THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) ACT,1981

(Act 12 of 1981)

[As passed by the Assembly]

[Received the assent of the President on the 29th May, 1981]

An Act to regulate and control removal of timber outside the State for the preservation of forests and to prevent their indiscriminate destruction and for the matters connected therewith and incidental thereto.

Be it enacted by the Legislature of Meghalaya in the Thirty-second Year of the Republic of India as follows:

1. **Short title, extent and commencement.** (1) The Act may be called the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

   (2) It shall extend to the whole of the State of Meghalaya.

   (3) It shall come into force at once.

2. **Definitions.** (1) In this Act, unless the context otherwise requires-

   (a) "competent authority" means such authority as the State Government may, by notification, appoint for the purpose of exercising the powers and functions of a competent authority under this Act and the rules made thereunder for the whole or any part of the State;

   (b) "Prescribed" means prescribed by Rules made under this Act;

   (c) "State Government" means the Government of Meghalaya;

   (d) "Schedule" means a Schedule to this Act;

   (e) "Trading Depot" means any place or premises used for keeping, storing or stocking timber for the purpose of trade or otherwise of the timber outside the State.

   (2) Words and expressions used, but, not defined in this Act and defined in the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in

Meghalaya) shall have the meaning respectively assigned to them in that Regulation.

3. **Removal of timber outside the State.** (1) No person shall remove or cause to be removed for the purpose of trade or otherwise, any timber outside the State, and no Trading Depot shall be set up or established at any place without a licence from the competent authority:

Provide that no such licence shall be granted by the competent authority-

(a) in respect of timber the size of which is below the minimum size prescribed for such timber; and

(b) in respect of timber of such categories or species of trees or groups thereof specified in the Schedule to this Act.

(2) The State Government may, by notification, add, modify, amend or cancel any item in the Schedule to this Act.

(3) Every notification issued under the foregoing sub-section shall have effect on the date of its first publication in the official Gazette and shall be laid as soon as may be after its publication before the House of the Legislative Assembly of the State.

4. **Application for licence and its disposal.** (1) Every application for grant of licence under this Act shall be made to the competent authority through the District Council concerned in such form and on payment of such fee as may be prescribed.

(2) In granting or refusing licence under this Act the competent authority shall take into account all or any of the following matters according to the circumstances of each case, namely-

(a) Whether the application is recommended by the District Council or not;

(b) Whether the applicant holds any trading licence from the District Council;

(c) Whether the applicant holds any other licence under this Act;

(d) Whether the applicant is a registered dealer and possesses certificate of registration under any Tax Law of the State;

(e) Whether the applicant is a resident of the State;

(f) Whether the timber for which application for licence is made is for the personal use of the applicant;

(g) Whether the grant for licence to the applicant would promote the interest of the tribals resident in the State, economically or otherwise:

Provided that a licence shall be refused if the applicant-

(a) is not a citizen of India, or

(b) has been convicted by a competent Court of an offence involving moral turpitude unless a period of five years, or such less period as the Government may allow in any particular case, elapsed since his release, or

(c) has violated any provision of any Act, Regulation or Rule made by the State or any District Council, or is a defaulter in the payment of any tax or revenue of the State or any District Council, or

(d) has been debarred from taking up any business transaction or contract work by any Government, or any Company or Corporation, owned, controlled or managed by any Government.

(3) Every order granting or refusing a licence under this Act shall be in writing, and in case of refusal shall contain reasons thereof.

(4) Every application for licence under this Act shall be disposed of by the competent authority as early as possible and not later than six months from the date of receipt of the application by the competent authority unless the competent authority for reasons to be recorded in writing extends the period by such further period or periods as it may consider necessary and if no order is passed within the period or periods so extended it shall be deemed that licence has been granted.

5. **Licence fee and period of its validity.** (1) The fee payable for a licence granted under this Act, the conditions of the licence, the route or routes the timber are to be transported outside the State, and the period of validity of the licence, shall be such as may be prescribed which shall also be specified in the licence.

Provided that the licence fee, the conditions of the licence and the period of its validity may vary for different categories of timber;

Provided further that such period shall not exceed twelve months and the amount of fee shall not exceed one thousand rupees.

(2) The licence fee shall be paid in such manner as may be prescribed.

(3) Every licence granted under this Act may be renewed on the expiry of the period of its validity by the competent authority in such manner and on payment of such fees as may be prescribed.

(4) The provisions of S.4 shall apply in case of application for renewal under this section.

6. **Appeal.** Any person aggrieved by any order passed by the competent authority under Ss. 3 and 4 may, within a period of sixty days from the date the order is communicated and on payment of such fee, not exceeding fifty rupees, prefer an appeal to such authority as the State Government may, by notification, appoint in this behalf and its order shall be final:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.

7. **Penalty.** Any person who contravenes any of the provisions of S. 3 shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both and the Court trying the offence may further order that the timber in respect of which the offence was committed and the vessel, vehicle or animal with which the offence was committed shall be confiscated to the State Government.

8. **Power to direct submission of report or return.** The competent authority may direct any person holding any licence under this Act to submit such report or return and in such form and manner as may be prescribed.

9. **Power to enter, search, arrest and detain.** (1) Any Forest Officer not below the rank of Forest Ranger and Police Officer not below the rank of Sub-Inspector of Police, who from his personal knowledge or from information received and after such enquiry as he may consider necessary, has reason to believe that any person has committed an offence under this Act, may-

(a) enter and search at all reasonable time any premises, land, vehicle or vessel in the occupation of such person;

(b) require such person to produce for his inspection the licence or any other documents granted by the competent authority or any books of account or other document that may have any bearing on such offence;

(c) seize any timber in respect of which the offence was committed and any books of account or other documents relating such timber and may also detain and seize any animal, vessel or vehicle with which the offence was committed.

(2) It shall be lawful for any of the officers referred to in sub-S. (1), to stop and detain any person committing an offence under this Act or abetting in the commission of such offence and such officer may arrest without warrant, any such person:

Provided that the Officer making such arrest may release such person on his furnishing his name and address and otherwise satisfies such officer that he will duly answer any summon or other proceedings which may be taken against him.

10. **Searches and arrests how to be made**. All searches and arrests under this Act shall be conducted and made, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

11. **Production of persons arrested and things seized.** Every person detained or arrested under any of the provisions of this Act, shall be taken or produced before the nearest Magistrate having jurisdiction with a report containing full particulars of the person arrested or articles seized and the circumstance under which the arrest or seizure was effected, within 24 hours of such arrest or seizure exclusive of the time necessary for the actual journey from the place of arrest to the Court of the Magistrate.

12. **Report of arrest and seizure.** Any Forest or Police Officer making an arrest or seizure under this Act shall forthwith make a full report of all the particulars of such arrest or seizure to his immediate superior officer.

13. **Erection of check-posts.** (1) The State Government may, by notification, set up and erect, in such manner as may be prescribed, check-posts and barriers at any place in the State with a view to prevent any unlawful removal or transportation of timber outside the State.

(2) Every person transporting timber shall, at any check-post or barrier referred to in sub-S.(1) and before crossing such check-post or barrier produce before the officer-in-charge of the check-post or barrier such document as may be prescribed.

(3) The officer-in-charge of the check-post or barrier may, for the purpose of satisfying himself that the provisions of this Act and the rules made therein are not being contravened, intercept, detain and search any animal, vehicle or vessel.

14. **Penalty for refusal to produce things or furnish information.** Whoever-

(i) willfully refuses or is unable to produce licence or documents or willfully refuses or fails to give such information which under the provisions of this Act or the rules made thereunder he is required to produce or to give, or otherwise furnishes information which he knows or believes to be false or does not believe to be true; or

(ii) forcibly resists arrest or attempts to evade arrest or obstructs any Forest or Police Officer to enter or search or to effect arrest or seizure under the powers conferred by this Act or the rules made thereunder;

shall be guilty of an offence against this Act, and he shall, on conviction, be punished with fine which may extend to one thousand rupees or with imprisonment for a term which mat extend to six months or with both.

15. **Power to compound offence.** (1) Any officer duly authorised by the State Government in this behalf may accept from any person, against whom a reasonable suspicion exists that he has committed any offence punishable under this Act, such sum of money as may be prescribed, by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to the officer mentioned in sub0S. (1) the suspected person, if in custody, shall be discharged and no other proceeding shall be taken against him in respect of the offence compounded.

(3) The provisions of this section shall apply also where a prosecution or an appeal against conviction of offence under this Act is pending, and in such a case the composition of such offence under this section shall have the effect of the acquittal of the accused with whom an offence has been compounded.

16. **When Court to take cognizance of offence.** No Court shall take cognizance of any offence under this Act,-

(1) except on the complaint made by an officer authorised by the State Government in this behalf; and

(2) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

17. **Bar of suit in Civil Courts**. No suit shall be brought in any civil court to set aside or modify any order made under this Act.

18. **Suit, etc., against authority, officers or persons acting in good faith.** No suit, prosecution or legal proceeding shall lie against any authority, officer or person for anything which is in good faith done or intended to be done under this Act.

19. **Officers and persons to be public servants.** Every person or officer, appointed under, or exercising any power conferred by and under this Act shall be deemed to be a public servant within the meaning of S.21 of the Indian Penal Code.

20. **Effect of other laws**. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in Meghalaya) or the rules made thereunder.

21. **Exemption.** The provisions of this Act, shall not apply to removal of timber outside the State by or on behalf of the State Government under the provisions of the Meghalaya Forest Regulation.

22. **Power to make rules.** (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) to prescribe the minimum size of timber under S. 3 ;

(b) the form and conditions of licence under Ss. 3 and 5 and the fees payable therefore;

(c) the form and manner in which application for licence under S. 4 may be made and the fees payable therefore;

(d) the fees payable for appeal under S. 6;

(e) the form of register, report or return to be maintained and submitted by the licensee;

(f) the conditions for storing, stocking and the manner of marking the timber to removed outside the State;

(g) the manner in which the inspection of timber and of document maintained by licensee shall be carried out;

(h) the routes by which the timber shall be transported outside the State;

(i) the terms and conditions for setting up or establishment of trading depot;

(j) the manner in which the right of access to document and the right to entry conferred by S.9 may be exercised.

(k) The manner in which check-post and barrier may be set up and erected and the form of document under S.13;

(l) The procedure and manner for payment of fees under the Act and of composition money under S.15 and the amount of composition payable for composition of offences under S.15;

(m) Any other matter which is to be or may be prescribed.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

SCHEDULE

[See section 3(1) (b)]

Sl. No.	Local (Common) Name	Commercial Name	Scientific Name
1	Dieng Soh Risang	Indian Horn Beams	Carpinus vaminea
2	Tik, Teak, Segun	Teak	Tectona grandis
3	Dieng Laphiang, gippok, Gamari.	Bol Gamari	Gmelina arborea
4	Dieng Rai, Tita Sopa	Champ	Michelia champaca
5	Bola, Dieng Bilat, Bolsen	Bola	Morus laevigata
6	Nahar Dieng Ngai	Mesua	Mesua ferrea
7	Sal, Dieng Blei, Bol Sal	Sal	Shorea robusta
8	Mundhani	Mundani	Acrocarpus fraxinifalius
9	Amari, Lali	Amari	Amoora wallichii
10	Cham, Sam	Chaplash	Artocarpus chaplasha

11	Birch, Dieng Lieng	Birch	Betula alnoides
12	Bogipoma, Diengbt, Tyrneng, Bol Derek	Chikrassia	Chikrassia tabularis
13	Khokan, Dieng Bai	Lampati Khokan	Duabanga grandiflora
14	Karal	Karal	Kayea floribunda
15	Badam	Badam	Mansonia dipikai
16	Holok, Diengmaras Rakseng	Hollock	Terminalia myriocarpa
17	Poma, Dieng Bti	Toon	Toona ciliata
18	Kadam	Kadam	Anthocephalus cadamba
19	Pine, Khasi Pine, Kseh	Pine	Pinus kesiya
20	Gogra, Dieng Ngan	Gogra/Chilauni	Schima khasiana/ Schima wallichii

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT
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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 23rd August, 1994.

NO.FOR.50/80/Pt/314 - In exercise of the powers confered under section 3(2) of the Meghalaya Forest(Removal of timber)(Regulation)Act,1981.(Act 12 of 1981) the Governer of Meghalaya is pleased to amend with immediate effect the existing Schedule appended to the Act by including the following species of trees, namely:-

Sl. No.	Local Name	Commercial Name	Scientific Name
1.	Diengsoh Rising	Indian Horn Beam	Carpinus vemin...
2.	Tik, Teak, Segum	Teak	Tectona Grandis
3.	Sal, Diengsal, Bol Sal	Sal	Shorea Robusta.
4.	Dieng Laphiang, Gippok Gamari.	Bol Gamari	Gmelina Arborea
6.	Diengrai, Tita Sopa	Champ	Michelia Champ...
6.	Yew	Taxus	Taxus Baccata.
7.	Acer	Acer	Acer Oblongum
8.	Aesculus	Horse Chestnut	Aesculus.
9.	Gogra, Makri Sal	Gogra	Schima Wallic...
10.	Poma, Diengbti, Bolbret	Toon .	Toona Ciliata.
11.	Mango	-	-
12.	Simul	-	-
13.	Jackfruit	-	Artocarpus Intergrifolia
14.	Bhelu Bollok	-	Tetrameles Nudiflora
15.	Maher, Kimdo	-	Meauaferrea.

Sd/-H.Chinkhenthang,
Commsr.& Secretary to the Govt.of Meghalaya,
Forest & Environment Department.

COPY

GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT ::: DEPARTMENT

ORDER BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 16th Feb/95.

NO.FOR.50/80/Pt/335 - In exercise of the powers conferred by Sub-section (2) of section 3 of the Meghalaya Forest (Removal of Timber)(Regulation) Act, 1981 (Act 12 of 1981), the Governor of Meghalaya is pleased to delete the following species of trees from the Schedule (as amended) to the Act.

Sl.No.	Local Name	Comercial Name	Scientific Name
1.	Aesculus	Horse Chestnut	Aesculus Assamica
2.	Gogra,Makri Sal	Gogra	Schima Wallichi
3.	Pona, Mengoti,Belbret	Toon	Toona Ciliata
4.	Simul	-	-
5.	Bholu Bollock	-	Tetramelus Nudiflora
6.	Nahor Kinde	-	Musaferrea

This will take immediate effect.

Sd/- Y.Tsering,
Secretary to the Goverment of Meghalaya,
Forest & Environment Department.

Dated Shillong, the 16th Feb/95.

Memo No.FOR.50/80/Pt/335-A

Copy forwarded to :-

1. PCCF,Megh.Shillong.
2. All CCF/DFO.
3. The Account General Shillong for information.
4. The Privt.Secy.
5. Cabinet Affaairs Deptt.
6. Guard file.

By order etc.
Under Secy.to the Govt.of Meghalaya
Forest & Environment Deptt.