

(Authoritative English Text of this Department Notification No. FFE-B-A(3)4/2015, dated- 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 26 February, 2016
Notification

Whereas, the draft Himachal Pradesh Forest (Timber Distribution to the Right Holders) Amendment Rules, 2015 were published in the Rajpatra, Himachal Pradesh on 15-09-2015 vide Notification of even No. dated 03-09-2015 for inviting objection(s) and suggestion(s) from person(s) likely to be affected thereby within a period of 30 days from the date of their publication;

Whereas, no objection(s) or suggestion(s) from any interested person(s) has/have been received by the Principal Chief Conservator of Forests (HoFF), Himachal Pradesh within the above stipulated period;

Now, in exercise of the powers conferred by clause (L) of section 32 of the Indian Forest Act, 1927 (16 of 1927), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 notified vide Notification No. FFE-B-E(3)43/2006-Vol-II, dated 26-12-2013 and published in the Rajpatra, Himachal Pradesh on 28-12-2013, namely:-

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|-------------------------------|----|-----|--|
| Short title and commencement. | 1. | (1) | These rules may be called the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Amendment rules, 2016. |
| | | (2) | They shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh. |
| Amendment of rule 2 | 2. | | In rule 2 of the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 (hereinafter referred to as the "said rules"), for clause(e), the following clause shall be substituted, namely:-
“(e) Timber Distribution Rights means right of a Right Holder having cultivable land, 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”.

Amendment of rule 3. 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:-

“(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;

(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”.

Amendment of rule 4. 4.

In rule 4 of the said rules, for sub rule (2), the following sub-rule shall be substituted, namely:-

“(2) Trees shall be given from salvage (fallen, dry standing) trees. No green standing trees shall be granted to the Right Holder”.

Amendment of rule 5. 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.

Substitution of rule 7. 6.

For rule 7 of the said rules, the following rule shall be substituted, namely:-

“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 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 7.
of rule 12.

In rule 12 of the said rules, after the words and sign "Thereafter, "another," the word "salvage" shall be inserted.

Substitution 8.
of rule 14.

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 at the market rate.

Substitution of 9.
Annexure-I

For annexure-I annexed to the said rules, the following Annexure shall be substituted namely:-

"Annexure-I

PERFORMA FOR APPLICATION FOR GRANT OF TIMBER DISTRIBUTION

(See rule7)

(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. The detail of T.D. already granted is as under:-

(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.

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; and
- (v) The applicant may be sanctioned following trees:-

Species	Class	Number	Volume	Forest	Salvage

Seal & Signature of Forest Guard

Date _____

Name of Forest Guard _____

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

- (iii) Which is available as salvage in _____ Forest; and 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.

Date: _____

Signature and seal of Range Officer
Name _____
Range _____

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

Date _____

**Signature and seal of
Divisional Forest Officer
Forest Division _____**”

**Substitution of
Annexure -II**

**10. 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 under Timber Distribution Rights.

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 have been
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) _____

Date _____

Yours faithfully

Signature and Seal
of Divisional Forest Officer”.

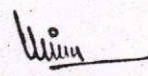
By Order,

(R.D. Dhiman)
Pr. Secretary (Forests) to the
Government of Himachal Pradesh.

Endst. No. FFE-B-A(3)4/2015, Dated: Shimla-2, the 2016

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 Commissioners 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.
Ph. No. 0177-2621874