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(Authoritative English Text of this Department Notification No. FFE-B-A(3)4/2015, dated-03-09-2015 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) 4/2015

Dated: Shimla-2, the

03-09-2015

Notification

In exercise of the powers conferred by clause (L) of section 32 of the Indian Forest Act, 1927 (16 of 1927) the Governor, Himachal Pradesh proposes to make the following rules further to amend the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 notified vide this Department's Notification No. FFE-B-E(3)43/2006-Vol-II, dated 26-12-2013 and published in the Rajpatra, Himachal Pradesh on 28th December, 2013. The draft rules are published in the Rajpatra, Himachal Pradesh for the information of the general public;

If any interested person(s) has/have any objection(s) or suggestion(s) with regard to these rules, he may send the same to the Principal Chief Conservator of Forests (HoFF) Himachal Pradesh within a period of thirty days from the date of publication of this notification in the Rajpatra, Himachal Pradesh;

Objection(s) or suggestion(s), if any, received within the above stipulated period shall be forwarded to the Government by the Pr. Chief Conservator of Forests (HoFF), Himachal Pradesh with his recommendations/ report which shall be considered by the Government before finalizing the same, namely:-

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| Short title. | 1. These rules may be called the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Amendment rules, 2015. |
| Amendment of rule 2 | 2. In rule 2 of the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 for clause(e), (hereinafter referred as the "said rule"), the following clause shall be substituted, namely: “(e) Timber Distribution Rights means right of a Right Holder having cultivable lands, acquired only through inheritance, for grant of timber for construction, repair and addition or alteration of residential house and cow shed for bonafide domestic use of the Right Holder as recorded in the Forest Settlement Report of the area concerned: Provided that no person who have purchased land for construction of residence, cultivation or any other allied purpose settled from outside in the revenue estate shall be entitled for Timber Distribution rights;” |

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| Amendment of rule 3. | <p>3. In Rule 3 of the said rules, for clauses (ii) and (vi), the following new clauses (ii) and (vi), shall respectively be substituted namely:-</p> <p>“(ii) In case right holder has land holding which qualifies him for grant of timber at more than one place, he may be granted timber only at one place where he actually resides.</p> <p>(vi) timber shall not be granted to the Right Holders, if salvage trees for the purpose are not available in the forest where concerned right holders have Timber Distribution rights;”.</p> |
| Amendment of rule 4. | <p>4. In rule 4 of the said rules, for sub rule (2), the following sub-rule shall be substituted, namely:-</p> <p>(2) Trees shall be given from salvage (fallen, dry, standing) trees. No green standing trees shall be granted to the Right Holder.”</p> |
| Amendment in rule 5. | <p>5. In rule 5 of the said rules, in clauses (i) and (ii), for the words “fifteen years” and “five years”, the words “twenty years” and “ten years” shall respectively be substituted.</p> <p>(i) “for repair and addition or alteration - once in ten years;”.</p> |
| Substitution of rule 7. | <p>6. For rule 7 of the said rules, the following rule shall be substituted, namely:-</p> <p>7. Procedure for grant of trees. – The Right Holder may apply for grant of trees on annexure-I to the Gram Panchayat concerned after getting necessary remarks from the Patwari concerned about his land holding acquired through inheritance and rights. The concerned Gram Panchayat shall scrutinize the applications for making recommendations after ascertaining the genuineness of the requirement of the Right Holders. The recommendation shall be made in the form of a resolution of the Gram Panchayat. Thereafter, right holder shall submit his application to the Forest Guard of the area who shall enter the same in the register maintained for the purpose and shall acknowledge the receipt of the application to the Right Holder and shall send the application with his recommendations to the Block Officer after ascertaining the genuineness of demand, who in turn shall submit the application alongwith his recommendations to the Range Officer. The Range Officer shall forward the same with his recommendations to the Divisional Forest Officer. After receipt of application from the Range Officer, the Divisional Forest Officer shall take action for grant of the trees after satisfying himself about the genuineness of the</p> |

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| | requirements and availability of salvage trees in the concerned forest and intimate his decision to the Right Holder concerned as per Annexure-II appended to these rules. |
| Amendment of rule 12. | 7. In rule 12 of the said rules, after the words and sign "Thereafter, "another," the word "salvage" shall be inserted. |
| Substitution of rule 14. | 8. For rule 14 of the said rules, the following rule shall be substituted, namely:- "14 Penalties. - if any Right Holder, contravenes any of the provisions of these rules, except rule 3(ii), in utilization of timber obtained, his rights shall be suspended for next twenty years. In the case of contravention of rule 3(ii), Timber Distribution Rights of such Right Holder shall be suspended permanently. The Right Holder, in addition to the above penalty; shall also be liable to pay the cost of the tree/trees at the market rate. |

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Substitution of Annexure 1. 15. For annexure-I annexed to the said rules, the following Annexure shall be substituted namely:-

“Annexure-1

PERFORMA FOR APPLICATION FOR GRANT OF TIMBER DISTRIBUTION

(See rule 7)

(Delete whichever is not applicable)

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

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

13. Detail of TD required):

| Species | Volume in Cubic Meter | Name of forest where right exists |
|---------|-----------------------|-----------------------------------|
| | | |

- 14. I, hereby declare that:
 - (i) Trees to meet the requirement for construction, repair and addition or alteration of residential house/cow shed are not available on my land;
 - (ii) I have not sold any tree from my land under the 10 year felling programme during the last 10 years;
 - (iii) I have land holding at only one place/more than one place i.e. at _____ and at _____ and I am actually residing at _____ place.
TD already granted against may be given at _____
 - (iv) I am the original right holder and also head of the family;
 - (v) I have not purchased land after obtaining the permission of the Government under section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972;
 - (vi) I understand that rights of Right Holders are subject to the active cooperation and participation of Right Holders in forest conservancy and I shall perform my duties for apprehending forest offenders, extinguishing fire etc; and
 - (vii) I shall not misuse the Timber obtained in TD and abide by the rules/instructions of the Forest Department in this regard.

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Date _____

(Signature of applicant)
Name in block letters _____

Recommendations in the form of a Resolution of Gram Panchayat.

It is certified that Sh. _____ S/o Sh. _____ is a permanent resident of Village _____ Mauza _____ and is head of the family as per Panchayat record. The requirement of trees of the applicant is genuine and he requires _____ Cubic Meter of timber for construction, repair and addition or alteration of his residential house/cow shed. His/her application is recommended vide Resolution No. _____ dated _____ in the Gram Panchayat.

Seal & Signature of Pradhan, Gram Panchayat

Report of Patwari

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

Date: _____

Seal & Singnature of Halqua Patwari

Report of Forest Guard

- (i) The applicant has not obtained trees/timber under Timber Distribution for construction of new residential house /cow shed during last 20 years. The applicant has not obtained trees/timber under Timber Distribution for repair, addition or alteration of residential house/cow shed for the last 10 years.
- (ii) The applicant has not caused any loss/damage to forest wealth/encroached on forest land and no damage report/FIR/court case relating to any forest offence is pending against him.
- (iii) The requirement of timber is for _____
- (iv) The applicant extends full cooperation in protection of the forest.
- (v) The applicant may be sanctioned following trees

| Species | Class | Number | Volume | Forest | Salvage |
|---------|-------|--------|--------|--------|---------|
| | | | | | |

Seal & Signature of Forest Guard

Date _____

Name of Forest Guard _____ *li*

Beat _____

Report of Block Officer (Deputy Ranger)

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

| Species | Class | Number | Volume | Forest | Salvage |
|---------|-------|--------|--------|--------|---------|
| | | | | | |

Which is available as salvage in _____ Forest.

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

Seal & Signature of Block Officer

Date _____

Name _____

Block _____

Report of Range Officer:

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

| Species | Class | Number | Volume | Forest | Salvage |
|---------|-------|--------|--------|--------|---------|
| | | | | | |

Which is available as salvage in _____ Forest.

**Signature and seal
Name of Range officer**

Date: _____

Sanction by DFO

Following trees are sanctioned for construction, Repair and addition or alteration of residential house/cow shed to Sh. _____ S/o Sh. _____ of Village _____ Gram Panchayat _____ Tehsil _____ District _____,

| Species | Class | Number | Volume | Forest | Salvage |
|---------|-------|--------|--------|--------|---------|
| | | | | | |

[Handwritten mark]

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Date----

Signature and seal of
Divisional Forest Officer
Forest Division" _____

Substitution of Annexure II 16. for annexure II, annexed to the said rules, the following annexure shall be substituted namely:-

Annexure-II
(see rule 7)

No.
Forest Department
Himachal Pradesh

From

Divisional Forest Officer,
_____ Forest Division

To,

Sh./Smt. _____
Village _____ Post Office _____
Tehsil _____ District _____
Dated _____

Subject:- Sanction of trees in T.D.

Dear Sir,/Madam,

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

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

| Species | Class | Number | Volume | Forest | Salvage |
|---------|-------|--------|--------|--------|---------|
| | | | | | |

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

(i) _____

(ii) _____

(iii) _____

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Date _____

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Yours faithfully

Signature and Seal
of Divisional Forest Officer."


By Order,

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

Endst. No. As above. Dated: Shimla-2, the 03-09-2015

Copy forwarded for information and necessary action to :-

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. The Principal Chief Conservator of Forests (HoFF), Shimla-171 001.
3. The Pr. Chief Conservator of Forests (Wildlife), Shimla-171 001.
4. All Addl. Chief Conservator of Forests/Chief Conservator of Forests, H.P.
5. Addl. Secretary (GAD-C-Cabinet Branch) to the Govt. of H.P. w.r.t. item No. 54, dated 30th June, 2015
6. All Deputy Commissioner in Himachal Pradesh.
7. All Conservator of Forests/Divisional Forest Officers in H.P.
8. The Controller, Printing & Stationery Department, Himachal Pradesh, Shimla-5 for publication in the Rajpatra, Himachal Pradesh.
9. The Deputy Legal Remembrance-cum-Deputy Secretary (Law) to the Govt. of H.P.
10. Guard File.


(Sat Pal Dhiman)

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