारम्भ करने से पूर्व अनुमानित पैदावार सहित, इस अनुसूची में सूचीबद्ध पौध प्रजातियों से वन उपज के कटान करने के अपने आशय को लिखित में सूचित करेगा।
- II. वन परिक्षेत्र अधिकारी स्वयं या अपने प्रतिनिधि के माध्यम से उस भूमि का, जिससे ऐसा कटान किया जाना प्रस्तावित है, का निरीक्षण कर सकेगा और पैदावार को सत्यापित करेगा।
- III. वन परिक्षेत्र अधिकारी, भूस्वामी को प्राईवेट भूमि से अभिप्राप्त वन उपज के ब्यौरे देते हुए पत्र जारी करेगा।
- IV. भूस्वामी इस पत्र को सत्यापित की गई वन उपज के परिवहन के दौरान साथ ले जाएगा।

आदेश द्वारा,

तरुण कपूर
अतिरिक्त मुख्य सचिव (वन)
हिमाचल प्रदेश सरकार।

पृष्ठांकन संख्या: एफएफई-बी-ए(3)-4/2016 तारीख शिमला-02 20 अप्रैल, 2017
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्रवाई हेतु:-

1. समस्त अतिरिक्त मुख्य सचिव/प्रधान सचिव/सचिव, हिमाचल प्रदेश सरकार।
2. विशेष सचिव (सामान्य प्रशासन) हिमाचल प्रदेश सरकार को मन्त्रीमण्डल की बैठक दिनांक 10.04.2017 की मद संख्या-10 के सन्दर्भ में।
3. उप विधि परामर्शी एवं उप सचिव (विधि-राजभाषा), हिमाचल प्रदेश सरकार।
4. प्रधान मुख्य अरण्यपाल (हॉफ), हिमाचल प्रदेश, शिमला-171001
5. प्रधान मुख्य अरण्यपाल (वन्य-प्राणी) एवं वन्य जीव संरक्षक हिमाचल प्रदेश, शिमला-171001
6. समस्त उपायुक्त, हिमाचल प्रदेश।
7. समस्त मुख्य अरण्यपाल /अरण्यपाल वन/वन मण्डलाधिकारी हिमाचल प्रदेश।
8. निजी सचिव, मुख्यमंत्री/वन मंत्री हिमाचल प्रदेश।
9. नियंत्रक, मुद्रण एवं लेखन सामग्री विभाग, हिमाचल प्रदेश, शिमला-171005 को राजपत्र, हिमाचल प्रदेश में प्रकाशन हेतु।
10. रक्षक नस्ति।


(राज पाल धीमान) 20-4-2017
संयुक्त सचिव (वन)
हिमाचल प्रदेश सरकार
दूरभाष नं०: 0177-2621874

No. Ft. 300-16/2013(P&L)Vol.-I
Himachal Pradesh Forest Department

From:

Pr. Chief Conservator of Forests (HoFF)
Himachal Pradesh Shimla-171001

To:

(Subhash Chandra),
Dy. Inspector General of Forests
(Forest Policy) Govt. of India,
Ministry of Environment, Forests and
Climate Change 6th Floor, Vayu wing
Indira Paryavaran Bhawan Jor Bagh
Road, Aliganj.

Dated Shimla-1 the

22 SEP 2016

Subject:

Guidelines for Felling Transit Regulations for Tree Species Grown on Non-Forest/Private Lands.

Sir,

Kindly refer to your letter No. F.No. 8-14/2004-FP (Vol.II) dated 18-11-2014, on the subject cited above.

2. In Himachal Pradesh "Felling and Transit" for tree species grown on non-forest/private land are being regulated in the light of HP Land Preservation Act-1978, HP Forest Produce Transit (Land Routes) Rules 1978 and subsequent amendments. The copy of the Acts, Rules and amendments are enclosed. The Comments on the guidelines are given as under:-

Sr. No.	Guidelines	Comments
1.	Preferred Tree and bamboo species under Agro- Forestry by farmer and not naturally available in neighboring forests are to be invariably exempted from the transit permit and felling rules	
	i) As the regulatory mechanism is not uniform across various States/UTs, there is a need for a simple uniform mechanism/procedure to regulate the transit rules of forest produce within the State, and also across various States. An indicative list (List-A), which is not exhaustive, is enclosed. The State/UT Governments may include other such species as required, based on their own local conditions.	ii) In the state of HP the 7 tree species, Popular, Eucalyptus, Albizia, Bahunia, Willow, Mulberry and Bamboo which are grown on private lands have already exempted from the purview of LPA 1978 and HP Forest Produce Transit (Land Routes) Rules 1978. (Copy enclosed)
	ii) There should not be any requirement of permission for felling of trees and transit permits in case of important timber species like Teak (<i>Tectona grandis</i>), Shisham (<i>Dalbergia sissoo</i>), Padauk (<i>Pterocarpus dalbergioides</i>) and Pines etc. in the States and Union Territories where these species are not found in natural forests, but farmers and private land owners raise plantations of such species. These species should be included in List A by all such States and Union Territories.	

	<p>which have no natural forests/ forest plantations of these species. Similar exemptions should be applicable in those districts of a State where there are no natural forests of such species.</p>	
	<p>iii) The Revenue and other State Acts/ Regulations/ Rules which inhibit tree felling and free movement of timber within and across the States also need to be suitably amended and liberalized by the concerned States.</p>	<p>ii) Unrestricted felling and movement of timber extracted from the above mentioned seven species which are grown on private lands has already been exempted from the purview of LPA 1978 and HP Forest produce transit (Land Routes) Rules 1978. and there is no scope to declare other tree species from the purview of above Act,/ Rules.</p>
	<p>iv) In respect of preferred trees spp. grown on private lands in urban / metropolitan areas, the respective Tree Preservation Act(s), wherever applicable, will continue to apply. But the State/ UT Governments should see that the provisions of such Act(s) do not discourage private efforts in tree planting.</p>	<p>iv) The existing regulations in the State in respect of protected species like Ban are already flexible and there is no restriction to lop trees to meet their domestic requirement of fuel and fodder freely. In urban/municipal areas of H.P. the felling of trees is regulated under HP Municipal Corporation Act 1994. (Copy enclosed)</p>
2.	<p>Preferred Tree and bamboo species in areas where they are found in the neighboring forests may be brought under the limited restrictive provisions for felling and transit to safeguard trees from such forests.</p>	
	<p>i) The concerned Gram Sabha or equivalent institution at the village level, may be authorized to regulate felling and transit of trees/timber grown under agro-farm forestry on private or community lands, by whatever name called, in the village in respect of such species. A Special/ Standing Committee of Gram Sabha or the Joint Forest Management Committee or other such Committees by whatever name called (as the case may be) to be constituted for the purpose, which may authorize at least two office bearers to certify the origin of timber from trees felled in private non-forest lands for utilization of timber/such produce within the District. This may accordingly be recognized under the existing transit rules of the State.</p>	<p>i) As regards provision to authorise Gram Sabha for initiation at the village level to regulated felling grown on private land is concerned it is informed that felling of trees grown on private lands except 7 species is being regulated under 10 year felling programme. The suitable amendment had already been made in the transit rules, whereby the agriculturists/ growers of NTFP can get themselves registered with forest department and can get the export permit at nominal rates once it is certified that produce is being taken out from the private land.</p>
	<p>ii) The Forest Department should issue permits based on the certificate of origin issued by authorized representative of such Committees of Gram Sabha/ JFMC or other such committees for movement across Districts or States. The Forest Department should also initially aide the committee in technical matters and maintain an oversight mechanism. An indicative list (List-B), which is not exhaustive, is enclosed for this purpose. The State/UT Governments may include other such species as required, based on their own</p>	<p>(ii to iv) There seems no justification to authorize Gram Sabha for regulating the felling of trees grown on private lands.</p>

A	local conditions	
	iii) In respect of trees grown on non forest lands/private lands in urban/peri-urban areas, the permission for felling of trees will be issued by concerned DFO/ Tree Officer or any/ such other Authorised Officer as per the provisions of relevant Act(s) and/or Rules. However, the process needs to be simplified and well publicized to encourage private initiative in greening of cities and surrounding areas.	
	iv) In respect of preferred trees spp. grown on private lands in urban / metropolitan areas, the respective Tree Preservation Act(s), wherever applicable, will continue to apply. But the State/ UT Governments should see that the provisions of such Act(s) do not discourage private efforts in tree planting	
3.	The permission for felling and transit wherever required may be given in a time bound manner and this provision should be well publicized.	
	i) The permission involving the forest officials should be disposed of through transparent and time bound process. Such measures need to be continuously reviewed.	i&ii) The permissions involving the forest officials are being disposed off at an earliest possible time and the process is carried out in a transparent manner.
	(ii) Reviewing and streamlining the Transit Pass system in light of above recommendations is necessary to balance the need for reducing discretion and complexity, at the same time in maintaining the utility of the document which will be an important link in the chain of custody process. Use of Information Technology should be encouraged in streamlining the process and making it more authentic and verifiable.	
4.	Facilitation of Interstate movement and setting up of regional coordination mechanism	
	(i) Inter-state movement of timber derived from agro forestry plantations or trees from non forest lands/private lands needs to be facilitated for benefitting tree growers to get best market price. Felling and transit permits may not be required for exempted species (List A) grown on non forest/private/ farm lands and logs/ timber/ pulpwood of these species, so that the same can be transported within and across all States and Union Territories without any timber transit permits. This will help growers to get not only the, best possible price for timber produced by them without any difficulty but also develop our full potential of agroforestry.	(i to iii) At present timber of seven species derived from agro forestry plantations are exempted for felling permission and transit permit and trees growers are not facing any problem for transportation of these species across the State. However, uniformly adopted national transit permit system on electronic format will certainly help in checking the illegal transportation of timber and will facilitate the removal of timber from agro forestry plantations.
	ii) The mechanism of lieu TP or other similar arrangements may be simplified by the Regional	

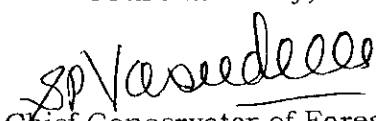
<p>Coordination Committee of the States concerned, which should meet at regular intervals to facilitate inter-state movement and resolve issues, if any. The produce/ timber obtained from non forest lands/private lands, which is to be transported from a State to other States may be covered under an appropriate mechanism through mutual consultation such as Nationally Valid Permit for such consignments. A database should be maintained by the agencies which are issuing such permits as well as by those who are finally receiving it in the respective state.</p>	
<p>iii) There is an urgent need to move towards one simple and uniform nationally adopted transit permit system on electronic format. Regional Offices of the Ministry should facilitate such coordination among the States/ UTs within their jurisdiction</p>	
<p>5. Recording of Agro-forestry plantations:</p>	
<p>i) There is no mechanism for recording of tree plantations outside forests. Transparent and simple methodology for maintenance of records of tree plantation on private land needs to be worked out by the state government or through its authorized agencies. This is important for creating and maintaining a dynamic resource inventory. Such records will help in decentralizing issuing of transit permits and facilitate harvesting of trees planted subsequently at village level. Information Technology should be used for creation of registers/database and regular updating at the time of verification of felling requests and replanting. Registration of plantations should also be encouraged. Such database should be linked to existing forest and revenue recording system of the respective states. Online submission of tree plantation form to a designated nodal office, preferably at the district/division level, may be tried to create plantation database</p>	<p>(i&ii) At present there is no mechanism for recording of trees plantation outside forests except those plantation which were carried out by forests department under various scheme of tree plantation on private land. Some plantations might have been existing in the record of revenue department, but there is certainly a need to prepare a data base of the tree plantations outside the forests. Such record should be maintained in the departmental portal through online submission of plantation record by field offices. This record could be updated at the time of felling and at the time of transit of timber. However it would be possible only if it is made mandatory for land owners growing trees on their private land to get registered with department.</p>
<p>(ii) Maintenance of Records: All the records in respect of planting of trees, felling and transit of timber may be placed on website or other such computerized public record system including revenue and forest records.</p>	<p>However it is pointed out that Forest Survey of India carry out assessment of forest cover along with tree plantation done in outside of the forest area in every two year. As per Forest Survey of India Report 2015 there is total growing stock of 21million cum available in the private land of Himachal Pradesh.</p>

6.	Preparing Manuals on Agroforestry in local and official languages of the States for public awareness.	
	i) Manuals/brochures on growing preferred tree species along-with relevant information on procedure for harvesting, transporting and marketing in simple local language may be prepared and made available to farmers/peoples in meeting such as Gram Sabha meetings, and also through website.	i) Publication of manual / brochure for agro forests species is being done through Publicity Division of this department.
	ii) The State Forest Departments should bring out a list of all the trees exempted from the requirements of felling and transit permission in the concerned State at the beginning of planting season for public information and publicize it through appropriate media. This should have the concurrence of the MoEF especially to confirm that such species are not threatened or come under the threatened list of any national statute including, Wildlife Protection Act, National Biodiversity Act or EXIM policy or under any International Convention or Treaty such as CITES, ITTO etc	ii) The list of exempted species has already been updated by the department but the concurrence of . In the State of H.P. seven species have been exempted from the purview of H.P. Forest Produce Transit Land (Routes) Rules 1978 and LPA, 1978. As regards threatened or come under threatened list, field CF's have been requested to give their comments.
7.	OTHER MEASURES:	
	i) State/Union Territories Governments are encouraged to have more simplified procedures than suggested above to further encourage people to take up farm/agroforestry and send a copy of rules/norms applicable within their jurisdiction, particularly after the simplification.	i) HP Forest Department had already simplified the procedure for above mentioned seven tree species which are commonly grown on private land.
	ii) State/Union Territories Governments must give effective publicity to the simplified procedures felling of trees and transit of forest produce thereof in vernacular / local languages.	ii) The HP Forest Produce Transit (Land Routes) Rules 1978 and HP LPA Act 1978 and amendments made therein have already been uploaded in the department's website.
	iii) State/Union Territories Governments should facilitate felling and marketing of Teak, Shisham and other valuable timber species trees grown on the private lands of poorer sections of society including scheduled tribes and scheduled castes and encourage them to plant more Teak and other such valuable species which they will be permitted to fell and market the produce without difficulty.	iii) Tree species like Shisham (Dalbergia sissoo), Teak (Tectona grandis) are not found in private lands of the State.
	iv) State/Union Territories Governments should strengthen technical extension services for promoting Agroforestry plantations by using powerful electronics media such as television and radio as is the case for agricultural crops.	iv) This is being done through Publicity Wing of the department.
	v) State/Union Territories Governments should make appropriate rules or norms for registration of nurseries and certification of seed and seedlings and clonal planting stock so that farmers get best quality planting stock of tree species to be planted	v) At present there is no rule and norm for certification of seeds seedling and clonal planting stock and registration of nurseries in the state but the farmers get good quality nursery stock

	in their private lands/non forest lands.	of their choice from the existing nurseries of the department raised from the seeds collected from seed stands.
	vi)The forest officers should reach out to persons and provide technical guidance in tree planting and maintenance through suitable extension programmes including creation and strengthening of Van Vigyan Kendras	vi) Suitable training is being imparted to Forest Guards from time to time who act as resource person to provide appropriate technical guidance to the farmer/ grower.
	<p>vii)States/UTs should take initiatives in Research, Development and Extension and Education with involvement of Indian Council of Forestry Research & Education (ICFRE) and other Central and State Forestry Research Institutions in following areas:</p> <p>(a) Preparation/refinement of volume tables for preferred tree species both in irrigated/ non irrigated plantations for different biogeographic regions.</p> <p>(b) Preparation of suitable Agroforestry models appropriate to various biogeographic regions with forecasting of yield(s) of various preferred species at harvestable period and likely income prospects from such planting models including study of carbon sequestration potential.</p> <p>(c) Assisting persons/farmers in raising quality planting material and standardizing nursery stock,</p> <p>(d) Coordinate to create viable partnerships with landowners/farmers/tree growers, wood based industries and financial institutions for expansion of trees outside forest areas/forest land. For providing good prices for privately grown timber under Agroforestry/ farm forestry it is necessary to promote Wood based Industries which primarily depend on such produce and these Wood based industries should be encouraged to tie up with the farmers for growing of raw materials and have a medium to long term forecast of their demand,</p> <p>(e) Setting up of modern timber markets or upgrade existing timber markets in selected</p>	<p>a) Refinement and preparation of volume table needs to be taken up at the level of Working Plan Officers wherever working plan are under preparation and in other divisions respective DFOs should take up this works under the guidance of APCCF(WP).</p> <p>b) Appropriate agro forestry models can be prepared with the input from HPFRI- Shimla and some Agro-forestry model for H.P. State are developed by Y.S Parmer university Nauni, Shimla.</p> <p>c) This can be done with suitable training to Forest Guard.</p> <p>d) Private land holdings in the State are not big enough to sustain any new wood based industry. Some of these land holding have access to nearby timber market located in Yamuna Nagar Haryana where they get fairly good price for their privately grown timber.</p> <p>e) There are five timber markets or depots in the State and are under the</p>

<p>important towns to facilitate transparent timber trade so that farmers get competitive prices for the farm grown timber.</p> <p>(f) Promote plantations of high value trees and other plants such as Teak, Red Sanders, Sandalwood, Shisham, Agarwood, etc. and plants of high medicinal values with active involvement of people especially local communities for creating better livelihood opportunities, income generation and helping in conservation of such species and keeping in mind national and international laws in place. A robust registration mechanism should be put in place for such high values tree species to conform to national and international laws and norms,</p> <p>g) Suitable incentives for promoting tree planting may be considered.</p>	<p>control of HP State Forest Development Corporation from where farmers sell their timber of nationalized species for getting competitive price.</p> <p>(f & g) Necessary efforts to encourage people to plant valuable trees spp. and medicinal plants species which are suitable to the climate condition of the locality are being taken .</p>
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Yours faithfully,


Pr. Chief Conservator of Forests (HoFF)
Himachal Pradesh Shimla-171001

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 subsection (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 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, 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 in force 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.

(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, be general or special order, allow the cutting or removal of any trees or class of trees subject to such condition as it may deem fit to impose, wherever it is expedient to do so in the public interest i.e. for the purpose of;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE

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

5.	Shimla	No. 15-4/71-SF 6 th February, 1979	1. Shimla (Urban) 2. Shimla (Rural) 3. Suni 4. Theog 5. Kumarsain 6. Rampur 7. Chopal 8. Kotkhai 9. Jubbal 10. Rohru 11. Chirgaon 12. DodraKawar	Whole of private areas in these Tehsils.
6.	Hamirpur	No. 15-4/71-SF 6 th February, 1979	1. Hamirpur 2. Barsar 3. Nadaun 4. Bhoranj 5. Sujampur 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 proviso 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 Empowèred 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 leaf 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-top (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.

हिमाचल प्रदेश सरकार
वन रीती एवं संरक्षण विभाग

संख्या एफ.टी.एस. १९३-३-१/७७-भाग-३ तारीख शिमला-२, १३ जनवरी, १९७९

अधिसूचना

भारत के राष्ट्रपति भारतीय वन अधिनियम, १९२७

१९२७ का १६ की धारा ४१ और ४२ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजपत्र, हिमाचल प्रदेश अधिसूचना संख्या एफ.टी.एस. १९३-३-१/७७ तारीख २०.११.७८ द्वारा जारी हिमाचल प्रदेश फॉरेस्ट प्रोड्यूस ड्रांजिट रूलंड रूल्स नियम, १९७८ में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

संश्लेषित नाम

१. इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश फॉरेस्ट प्रोड्यूस ड्रांजिट रूलंड रूल्स संशोधन नियम, १९७८ है।

नियम ११ का संशोधन

२. हिमाचल प्रदेश फॉरेस्ट प्रोड्यूस रूलंड रूल्स नियम, १९७८ के नियम ११ के उप नियम ११ में शब्दों "except Kuth" के पश्चात् परन्तु शब्दों "By-land" से पहले शब्द और चिन्ह "or forest produce obtained from Poplar, Albizzia, Willow, Dahunia, Eucalyptus, and Mulbury" अतः स्थापित किए जाएंगे।

आदेश द्वारा

पी.टी.वाड.दी. वित्तीय एवं सचिव वन हिमाचल प्रदेश सरकार

संख्या एफ.टी.एस. १९३-३-१/७७-भाग-३ तारीख शिमला-२, १३ जनवरी, १९७९
प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु भेजित :-

१. प्रधान मुख्य अरण्याल, हिमाचल प्रदेश, शिमला-१७१००१ को ५० अतिरिक्त प्रतियां सहित।
२. उप-नियंत्रक, सुदण व प्रकाशन, हिमाचल प्रदेश को राजपत्र अधिसूचना में प्रकाशन हेतु।
३. समस्त जिला अधिशाही हिमाचल प्रदेश।
४. प्रबन्ध निदेशक, हि.प्र.ओ शिमला-१७१००१।
५. सहायक विधायी प्रारूपकार (हिन्दी), हि.प्र.ओ सचिवालय, शिमला-२।
६. ५० अतिरिक्त प्रतियां।
७. गार्ड फाइल।

११/०१/७९
उप सचिव वन
हिमाचल प्रदेश सरकार

Exempt Species

Authoritative English text of this Department Notification No. FFE-BA(3)-4/99-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-BA(3)-4/99- 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 1968) the Governor, Himachal Pradesh is pleased to amend this Department Order No. FFE-BA(3)-4/99-dated 10th September, 2002 published in the Himachal Pradesh Rajpatra (Extraordinary) 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 Poplar, Eucalyptus, Albizzia, Bahunia, Willow and Mulberry;" and

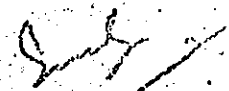
(ii) In the existing first proviso of the said order after the word "provided" before the word "that" the word "further" shall be inserted

By order
Principal Secy (Fts) to the
Govt. of Himachal Pradesh.

Endst. No. As above Dated Shimla-2 the 29th April, 2003.

Copy forwarded for favour of information and necessary action to:-

1. The Private Secretary to His excellency, Governor, H.P. SHIMLA-2.
2. The Pr. CCF, H.P. Shimla-2.
3. The Pr. CCF(WL), H.P. SHIMLA-1.
4. The M.D. HESFC Kasumpti, SHIMLA-9.
5. ~~Pr.~~ All the CCF's/CF's in H.P.
6. All the Deputy Commissioners in H.P.
7. All the Divisional Forest Officers in H.P.
8. All the Sub-Divisional Officers (Civil) in H.P.
9. The P.S. to the Hon'ble Chief Minister, /Forest Minister, H.P. SHIMLA-2.
10. The Deputy Secretary/Under Secy. (Law) to the Govt. of H.P. Shimla-2.
11. The Controller, Printing and Stationary Deptt. H.P. Govt. Shimla-5 for publication in the Raj-patra (Extra ordinary). He is requested to supply 10 copies of the same to this Department.
12. The Director, Information and Public Relations, H.P. Shimla-2.
13. The Section Officer (Fts A) H.P. Sectt. SHIMLA-2.
14. Guard file.


 Joint Secretary (Fts) to t
 Govt. of Himachal Pradesh.

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3/2/11

(Authoritative English text of this Department Notification No.FFE-B-F(1)/2010-II dated 3/2/11 under clause (3) of article 348 of the Constitution of India)

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS.

NO.FFE-B-F(1)/2010-II Dated: Shimla -2. the 3/2/11

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 notified vide this Department notification No Fis(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:-

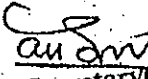
" Provided further that the owners shall be free to fell bamboos in accordance with the three years felling program to be notified by the Divisional forest Officer every year".

By order,

Sudripto Roy
Principal Secretary (forests)
to the Govt. of Himachal Pradesh

- Endst. No. As above dated Shimla -2. the
Copy forwarded to the following for information and necessary action:-
- 1. The Private Secretary to His Excellency Governor HP Shimla-2
 - 2. The Principal CCF, H.P. Shimla-2
 - 3. The Pr. CCF (WL) H.P.

4. The M.D.HPSDFC Kasumpti Shimla-9.
5. All the CCF's /CF's in HP.
6 All the Deputy Commissioners In H.P.
7 All the Divisional Forest Officers In HP.
8 All the Sub Divisional Officers (Civil) H.P.
9 The P.S. to the Hon'ble Chief Minister.H.P.
10. The Deputy Secretary/Under Secy.(Law) to the Govt.of HP Shimla -2
11 The Controller ,Printing and Stationary Deptt. HP Govt. Shimla-5 for publication in the
Kaj-patra (Extra-ordinary). He is requested to supply 10 copies of the same to this Department.
12. The Director ,Information and Public Relations. HP Shimla-2
13. The Section Officer (Fts-A) H.P. Sectt. Shimla-2
14. Guard File.


Deputy Secretary (Fts) to the
Govt. of Himachal Pradesh

Encl-1
171

Authoritative English text of this Department Notification Number _____
dated _____ as required under clause (3) of Article 348 of the constitution of
India).

**Government of Himachal Pradesh
Department of Forests**

Dated Shimla-2

No. Fts. B (F) 13-49/98-Loose

NOTIFICATION

In exercise of the powers conferred by section 41 read with section 42 of the Indian Forest Act, 1927 (16 of 1927), the Governor, Himachal Pradesh makes the following rules further to amend the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 published in Rajpatra, Himachal Pradesh (Extra Ordinary) dated the 5th March, 1979 vide this Department Notification No. Fts, (A) 3-1/77 dated 20th November, 1978, namely:-

**Short title and
Commencement.**

- 1 (1) These rules may be called the Himachal Pradesh Forest Produce Transit (Land Routes) Amendment Rules, 2013.

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

Amendment of rule-5.

- 2 In rule 5 of the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 (hereinafter called the "said rules"), after the words "medicinal plants" but before the words "and seeds", the sign and words, "**grass, other plant parts including bark, leaves, stem, roots, flowers, fruits, cones**" shall be inserted.

Amendment of rule-6.

- 3 In rule 6 of the said rules; after the word "medicinal plants" but before the words "and seeds", the sign and words, **grass, other plant parts including bark, leaves, stem, roots, flowers, fruits, cones**" shall be inserted.

Amendment of rule-9.

- 4 In the rule 9 of the said of the rules, for the figures Rs. 5/- and Rs.10/- the figures Rs.500/- and Rs.1000/- respectively shall be substituted.

Amendment of rule-10.

- 5 In rule 10 of the said rules, after the word "medicinal plants," but before the word "and seeds", the sign and words, **grass, other plant parts including bark, leaves, stem, roots, flowers, fruits, cones**" shall be inserted.

Amendment of rule-11.

- 6 In the rule 11 of the said rules,
(a) For sub rule (1) the following shall be substituted, namely :-

(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.

(b) For sub rule (3) the following shall be substituted, namely :-

“(3) No person shall transport or cause to be transported any timber except firewood, pulpwood , bamboo *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.”

(c) For sub rule (5) of the said rules, following shall be substituted, namely:-

“(5) The issuing authority shall also determine the other conditions subject to which the pass shall be issued and shall also 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 permit/pass fee in case of forest produce obtained from species listed in Schedule-II of annexure D shall be as specified therein:

Provided that permit/pass fee in respect of forest produce obtained from species, including that listed in Schedule-II of Annexure D, cultivated on private land in accordance with provisions contained in schedule III 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/pass fee shall be levied in accordance with procedure detailed in Annexure-E”.

Ammendment of Annexure D. 7 For “Annexure D” appended to the said rule, the following shall be substituted, namely:-

"Annexure D"
Schedule-I
[See rule 11 (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	<i>Dendrocalamus strictus/ Dendrocalamus hamiltonii/ Bambusa nutans/ B. bamboos</i>	Bamboo culms/ Lathi bans/ Maggar/ Dharainch/ Bans
2	<i>Saussurea costus (=S. lappa)*</i>	Kuth
3	<i>Bunium persicum</i>	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 on 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 11 (5)

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>	Back/ Bare/ Ghor. bach	Rhizomes	150
7	<i>Adhatoda zeylanica</i> /A.vasica.	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	125
15	<i>Arctium lappa</i>	Jangli Kuth	Roots	200
16	<i>Arnebia euchroma/</i> <i>A.benthami</i>	Ratanjot	Roots	125
17	<i>Artemisia brevifolia</i>	Seski	Flowering shoots	200
18	<i>Asparagus adscendens</i>	Shatavari/ Sanspai/Safed	Root tubers	125
19	<i>Atropa acuminata</i>	Musali	Leaves	200
20	<i>Berberis spp</i>	Belladona/ Jharka	Roots/ Stems	150
21	<i>Bergenia ciliata/</i> <i>B.stracheyi</i>	Kashmal/ Daruhaldi	Roots	500
22	<i>Betula utilis</i>	Pasahnbed/ Patharchat	Bark	200
23	<i>Bunium persicum</i>	Bhoj Pattar /Birch pine.	Dry cone	2,000
24	<i>Carum carvi</i>	Kala Zira	Fruits	1,000
25	<i>Cedrus deodara</i>	Shingu Zira	Fruits	150
26	<i>Cinnamomum tamala</i>	Deodar Rosette	Dry Cone part	500
27	<i>Colebrookia oppositifolia</i>	Tejpatra	Leaves	125
28	<i>Coleus aromaticus</i>	Bindi Phool	Leaves/ Roots	30
29	<i>Curcuma angustifolia</i>	Pathan Bail	Leaves, seeds	150
30	<i>Dactylorhiza hatageria</i>	Ban Haldi	Rhizomes	6,000
31	<i>Dioscorea deltoidea</i>	Salam Panja/ Hath Panja	Root tubers	900
32	<i>Embllica officinalis</i>	Singli Mingli/ Kins	Roots	150
33	<i>Ephedra gererdiana</i>	Amla	Fruits	200
34	<i>Fritillaria roylei</i>	Somlata	Twigs	10,000
35	<i>Geranium nepalense</i>	Ban Lehsun'/ Mushtanda	Bulb	125
36	<i>Girardiana diversifolia</i>	Laljari/ Raktjari	Roots	150
37	<i>Hedychium acuminatum</i>	Bichhu Buti	Roots	100
38	<i>Heracleum spp</i> (<i>H. candicans</i> ; <i>H.</i> <i>lanatum</i>)	Kapur Kachri/ Kachur/ Van Haldi	Roots	100
39	<i>Hyocymus niger</i>	Patishan/ Patralla	Roots	150
40	<i>Hypericum patulum/</i> <i>H.perforatum</i>	Khurasani Ajwain	Seeds/ Leaves	250
41	<i>Hyssopus officinalis</i>	Khaarera/ Basant	Whole Plant	500
42	<i>Iris germanica</i>	Juffa	Flowering Twigs	125
43	<i>Juglans regia</i>	Safed Bach	Rhizomes	1000
		Akhrot/ Khod	Bark	

44	<i>Juniperus communis</i>	Hauber	Berries	250
45	<i>Juniperus recurva</i> / <i>J. macrospoda</i>	Bether Patta	Leaves	150
46	<i>Jurinea macrocephala</i> = <i>J. dolomoea</i>	Dhoop/ Guggal dhoop	Roots	500
47	Lichens	Chalora/ Chharila/ Jhula/ Mehndi/ Stone flower	Thallus	500
48	<i>Mentha longifolia</i>	Jangli Pudina	Leaves	25
49	<i>Morchella esculenta</i>	Guchhi/ Cheun	Fruitir	
50	Mosses	Green Moss Ghas	Thallus	
51	<i>Murraya koenigii</i>	Mitthi Nim	Leaves	
52	<i>Myrica esculenta</i>	Kaphal	Bark	
53	<i>Nardostachys grandiflora</i>	Jatamansi	Roots	
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	1000
			Dry needles	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> = <i>P. emodi</i>	Bankakri	Fruits*	250
			Roots	450
63	<i>Polygonatum spp.</i>	Salam Mishri/ Meda/ Mahameda	Rhizomes	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/ Seeds	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> = <i>R. emodi</i> / <i>R. specifforme</i>)	Revandchini	Roots	200
70	<i>Rhododendron anthopogon</i>	Talis patra	Leaves	125
71	<i>Rhododendron arboreum</i>	Brash/ Burah	Flowers	150
72	<i>Rhododendron 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> / <i>S. lappa</i>	Kuth	Roots	300
76	<i>Selinum spp.</i> (<i>S. vaginatum</i> / <i>S. tenuifolium</i>)	Bhutkesi	Roots	400
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 ciliata/Cedrela toona</i>	Bari phool	Dried fruits	125
86	<i>Trillidium govanianum</i>	Nag Chhatri	Roots/ Rhizomes	8000
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 medicinal plants not listed above			100

Schedule III
[see Rule 11 (5)]

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 **Annexure-D(1)**, 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 **Annexure-D(2)**, 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:

5. 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.
6. 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 DFO.
7. The grower shall get the khasra-wise land details bearing medicinal plant cultivation entered in the revenue records for the year.
8. The 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.
9. The grower shall inform the RFO through the local Forest Guard about (i) the time of harvest at least one month in advance, and (ii) immediately after harvesting.

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10. The grower shall make the necessary records pertaining to the medicinal plant cultivation on his/ her land available to the RFO or his representative to facilitate verification of cultivation.

C. Transportation of Produce Obtained from Cultivated Sources:

11. The grower or his authorized person shall transport the material after obtaining necessary transit pass under these Rules from the DFO.
12. Other regulations to transport the cultivated produce shall be as per the provisions of these rules.

D. Penalty, etc. for Violation of Provisions:

13. 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.

(Authoritative English Text of this Department Notification No. FFE-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-171 002, the

26-11-2013.

In exercise of the powers conferred under sections 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;

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 (XVI of 1927);
- (b) 'section' means a section of the said Act;
- (c) 'Division' means an executive 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, fruits, 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 issue 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 rule 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, bamboo 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 route 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. Nanakpur-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. Kheri on Kheri Road 9. Rampur 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)	<ol style="list-style-type: none">1. Kandwal2. Bhadroya on Bhadroya (Lodhwan) Kandwal road3. 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 Pul No. RD 7910.8. Dhangupeer.9. Ulehrian Chowk.10. Nakki Chowk on Jammu-Kangra Road.11. Mirthal Road Kathgarh.
7.	UNA	<ol style="list-style-type: none">1. Mahatpur2. Gagret3. Marwari4. Pandoga5. Ajouli.6. Polian.7. Gondpur Jaichand.8. Busdehra.9. Bhatoli.10. Bathu.11. Santokhgarh.12. 10.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	<ol style="list-style-type: none">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 vehicles, 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.

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(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 also 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", cultivated on private land in accordance with provisions contained in Schedule III of Annexure-'D' shall be Rs. 100/-:

Provided further that in respect of medicinal plants as included in Schedule-II of Annexure-'D', purposed 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 same 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.

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 to 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 Officer 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. **Possibility 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 to 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.

AUTHORITATIVE ENGLISH TEXT
**THE HIMACHAL PRADESH MUNICIPAL CORPORATION ACT,
1994**

ARRANGEMENT OF SECTIONS

Sections:

**CHAPTER-I
PRELIMINARY**

1. Short title, extent and commencement.
2. Definitions.
3. Declaration of municipal area as Corporation

**CHAPTER - II
CONSTITUTION OF CORPORATION**

4. Incorporation and constitution of Corporation.
5. Duration of Corporation.
6. Delimitation of wards.
7. Qualification for Councillors.
8. Disqualifications of Councillors.
9. Election to the Corporation.
10. Reservation of seats of Councillors.
11. Right to vote.
12. Filling of casual vacancies.
13. Publication of results of elections.
- 13-A. Account of election expenses and maximum thereof.
- 13-B. Lodging of accounts.
14. Election petitions.
15. Relief that may be claimed by the petitioner.
16. Grounds for declaring election to be void.
17. Procedure to be followed by the prescribed authority.
18. Decision of prescribed authority.
19. Procedure in case of equality of votes.
20. Finality of decision.
21. Corrupt practice.
22. Maintenance of secrecy of voting.

scheme, (hereinafter in this Act referred to as the rehousing scheme,) for the construction, maintenance and management of such and so many buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the improvement scheme.

337. Improvement scheme and rehousing scheme to comply with master plan and zonal development plan.- No improvement scheme or rehousing scheme framed under this chapter after development plan for the municipal area or a zonal development plan for any part thereof has been prepared in accordance with law shall be valid unless such scheme is in conformity with the provisions of the development plan or the zonal development plan.

338. Provisions of housing accommodation for the economically weaker sections.- If the corporation, upon consideration of report from the commissioner or any other information is satisfied that it is expedient to provide housing accommodation for the economically weaker sections in any area and that such accommodation can be provided without making an improvement scheme, the Corporation shall cause that area to be defined on a plan and pass a resolution authorising the Commissioner to provide such accommodation -

- (a) by the erection of buildings or by attachment of land belonging to the Corporation or of land acquired by the corporation for the purpose;
- (b) by the conversion of any buildings belonging to the corporation into dwellings for the economically weaker sections.

CHAPTER-XX

REGULATION OF FELLING AND PLANTING TREES

339. Prohibiting felling, cutting, damaging, destroying any tree in any urban area.- No person shall cut, damage, destroy, fell or remove any tree of the prescribed class, whether included in a private holding or not, within the jurisdiction of the Municipal Corporation, except with prior permission obtained from the State Government under the provisions made in this Chapter or any rules made thereunder.

Explanation. - For the purpose of this section the expression "damage" in relation to a tree shall include,-

- (a) girdling, drilling of holes, boring and use of poisonous substance;
- (b) cutting and exposure of roots or making a tree dangerous;
- (c) setting fire to a tree or its branches;
- (d) debarking or stripping of the bark;

- (e) extraction of resin and gum ;
- (f) lopping of branches ;
- (g) extraction and removal of torchwood ;
- (h) damage to trees by throwing debris or stones ;

but such damage shall not include the damage which is caused-

- (1) by the bonafide exercise of the rights of the right holders of the area ;
- (2) by lopping of branches of trees which are grown mainly for fodder, horticultural or ornamental purposes.

340. Constitution of Tree Authority.- (1) The State Government shall by notification, constitute the Tree Authority consisting of the following :-

- (i) the Mayor of the Municipal Corporation ;
 - (ii) the Commissioner ;
 - (iii) the Divisional Forest Officer having jurisdiction over the city ;
 - (iv) the District Horticulture Officer having jurisdiction over the city; and
 - (v) one Councillor to be nominated by the Mayor.
- (2) The Mayor shall be the Chairman of the Tree Authority.

341. Meeting of Tree Authority.- (1) The Tree Authority shall meet at least once in two months at such place and time as the chairman may decide.

(2) The quorum to constitute a meeting of the Tree Authority shall be one half of the total number of its members.

342. Duties of Tree Authority.- Notwithstanding anything in the Act, the Tree Authority shall subject to any general or special order of the state Government be responsible for -

- (a) the preservation of all trees within its jurisdiction ;
- (b) obtaining declaration from all owners or occupants about the number of trees in their lands ;
- (c) specifying the standards regarding the number and kind of trees in each locality, type of land and premises shall have ;
- (d) assisting private and public institutions connected with planting and preservation of trees ; and

- (e) undertaking such schemes or measures as may be directed from time to time for achieving the objectives of these provisions.

343. Appointment of Tree Officer.- The State Government shall appoint one or more Forest Officers not below the rank of an Assistant Conservator of Forests as Tree Officer for the territorial limits of a Municipal Corporation. Every Tree Officer shall exercise jurisdiction over the whole or such part of the areas of the Municipal Corporation as the State Government may from time to time determine.

344. Application for permission for cutting/felling or removal of a tree.- (1) Any person intending to cut, fell or remove a tree within the territorial jurisdiction of the corporation shall make an application to the Tree Officer, in such form and containing such particulars and accompanied by such documents as may be prescribed.

(2) Such application shall be accompanied by such fee as may be prescribed.

345. Permission for felling of tree.- (1) On receipt of application from any person to fell any standing tree or to cut, lop, remove or otherwise dispose of a fallen tree, the Tree Authority shall, after making such inquiry as it may think fit, and with prior approval of the Government either permit in whole or in part or refuse the permission applied for :

Provided that no such permission shall be refused if the tree -

- (i) is dead, diseased or wind-fallen; or
- (ii) constitute a danger to life or property; or
- (iii) is substantially damaged or destroyed by fire, lightning, rain or other natural causes.

(2) Where permission to fell a standing tree or to cut, remove or otherwise dispose of a fallen tree is granted, the Tree Authority may impose condition that the applicant shall plant another tree or trees of the same or other suitable species preferably on the same site within sixty days of the date on which the tree is felled or within such extended time as the Tree Authority may allow.

(3) The permission granted under this section shall be valid for a period of 180 days from the date on which the sanction is conveyed to the applicant. If the applicant fails to cut, fell, lop or remove the tree permitted to be cut, felled, lopped, or removed within the aforesaid period of 180 days, the permission granted shall lapse, unless the applicant obtains from the Commissioner an extension of time on an application for extension and payment of prescribed fee.

346. Planting of adequate number of trees.- (1) If in the opinion of the Tree Officer the number of trees in any land is not adequate according to the standards prescribed under clause (c) of section 342, the Tree Officer may, by order, after giving a reasonable opportunity to the owner or occupier of the land of being heard, require him to plant such trees or additional trees and at such places in the land as may be specified in the order.

(2) When an order is made under sub-section (1), the owner or occupier of the land shall comply with such order within thirty days from the receipt thereof or such extended time as the Tree Officer may allow.

347. Planting in place of fallen/destroyed trees.- (1) When any tree is fallen or destroyed by wind, fire, lightning, rain or such other natural causes, the Tree Officer may suo motu or on information given to him after holding such enquiry as he deems fit, by order require such owner or occupier to plant a tree or trees in place of the tree so fallen or destroyed as may be specified in the order.

(2) When an order is made under sub-section (1), the owner or occupier of the land shall comply with such order within thirty days from the receipt thereof or such extended time as the Tree Officer may allow.

348. Responsibilities for preservation of trees.- When an order is made by the Tree Officer under section 345, section 346 and section 347 subject to the provisions of section 349, it shall be the duty of owner or occupier of the land who is directed to plant a tree to see that the tree grows properly and is well preserved. It shall also be the duty of such owner or occupier to preserve all other trees existing on the land at the time of commencement of this Act within the area in which the land is situated.

349. The recovery of expenditure on failure to comply with orders for planting of trees.- Where the owner or occupier of the land fails to comply with any orders made by the Tree Officer under section 346 or section 347 or section 348, the Tree Officer may after giving a reasonable opportunity to such owner or occupier of being heard and without prejudice to any other action which may be taken against the defaulter under these provisions take the necessary action himself and recover the expenditure incurred thereon, from the owner or the occupier, as the case may be.

350. Appeals.- (1) When any decision is given or order is made under section 346, section 347 or section 348 by the Tree Officer, an appeal shall lie to the Tree Authority.

(2) The appeal shall be made within thirty days from the date the decision is communicated to or the order is received by the owner or occupier of the land.

(3) The Tree Authority shall, as far as possible, decide the appeal within ninety days from the date of its receipt after giving a reasonable opportunity to the appellant of being heard.

(4) The decision of the Tree Authority shall be final and shall not be questioned in any court of law.

351. Seizure.- When the Tree Officer has reason to believe that an offence under the provisions of this Chapter has been committed in respect of any tree he may seize the tools, ropes, chains, boats, vehicles or animals used for the commission of the said offence along with tree or part thereof which has been severed from the ground or the trunk, as the case may be.

352. Penalty.- Whoever falls or abets the falling of any tree or causes any tree to be felled in contravention of the provisions of this Chapter or any rules made thereunder without any reasonable excuse, fails to comply with any order issued or conditions imposed by the Tree Officer or any other officer subordinate to him in the discharge of their functions under the provisions of this Chapter shall on conviction be punished with imprisonment which may extend to ¹[two years] or with fine which may extend to ²[five thousand] rupees or with both.

Explanation.- For the purposes of this section a breach of the provisions of this Chapter or abetment of breach thereof in respect of cutting or destroying each tree shall be a separate offence.

353. Compounding of offences.- No offence or breach of the provisions of this Chapter shall be compounded by any authority empowered to compound without providing for forfeiture of the tree fuel, or timber along with articles seized under section 351 in favour of the concerned Municipal Corporation.

354. Operation of other laws not barred.- Nothing in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constituted an offence under these provisions or from being liable under such other law to higher punishment or penalty than that provided by these provisions or the rules made thereunder.

355. Power to make rules.- The State Government may by notification make rules to carry out the purposes of the provisions of this Chapter.

1. Subs. for the words "three months" vide Act No. 29 of 2005.
2. Subs. for the words "five hundred" vide Act No. 29 of 2005.