THE DEPARTMENT OF FORESTS & ENVIRONMENT
MEGHALAYA



COMPENDIUM OF STATE FORESTS ACTS AND RULES

VOLUME - II

सत्यमेव जयते

Government of Meghalaya
Forests and Environment Department

COMPENDIUM OF STATE FORESTS ACTS & RULES

VOLUME - II

Published By :

The Principal Chief Conservator of Forests & HOFF
Meghalaya



PREFACE

The Forests and Environment Department since its inception, has undertaken onerous task of managing and protecting the flora and fauna of the State and the Country. For this purpose, several Acts & Rules have been passed both by the Central and the State Legislatures to empower the Department in fulfilling its mandate. These Acts & Rules have enabled the Department to manage and control the natural resources.

With the publication of the 5 (five) volumes of the State and the Central Forest Acts & Rules being implemented in the State of Meghalaya, the long felt need to provide a compilation of these Acts, Rules, Regulations and Executive instructions relating to Forests, Wildlife, Bio-Diversity and Environment etc has been realised. The painstaking work undertaken by a team of Officers viz Shri B. K. Lyngwa, IFS, Principal Chief Conservator of Forests (Admn), Shri J. M. Pohsngap, IFS, Conservator of Forests (CC, R & T) and Dr Manjunatha C, IFS, Planning Officer O/O Principal Chief Conservator of Forests & Head of Forests Force spread over a period of 10 (ten) Months has finally borne fruit. I commend the good work done by this team of dedicated Officers and assisting Staff.

I take great pleasure to dedicate this compilation of 5 (five) volumes in a set to the Officers and Staff of the Forests & Environment Department with a hope that it will help in effective functioning of the Department in general and the Executive frontline staff in particular who are, day in and day out, executing works to preserve and protect the rich natural resources of the State. This compilation will act as a useful guide to the forest staff to effectively carry out their duties to preserve our precious natural heritage for now and for the future generations.

Dated: Shillong
The_____January, 2019

(C P Marak, IFS)
Principal Chief Conservator of Forests & HoFF
Shillong, Meghalaya.



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ACTs

THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971



MEGHALAYA ACT 9 OF 1971
THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971

(As passed by the Assembly)

[Received the assent of the Governor on the Twenty-seventh July, 1971]

(Published in the Gazette of Meghalaya, Extraordinary, dated the 5th August, 1971).

Arrangement of Sections

Sections:

1. Short title and commencement.
2. Definitions.
3. Application of Act.
4. Domesticated and other animals and birds in captivity exempted.
5. Close time.
6. Power of entry, search, arrest and detention.
7. Production of persons arrested and things seized.
8. Report of arrest and seizure.
9. Arrest how to be made.
10. Searches and seizures how to be made.
11. Refusal to produce things or furnish information to be unlawful.
12. Penalties.
13. Procedure as to disposal of perishable property seized.
14. Penalty for subsequent offences.
15. Power to compound offence.
16. When Court to take cognizance of offence.
17. Issue of license of special purpose.
18. Operation of other laws not barred.
19. Defence of life and property.
20. Protection to person acting in good faith.
21. Power to make rules.
22. Removal of difficulties.

THE SCHEDULE.

THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971

An

Act

to provide for the better protection and preservation of certain wild animals and birds.

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

Short title and commencement.

1. (1) This Act may be called Meghalaya Wild Animals and Birds Protection Act, 1971.

(2) It shall come into force immediately.

Definitions.

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

(a) "animal or bird" includes the young one of the animal or bird, as the case may be;

(b) "Forest Officer" means any person appointed by name or holding an office by or under the orders of the Government to be the Conservator, Deputy Conservator, Assistant Conservator, Extra Assistant Conservator, Deputy Forest Ranger, Forest Ranger, Forester or Forest Guard, or to discharge any function of a Forest Officer;

(c) "Government" means Government of Meghalaya;

(d) "Game" means any animal or bird to which this Act applies;

(e) "Hunt" means any animal or bird to which this Act applies;

(f) "Meat" includes fat, blood, flesh and bones;

(g) "Trophy" means the durable part of an animal or bird specified in the Schedule which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid.

Application of Act.

3. (1) This Act applies, in the first instance, to the animals and birds specified in the Schedule, when in their wild state.

(2) The Government may, by notification, apply the provisions of this act to any kind of wild animal or bird; other than those specified in the Schedule, which in its opinion it is desirable to protect or preserve.

Domesticated and other animals and birds incaptivity exempted.

4. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

Close time.

5. The Government may, by notification, declare the whole year or any part thereof to be a close time throughout the whole or any part of Meghalaya for any kind of wild animal or bird to which this Act applies, or for female or immature wild animals or birds of such kind and subject to the provision hereinafter contained, during such close time, and within the area specified in such notification, it shall be unlawful:-

(a) to capture any such animal or bird, or to kill or injure any such animal or bird which has not been captured before the commencement of such close time;

(b) to hunt for any game during such close time;

(c) to sell or buy, or offer to sell or buy, or to possess any such animal or bird which has not been captured or killed before the commencement of such close time, or the meat thereof;

(d) to sell or buy, or to offer to sell or to buy or the possess any trophy of such animal or bird captured or killed during such close time.

Power of entry, search, arrest and detention.

6. (1) Any Forest Officer or Police Officer, who from his personal Knowledge or from information received and after such inquiry as he may consider necessary, has reason to believe that any person has committed an offence against this Act, may:-

(a) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any license issued to him under the provisions of this Act and to furnish true and correct information as may be required of him;

(b) enter an search, at any time, by day or by night any premises, land, vehicle or vessel in the occupation of such person and open and search any baggage or other things in this possession;

(c) seize any animal, bird, meat or trophy together with any vehicle, weapon, trap or tools reasonably suspected to have been used for committing an offence against this Act and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him;

(d) any officer, of a rank not inferior to that of an Assistant Conservator of Forests, who, or whose subordinate has seized any vehicle, weapon, trap or tools, under clause (c) of subsection (1), may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizures has been made.

(2) It shall be lawful for any of the offices referred to in subsection (1) to stop and detain any person whom he sees committing or attempting to commit an offence against this Act and such officer may arrest without warrant such person and he may seize any weapon, trap or contrivance used for the purpose and also may seize such wild animal or bird or any part thereof killed in contravention of this Act;

Provided that the officer making such arrest may release such person arrested 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.

Production of persons arrested and things seized.

7. Every person detained or arrested or thing seized under any of the provision of this Act, shall be taken or produced before the Magistrate having jurisdiction with a report containing full particulars of the person arrested or things seized and the circumstances under which the arrest or seizure was affected, within twenty-four hours of such arrest or seizure, exclusive of the time necessary for the actual journey or transit from the place of arrest or seizure to the court of the Magistrate, to be dealt with according to law.

Report of arrest and seizure.

8. 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.

Arrest how to be made.

9. All arrests under this Act shall be made, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1898. Central Act 5 of 1898

Searches and seizures how to be made.

10. All searches under this Act shall be conducted as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1898 as applicable to any search or seizure made under the authority of a warrant under the said Code. Central Act 5 of 1898

Refusal to produce things or furnish information to be unlawful.

11. Whoever-

1) wilfully refuses or is unable to produce and show such things or licence or wilfully refuses or fails to give such information which under the provisions of this Act he is required to produce or to giver, or otherwise furnishes information which he knows or believes to be false or does not believes to be true, or

2) forcibly resists arrest or attempts to evade arrest or obstructs any Forest or Police Officer to enter or search or to effect seizure under the powers conferred by this Act, shall be guilty of an offence against this Act.

Penalties.

12. (1) Any person who contravenes any of the provisions of this Act, shall, on conviction, be punished of this Act, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to rupees five hundred or with both.

(2) When any person is convicted of an offence against this Act, the court trying the offence may order that any animal, bird or meat in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the Government and that any license held by such person under the provisions of this Act, be cancelled.

Procedure as to disposal of perishable property seized.

13. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under this Act which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Penalty for subsequent offences.

14. Whoever having been convicted of an offence punishable under this Act shall again be guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishment with which he would otherwise have been punishable for the same;

Provided that he shall not be punishable in any case with imprisonment for a term exceeding one year or with fine exceeding rupees one thousand or with both.

Power to compound offence.

15. (1) Any officer not below the rank of Deputy Conservator of Forests, may:-

(a) accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, by way of composition of the offence, payment of a sum of money, not exceeding five hundred rupees or at



the discretion of such officer, an undertaking in writing from such person to pay lump sum within a specified period;

(b) release any property seized under the powers conferred by this Act on payment of the value thereof as estimated by such officer, or at the discretion of such officer on accepting an undertaking in writing from the person concerned to pay the estimated value within a specified period.

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

Provided that, any sum payable under any such undertaking if not paid when due, shall be recoverable as an arrear of and revenue.

When Court to take cognizance of offence.

16. No Court shall take cognizance of any offence against this Act,-

1) except on the complaint or report of a Forest or Police Officer or of any other officer authorised by the 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.

Issue of license for special purpose.

17. Where the Government is of opinion that in the interest of scientific research, such a course is desirable, it may grant to any person a license, subject to such restrictions and conditions as it may impose, entitling the holder thereof to do any act which is by section 5 declared to be unlawful

Operation of other laws not barred.

18. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act;

Provided that no person shall be punished twice for the same offence.

Defence of life and property.

19. Nothing in this Act shall be deemed to apply to the capture or killing of a wild animal by any person in defence of himself or any other person, or to the capture or killing of any wild animal or bird in bonafide defence of property;

Provided that nothing in this section shall exonerate any person who, when such defence becomes necessary, was committing any contravention of this Act.

Protection to persons acting on good faith.

20. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act. Power to make rules.

Power to make rules.

21. The Government of Meghalaya may make rules to carry out the purposes of this Act.

Removal of difficulties.

22. (1) If any difficulties arise in giving effect to the provisions of this Act, the Government may by order published in the official Gazette do anything which appears to it to be necessary for the purpose of removing the difficulties.

(2) No order made under sub-section (1) shall be questioned in any Court of Law on the ground that no difficulty as is referred to in the said sub-section existed or was required to be removed.

(3) Everything order published under this Section shall as soon as may be after its publication be laid before the legislative Assembly.



ACTs

THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION (AMENDMENT) ACT, 1972



SCHEDULE
(See Section 3)

I. ANIMALS

1. Rhinoceros Unicornis.
2. Tiger.
3. Leopard.
4. Panther.
5. Deer (All types of Deer)
6. Sambhar or Sambar.
7. Hares.
8. Wild Buffaloes.
9. Gaur or Indian Bison.
10. Elephant.
11. Gibon or Hollock.
12. Golder Langur.
13. Pygmy hog.
14. Pangolin.
15. Hispid hart.
16. Golden Cat.
17. Marbled Cat.
18. Spotted linsang.
19. Flying Squirrel.
20. Porcupine.
21. Wild Bear.
22. Bear.

II.BIRDS

1. Pigeons and doves.
2. Black Swamp.
3. Bamboo and Hills Partridge.
4. Jungle Fowl.
5. Pheasant.
6. Quail.
7. Cock-florican.
8. Spot Bill.
9. Whistling teal.
10. Cotton teal.
11. Geese.
12. Brahmini Duck.
13. Wood Cock.
14. Plover.

SCHEDULE - contd.

15. Snipe.
16. Wood Duck.
17. Horn Bill.
18. Peafowl.
19. Peacock.
20. Duck.
21. Crane.
22. Bustard.
23. And all other birds except Vermins like crow, hawks, sparrow magpie, parakeets and bulbuls.

III. REPTILES

1. Monitor lizard.
2. Crocodile.

MEGHALAYA ACT 10 OF 1972

THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION (AMENDMENT) ACT, 1972.

(As passed by the Assembly)

(Received the assent of the Governor on the 27th July, 1972)

[Published in the Gazette of Meghalaya, Extraordinary, dated 28th July, 1972]

An

Act

to amend the Meghalaya Wild Animals and Birds Protection Act, 1971

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

Short title extent and commencement.

1. (1) This Act may be called the Meghalaya Wild Animals and Birds Protection (Amendment) Act, 1972

(2) It shall extent to the State of Meghalaya.

(3) It shall come into force at once.

Amendment of Section 1 of Meghalaya Act 9 of 1971

2. In Section 1 of the Meghalaya Wild Animals and Birds Protection Act, 1971 -

1) in the marginal heading against Section 1 after the word (“title”, the punctuation “(,)” and the word “extent” shall be inserted ;

(2) sub-section (2) shall be renumbered as sub-section (3) and the following sub-section (2) shall be inserted, namely :-

“(2) I shall extend to the State of Meghalaya “

———



ACTs

ASSAM REORGANIZATION (MEGHALAYA) ACT, 1969- SECTION 66



Legal Crystal Indian Law Search Engine (www.legalcrystal.com)

Source : https://www.legalcrystal.com/act/17995/

Assam Reorganisation (Meghalaya) Act, 1969

Section 66 Continuance of Existing Laws and their Adaptations

(1) A11 laws in force immediately before the appointed day in the autonomous State shall continue to be in force therein until altered, repealed or amended by a competent legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the autonomous State of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations or modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

Explanation :- In this section, the expression “appropriate Government” means as respects may law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, as respects any law relating to a matter in the Second Schedule, the Government of Meghalaya, and, as respects any other law, the Government of Assam.



ACTs

MEGHALAYA FOREST REGULATION (APPLICATION AND AMENDMENT) ACT, 1973



THE MEGHALAYA FOREST REGULATION (APPLICATION AND AMENDMENT) ACT, 1973*

(Meghalaya Act 9 of 1973)

[As passed by the Assembly]

[Received the assent of the Governor on the Seventeenth April, 1973]

An Act to provide for the extension and application of, and to amend the Assam Forest Regulation, 1891 (Regulation 7 of 1891) and the Meghalaya Forest Regulation and for matters connected there-with or incidental thereto

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

NOTES

Preamble. By virtue of this Act, the Assam Forest Regulation, 1891 has been extended in its application to the State of Meghalaya and the Assam Act being now named as the Meghalaya Forest Regulation, with certain amendments as detailed in the body of this Act.

1. Short title, extent and commencement. (1) This Act may be called the Meghalaya Forest Regulation (Application and Amendment) Act, 1973.

2) It shall extend to the State of Meghalaya.

(3) It shall come into force at once.

2. Application and extent of the Regulations. As from the 21st day of January, 1972, the Assam Forest Regulation, 1891 and Meghalaya Forest Regulation, the rules framed thereunder, with the amendments to which they have been subjected before the said day and which are for the time being applicable to Meghalaya or any part thereof shall have effect, subject to the amendments, adaptations or modifications hereinafter appearing.

3. General amendments of the Regulations. In the Assam Forest Regulation, 1891—

For the word “Assam” wherever it occurs, the word “Meghalaya” shall be substituted ; and for the words “State Government” or “State Government of Assam” wherever they occur, the words “Government of Meghalaya” shall be substituted.

4. Amendment of S. 1 of the Regulations. For sub-Ss. (1), (2), (3) and (4) of S. 1 of the Assam Forest Regulation, and for sub-Ss. (1) and (2) of S. 1 of the Meghalaya Forest Regulation the following section, shall be substituted, namely :

**Published in the Gazette of Meghalaya, Extraordinary, dated the 21st April, 1973.*

S. 4] *Meghalaya Forest Regn. (Application etc.) Act, 1973*

"1. Title, extent and commencement. (1) This Regulation may be called the Meghalaya Forest Regulation.

(2) It extends to the whole of Meghalaya :

Provided that the Government of Meghalaya may, by notification, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption.

(3) It shall come into force at once in areas where it is not in force immediately before the 21st day of January, 1972"

NOTES

Section 25 of the Assam Forest Regulation, as adapted by the State of Meghalaya, deals with any person who commits the offence of felling trees, where the offender was absent, who allegedly committed the offence, the proceeding could not be held to be continued against him, as held in *Dharanidhar Goswami v. Range Forest Officer, Meghalaya* [(1985) 1 GLR 42].

ACTs

THE MEGHALAYA FOREST REGULATION, 1973



Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1973)

(As passed by the Assembly)

A regulation to amend the law relating to forest, forest produce and duty leviable on timber in Meghalaya

Whereas it is expedient to amend the law relating to forest, forest produce and the duty leviable on timber in Meghalaya;

It is therefore enacted as follows:

CHAPTER I

Preliminary

1. Short Title, extent and commencement. (1) This regulation may be called the Meghalaya Forest Regulation.

(2) It extends to whole of Meghalaya:

Provided that the Government of Meghalaya may, by notification, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption; and

(3) It shall come into force in areas where it is not in force immediately before the 21st day of January'1972.

(4) A notification under the proviso to sub S (2), exempting a place from the operation of the whole or any part of Regulation, shall not affect anything done, or any offence committed, or any fine or penalty imposed, in such place before such exemption.

3. Definition. In this regulation and in all rules made there under unless there is something repugnant in the subject or context-

(1) "Forest Officer" means any person appointed by name or as holding an office by or under the orders of State Government to be Conservator, Deputy Conservator, Assistant Conservator, Forest Ranger, Deputy Ranger, Forester, Assistant Forester, Forest Guard or to discharge any function of a Forest Officer under this Regulation or any rules there under; "tree" includes palms, bamboos, stumps, brushwood and canes; "timber' includes trees when they have fallen or have been felled and all wood, whether cut up or fashioned or hollowed out for any purpose or not;

(4) "forest produce' includes-

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

Timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, myrabolams, and rhinoceros horns, and

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

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

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

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

(iv) Peat, surface-oil, rock and minerals (including limestone, laterite, mineral oil and all products of mines or quarries);

(5) "forest offence" means an offence punishable under this regulation or any rule there under;

(6) "cattle" includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, eves, sheep, lambs, goats and kids;

(7) "river" includes also streams, canals, creeks and other channels natural or artificial;

(8) 'land at the disposal of the Government" means land in respect of which no person has acquired

(a) a permanent, heritable and transferable right of use/ occupancy under any law for the time being in force, or

(b) any right created by grant or lease made or continued by, or on behalf of, the Government, not being land vested in the Government for the purpose of the Central Government.

(9) "Magistrate" means a magistrate of the first or second class, and includes a Magistrate of third class, when he is specially empowered by the State Government to try forest offences.

NOTES

[Forest Produce [clause (4)]

The definition of "forest produce" in clause (4) is not exhaustive. It is an inclusive definition. It specifies certain products which shall be included in the definition. There may be other products which, though not specified, fall within the expression "forest produce".

The expression "shall include" used in the definition is a phrase of extension and not of restrictive definition, it is not equivalent to "shall mean", (Stroud's Judicial Dictionary). As such, the words "forest produce" must be construed to comprehend, not only the products specified in the definition but also such things which in common parlance is known as "forest produce". According to Black's Law Dictionary, the term "includes" may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words theretofore used. "Including" within statute is interpreted as a word of enlargement or of illustrative application as well as a word of limitation. The definition says that the term "forest produce" includes what is specified therein. In such a case, the definition itself is not complete. It is not meant to be exhaustive. There may be forest produce of kind other than those specified in it.

Timber is a forest produce as defined in clause (4) (a). "Stone" is not "forest produce" within the meaning of the definition ***(Divisional Forest Officer v. Moolchand Sarawgi (1971) 1 SCC 273: AIR 1971 SC 694; Praneswar Das v. State Assam Gau 51)*** *and hence section 75 of the Regulation has no application in respect of settlement of stone quarry.* ***(Bejiram Inghty v. State of Assam (1981) 1 GLR 222 : AIR 1982 Guahati 888).***

In Mahendra Nath Pathakl v. State of Assam, AIR 1970 A & N 32, *also this clause came up for interpretation before the High Court. It was observed that the definition is not exhaustive. What is usually found in a forest is forest produce. It was, therefore, held that "sand" in the land at the disposal of the Government will be "forest produce" within the definition of Clause (4) of Section 3.*

CHAPTER II

Reserved Forest

4. Power to constitute a reserved forest. The State Government may constitute any land at the disposal of Government a reserved forest in the manner hereinafter provided.

5. Notification by State Government of proposal to constitute a reserved forest. (1) Whenever it is proposed to constitute any land a reserved forest, the State Government shall publish a notification in the official Gazette-

   (a) Specifying , as nearly as possible , the situation and limit of such land;

   (b) Describe that it is proposed to constitute such land a reserved forest; and

   (c) Appointing an officer (hereinafter called the Forest Settlement Officer), to enquire into and determine existence, nature and extent of any right claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limit, and any claims relating to the practice within such limits, of jhum cultivation, and to deal with the same as provided in this chapter

   (2) The Forest Settlement Officer shall ordinarily be a person other than a Forest Officer, but a Forest Officer may be appointed by the State Government to assist the Forest Settlement officer in the enquiry prescribed in this Chapter.

6. Proclamation by Forest Settlement Officer. When a notification has been published under S. 5, the Forest Settlement Officer shall publish in the language of the country, at the headquarters of each district and sub-division, in which any portion of the land comprised in such notification is situated, and in every town and village in the neighborhood of such land, a proclamation-

   (a) Specifying, as nearly as possible, the situation and limits of the proposed forest;

   (b) Setting forth the substance of provisions of the next following section,

   (c) Explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

   (d) Fixing a period of not less than three months from the date of the publication of such proclamation and requiring every person claiming any right or making any claim referred to or mentioned in S. 5 either to present top such officer within such period a written notice specifying or to appear before him within such period and state the nature of such right or claim.

7. Bar of accrual of forest rights after proclamation. (1) During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be reserved as hereinafter provided, no right shall be acquired inn or over the land comprised in such notification, except by succession, or under grant or contract in writing made or entered into, by or on behalf of, the Government or some person in whom such right or power to create such right was vested when the proclamation was published; and on such land no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose of trade or manufacture except as hereinafter provided.

   (2) Nothing in this section shall be deemed to prohibit any act done with the permission in writing of Forest Settlement Officer, or any clearings lawfully made for jhum cultivation by persons in the habit of practicing such cultivation on such land.

8. **Inquiry by Forest Settlement Officer.** (1) The Forest Settlement Officer shall take down in writing all statements made under S.6 and shall inquire into all claim made under the section and existence of any right or practice mentioned in S.5 in respect of which no claim is made.

(2) The Forest Settlement Officer shall at the time consider and record any objection which the Forest Officer, if any, appointed under S. 5 to assist him, may make to any such claim or with respect to existence of any such right or practice.

9. **Power of Forest Settlement Officer.** For the purpose of such inquiry the Settlement Officer may exercise-

(a) Power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) The powers of a Civil Court in the trial of suits.

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

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

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

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

(b) By causing certain portion of the land under settlement to be separately demarcated and giving permission to the claimant to practice jhum-cultivation therein under such conditions as he may prescribe.

All arrangements made under this sub -section shall be subject to the previous sanction of the State Government.

(4) The practice of jhum cultivation shall in all cases to be a privilege subject to control, restriction and abolition by the State Government and not to be a right.

11. **Power to acquire land over which right is claimed.** (1) In the case of claim to a right in or over any land other than the following rights, namely:

(a) a right of way,

(b) a right to water-course or to use of water,

(c) a right of pasture or to forest-produce

The Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

(2) If such claim is admitted wholly or in part, the Forest Settlement Officer may-

(a) come to an agreement with the claimant for the surrender of the right,

or

(b) exclude the land from the limits of the proposed forest, or

(c) proceed to acquire such land in the manner provided by the land Acquisition Act, 1870.

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

(i) the Forest Settlement Officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1872;

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

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

(iv) the Collector, with the consent of the claimant, may award compensation in land, or in money, or partly in land and partly in money.

12. Order on claim to right of way, water-course or pasture, or to forest produce. (1) In the case of a claim to a right of a kind specified in Cl. (a), Cl. (b) or Cl. (c) of S.11, sub-S (1) the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

(2) When a claim to any such right is admitted, if the right is for the beneficial enjoyment of any land or building the Forest Settlement Officer shall record the designation, position and area of such land or the designation and position of such building.

(3) Where the right is a right to forest-produce, the Forest Settlement Officer shall record whether the forest produce obtained by the exercise of such right may be leased, sold or bartered, and such other particulars as may be necessary in order to define the existence, nature, incidents and extent of the right.

13. Provisions for right of pasture or to forest produce admitted. (1) When the Forest Settlement Officer has admitted wholly or in part and recorded under the last foregoing section a claim to a right of pasture or to forest produce, he shall, as far as possible, provide for the exercise of such right-

(a) by altering the limits of the proposed reserved- forest so as to exclude land of sufficient extent, of a suitable kind and in a locality reasonably convenient for the purpose of claimant; or

(b) by recording an order containing of the claimant a right of pasture, or to forest produce, as the case may be, subject to such rules as may be prescribed by the State Government.

(2) An order passed under Cl. (b) of sub-S. (1) shall record as far as practicable-

(i) where the right of pasture, the number and description of the cattle which the claimant is, from time to time, entitled to graze, and the local limits within which, and the seasons during which such pasture is permitted; and

(ii) where the right is a right to forest-produce, the quantity of such produce 3 which the claimant is authorised to take or receive and the local limits within which, the seasons during which, and the mode in which, the taking or receiving of such produce is permitted; and

(iii) whether the right is a right of pasture or to forest produce, such other particulars as may be required in order to define the extent of the right which is continued,

the mode in which it may be exercised and the extent to which the benefit thereof may be leased sold or bartered.

14. **Commutation of such rights.** Whenever any right of pasture or to forest produce admitted under S. 12 is not provided for in one of the ways prescribed in S. 13, the Forest Settlement Officer shall, subject to such rules as the State Government may prescribe in this behalf, commute such right by paying a sum of money in lieu thereof, or with the consent of the claimant, by the grant of land or in such manner as such officer thinks fit.

15. **Appeal from order passed under foregoing sections.** Any person who has made a claim under this Chapter (or any Forest Officer or other person generally or specially empowered by the State Government in this behalf) may within three months from the date of any order passed on such claim by the Forest Settlement Officer under S. 11, 12, 13 or 14 present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner as the State Government may by notification in the official Gazette appoint by name, or as holding an office, to hear appeals from such orders.

16. **Appeals under the last foregoing section.** (1) every appeal under the last foregoing section shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay from the officer competent to hear the same.

(2) Every such appeal shall be heard in the manner prescribed for the time being for the hearing of appeals in the matter relating to revenue, and except as hereinafter provided, the order passed on appeal shall be final.

17. **Notification declaring forest reserve.** (1) When the following events have occurred, namely:

(a) the period fixed under S. 6 for preferring claim has elapsed, and all claims, if any, made within such period has been disposed of by the Forest Settlement Officer; and

(b) if such claims have been made, the period fixed by S. 15 for appealing from the orders passed on such claims has elapsed, and all appeals, if any, presented within such period have been disposed of by the appellate officer; and

(c) all lands, if any, to be included in the proposed reserved forest which the Forest Settlement Officer has under S. 11 elected to acquire under the land Acquisition Act, 1870 have become vested in the Government under Land Acquisition Act. 1870 (X of 1870)

The State Government may publish a notification in official Gazette, specifying the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

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

18. **Extinction of rights not claimed.** Rights in respect of which no claim has been preferred under S. 6 and of the existence of which no knowledge has been acquired by inquiry under S. 8 shall thereupon extinguish, unless, before the publication of such notification, the person claiming them has satisfied the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under S. 6.

19. **Publication of translation of such notification on neighborhood of forest.** The deputy Commissioner of the district in which the forest is situate, shall before the date

fixed by such notification cause a translation thereof in the language of the country to be published in the manner prescribed for the proclamation under S. 6.

NOTES

This section requires publication of translation of a notification declaring forest reserve under Section 17. Compliance of this requirement is not a condition precedent for issue of notification under Section 17. The efficacy of the notification would not be affected by the failure to prove such compliance. See State of Assam vs Dilbahadur Chetri (1983) 1 GLR (NOC) 19

20. Power to revise arrangement made under S. 13 or 16. The State Government may within five years from the publication of any notification under S. 17 revise any arrangement made under S. 13 or 16 and may rescind or modify any order made under this Chapter and direct that any one of the proceedings specified in S. 13 be taken in lieu of the order of such proceedings, or that a right admitted under S. 12 be commuted in the manner mentioned in S. 14.

21. Acquisition of right over reserved forest. No right of any description shall be acquired in or over a reserved forest, except by succession or under grant or contract in writing made by, or with the previous sanction of the State Government or some person on whom such right, or the power to create such right, vested when the notification under S. 17 was published.

NOTES

Section 21 is a barring section. It bars any person from acquiring any right in or over any reserved forest except by succession under grant or contract in writing made by or the previous sanction of the Government or some person specified therein. In the absent of such legal right no mandamus can be issued. ILR 1962 Assam 416.

A contract entered into by the Government with a contractor under Section 21 for felling of trees by the contractor is not a statutory contract. Government being a party to the contract does not raise an agreement to any higher status. When, therefore the Government raised the rate of royalty causing hardship to the contractor, his remedy lies with the Government under the terms of the agreement and not under the Article 226 of the Constitution. ***Woodcrafts, Assam vs the Chief Conservator of Forests, wood crafts Assam Vs Chief Conservator of Forests AIR 1971 A& N 92.***

22. Alienation of right in reserved forests. (1) Notwithstanding anything herein contained no right contained under S. 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the previous sanction of the State Government:

Provided that, when any such right is continued for the beneficial enjoyment of any land or building, it may be sold or otherwise alienated with such land or building without such sanction.

(2) The benefit of any right continued under S. 13 shall not be leased, sold or bartered, except to the extent defined by the order recorded under that sanction.

23. Power to stop ways and water course in reserved forests. Any Forest Officer may, from time to time, with the previous sanction of the State Government or of a Forest Officer or other officer authorised by the State Government in this behalf; stop any public or private way or water course in a reserved forest:

Provided that for the way of water course so stopped another way or water course, which, in the opinion of the State Government equally convenient already exists or has been provided or constructed by the Forest Officer stopping the way or water-course.

24. Penalties for trespass or damage in reserved forests. Any person, who in a reserved forest-

(a) trespass, or pasture cattle, or permits cattle to trespass, or

(b) Cause any damage by negligence in felling any tree or cutting or dragging ant timber.

(c) [Deleted]

Shall be punished with fine which may extend to fifty rupees or, when the damage resulting from this offence amounts to more than twenty-five rupees, to double the amount of such damage.

NOTES

In this section, Cl. (c) was omitted by Assam Act III of 1933 which read as Follows:" poisons water or in contravention of any rules made by the local Government hunts, shoots, fishes or sets traps or snares". The words "and in cases where a rhinoceros has been killed, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", were inserted by Assam Act 1 of 1931 at the end of the section subsequently omitted by Assam Act III of 1933.

When a statute defines trespass, the ingredients thereof must be satisfied. Section 441 of the Indian Penal Code deals with criminal trespass, as, whoever enters into or upon property in the possession of another with interest to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, annoy or to commit an offence, is said to commit criminal trespass. Trespass to property is a civil wrong but when it is committed with a criminal intent is treated as criminal offence. Criminal trespass is known in English law as 'forcible entry'.

25. Acts prohibited in such forests. Any person who -

(a) makes any fresh clearing prohibited by S.&, or

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

Or who in any such forest-

(c) kindles, keeps or carries any fire except at such seasons and in such manner as Forest Officer specially empowered in this behalf may from time to time notify, or

(d) fells, cuts, girdles, marks, lops, taps, or injures by the fire or otherwise any trees, or,

(e) quarries stones, burns lime or charcoal or collects, subjects to any manufacturing process or removes any forest products, or

(f) clears or breaks up any land for cultivation or any other purpose, or

(g) poisons on water or, in contravention of any rules made by the State Government hunts, shoots, fishes or sets traps or shares,

Shall be punished with imprisonment for a term which may extend to six months (or with fine which, in cases where a rhinoceros has been killed, may extend to one thousand rupees and in other cases to five hundred rupees, or with both).

NOTES

Section 24 makes any act of trespass or damage in reserved forests punishable with penalty.

The Gauhati High Court in State of Assam Vs Dilbahadur Chetri, (1983) 1 GLR (NOC) 19 rejected the contention that a person cannot be liable for trespass unless it is shown that he had notice that he was trespassing, and held that a trespasser is liable under this section whether he knows or does not know that he has no right to be there. When the statute defines trespass, the ingredients thereof will have to be satisfied, any notice may be included. In the absence of such a statutory definition no notice would be necessary.

Section 25 specifies acts prohibited in such forests, meaning thereby, "reserve forest" and provides for punishment for commission of such offences.

These two sections came up go for consideration before the Gauhati High Court in Abdul Kadir Choudhury vs State of Assam (1989) 2 GLR 52 where a person was prosecuted for alledged discrepancies in hammer mark on certain timber found with him. It was held : "the allegations relate to some discrepancies of visibility of certain hammer mark on the logs found with the petitioner which were dressed in his saw mill. The other allegation relates to non-endorsement of the T. P by the T. P holder in favour of the petitioner.None of these allegations contain any ingredient of an offence under the aforesaid two sections 24 and 25. No offence, therefore, can be said to have been committed on the allegations contained in the offence report under section 24 and 25 of the Regulation.

26. Acts excepted from Ss. 24 and 25. Nothing in S.24 or S.25 shall be deemed to prohibit-

(a) any practice of jhum cultivation permitted under S.10, or

(b) the exercise in accordance with the rules, if any, made by the State Government under S. 13 of any right continued under that section, or

(c) the exercise of any right created by grant or contract in the manner described in S.21, or

(d) any act done with the permission in writing of a Forest Official specially empowered to grant such permission.

27. Penalty for offences committed by persons having rights in reserved forests. Whenever fire is caused willfully or by gross negligence in a reserved forest by any person having rights in such forest or permission to practice jhum cultivation therein, or by any person in his employment or whenever any person having rights in such forest contravenes the provisions of S.22, the State Government may, notwithstanding the inflictions of any punishment under this Regulation, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce shall be extinguished, or for such period as it thinks fit be suspended, and, with respect to the practice of jhum cultivation, may take such action under S.10, sub-S. (4), as may seem to it to be proper.

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

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

NOTES

This section is similar to S.27 of the Indian Forest Act, 1927.

CHAPTER III

Village Forests

29. Constitution of village forests. (1) The State Government may, by notification in the official Gazette, constitute any land at the disposal of the Government a village forest for the benefit of any village-community or group of village-communities and may, in like manner, vary or cancel any such notification.

(2) Every such notification shall specify the limits of such village forests.

NOTES

This section is similar to S.28 of the Indian Forest Act, 1927.

30. Power to make rules for village forests. (1) The State Government may make rules for regulating the management of village Forests prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

(2) The State Government may, by such rules, declare any of the provisions of Chapter II of this Regulation to be applicable to village forests.

NOTES

This section is similar to S.28 of the Indian Forest Act, 1927.

31. Inquiry into and settlement of rights. All claims to any rights other than the rights of the village community or group of village communities for the benefit of which such village forest is constituted shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Regulation.

CHAPTER IV

General protection of forest and forest produce

32. Reserved trees in unsettled tracts. The State Government may by notification in the official Gazette-

(a) declare that any trees or any specified class of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees;

(b) vary or cancel any such notification.

NOTES

This chapter was inserted by Assam Act V of 1931.

This section is similar to S.30 of the Indian Forest Act, 1927.

33. Protection of settled forests belonging to the Government. No person shall fell, cut, girdle, mark, lop, tap or injure by fire or otherwise any reserved tree, except in accordance with rules made by the State Government in this behalf or as provided by the last section of this Chapter.

NOTES

Section 33 prohibits illegal removal or felling of trees from the Government forest. Its Violation is punishable under section 35. However, it is for the prosecution to prove the essential ingredients of the offence under this section. The fact of possession alone cannot be construed to be an offence by itself amounting to an infringement of section 33.

This section came up for interpretation before the Assam High Court in Arman Ali v. State reported in 2 Unreported Cases (Assam) 508. It was held: "It is trueth at section 33 does not speak of possession, but the fact of possession if recent and not otherwise explained can be ascribed to the illegal removal or felling of the trees from Government forest if no permit is produced and the commission of an offence under section 33 may be inferred from the circumstances." In this case the fact that the Timber was from reserved class of trees was however, not denied. "Applying the law as interpreted above to the facts of the case, it was held: "In the present case, the prosecution evidence, however, falls far short to prove that this timber was recently removed or was removed by the accused himself from the forest. There is no evidence either to show or even to suggest when the tree or the trunk from which these timbers came was felled. The accused claimed these timbers to be seven or eight years old and the prosecution evidence itself goes to the extent of admitting that they might be two years old. In these circumstances, it is very difficult to infer that the accused removed or cut the tree and converted the same into scantlings and planks. That fact of possession itself, cannot be construed to be offence by itself, amounting to an infringement of section 33 of the Regulation."

34. Protection of unsettled forests belonging to the Government. (1) No person shall make use of any forest produce of any land at the disposal of the Government and not included in a reserved forest or village forest, except in accordance with rules to be made by the State Government in this behalf, or as provided by the last section of this chapter.

(2) Such rules may, with respect to such land-

(a) regulate or prohibit the cutting of jhums or the issue of grants or leases on behalf of the Government;

(b) regulate or prohibit the kindling of fires, and prescribed the precautions to be taken to prevent the spreading of fires;

(c) regulate or prohibit the felling, cutting girdling, marking, lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion and removal of timber, and the collection and removal of other forest produce ;

(d) regulate or prohibit the quarrying of stones, the boiling of catechu or the burning of lime or charcoal;

(e) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments, if any, to be made for such cutting or pasturing;

(f) prohibit the poisoning of water, and regulate or prohibit hunting, shooting and fishing, and the setting of traps or shares;

(g) regulate the sale or free grant of forest produce; and

(h) prescribe, or authorise any Forest Officer to prescribe, subject to the control of the State Government the fees, royalties or other payments for forest produce, and the manner in which such fees, royalties or other payments are to be levied, in transit, or partly in transit or otherwise.

(3) The State Government may exempt any person or class of persons or any local area, from the operation of any such rule, and may cancel such exemption.

35. Penalties (1) If any person infringes the provisions of S.33, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

(2) The State Government may, by a rule made under S.34, attach to the breach of any rule under that section any punishment not exceeding that mentioned in sub-S.(1).

36. Nothing in this Chapter to prohibit acts done in certain cases. Nothing in this Chapter, or in any rule under this Chapter, shall be deemed to prohibit any act done in the exercise of any right or with the permission in writing of a Forest Officer specially empowered to grant such permission.

CHAPTER IV-A

Of the control over forests and waste lands not being the property of Government.

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

(a) the breaking up or clearing of land;

(b) the pasturing of cattle; or

(c) the firing or clearing of the vegetation;

When such regulation or prohibition appears necessary in the public interest for any of the following purposes:

(i) for protection against storms, winds, rolling stones, floods and avalanches;

(ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines and torrents, deposit thereon of sand, stones or gravel;

(iii) for the maintenance of a watery-supply in springs, rivers and tanks;

(iv) for the protection of public roads, public bridges, railways and other lines of communication;

(v) for the preservation of the public health.

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

(3) No notification shall be made under sub-S.(1) nor shall any work be begun under sub -S.(2), until after the issue of a notice to the owner of such forest or land calling on such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any and any evidence he may produce in support of the same, have been heard by an Officer not below the rank of a Deputy Commissioner duly appointed in that behalf.

(4) All objections filed under proceeding sub -section, together with the proceedings of the Special Officer relating thereto, shall be referred to the State Government for orders. On receipt of such reference, and after hearing such further cause as the objector may have to show, the State Government shall pass such orders as it thinks fit.

In any cause in which an order under sub-S.(1) or action under sub -S.(2) is, in the opinion of the State Government, likely to disturb substantially the owner's right in the land to which such order to action relates, the State Government may award to such owner such compensation as it may deem equitable:

Provided that any compensation so paid shall be deducted from the amount payable to the owner under the provisions of the Land Acquisition Act, 1894, in the event of action being taken under the provisions of S.36-C.

NOTES

This section is similar to S.35 of the Indian Forest Act, 1927.

36-B.Power to assume management of forest. (1) In case of neglect of, or willful disobedience to, any regulation or prohibition under S.36-A, or if the purposes of any work to be constructed under that section so required, the State Government may, after notice in writing to the owner of such forest or land after considering his objections, if any, place the same under the control and management of a Forest Officer and may declare that all or any of the provisions of this Regulation shall apply to such forest or land.

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

NOTES

This section is similar to S.36 of the Indian Forest Act, 1927.

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

(2) The owner of any forest or land comprised in any notification under S.36-A, or if there be more than one owners thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof, may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes and the State Government shall acquire such forest or land accordingly.

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

(a) that such land be managed on their behalf by the Forest Officer on such terms as may be mutually agreed upon; or

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

(2) In either case, the State Government may, by notification in the official Gazette,

apply to such land such provisions of this Regulation as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER V

Duty on imported forest produce

37. Power to impose duty on forest produce. (1) The Central Government may levy a duty in such manner, at such places and at such rates as it may prescribe by notification in the official Gazette, on all forest produce which is brought into the territories to which this Regulation extends from any place beyond those territories.

(2) In every case in which such duty directed to be levied ad valorem, the Central Government may, by like notification, determine the manner in which the value is to be ascertained.

(3) Until provision to the contrary is made by the Parliament the State Government may continue to levy on forest produce brought into the territories to which this Regulation extends from any place in the State beyond those territories any duty which it was levying immediately before the commencement of the Constitution:

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

38. Power to exempt forest produce from duty. The Central, or as the case may be, the State Government may exempt any forest produce from the duty to which it is liable under the last foregoing section, and revoke such exemption.

39. Provision of chapter not to limit purchase money or royalty. Nothing in this chapter shall be deemed to limit the amount, if any, chargeable as purchase money or royalty in respect of any forest produce.

CHAPTER VI

Control of forest produce in transit

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

(2) Such rules may, among other matters-

(a) prescribe the routes by which alone forest produce may be imported into, exported from or moved within the territories to which this Regulation extends;

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

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

(d) fix, or authorise any Forest Officer, subject to control of the State Government to fix the fees payable for such passes;

(e) in the case of timber formed into a raft or fastend to the shore, prohibit the

loosening of the setting a drift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government;

(f) provide for the stoppage, reporting examination and marking of forest produce in transit in respect of which there is reason to believe that any money is payable to the Government or which is desirable for the purposes of this Regulation, to affix a mark;

(g) establish revenue-stations to which forest produce is to be taken by the persons in charge of it for examination, or for the realisation of such money, or in order that such mark may be affixed to it, and prescribe, or authorise, a Forest Officer, subject to such control as aforesaid, to prescribe the conditions under which forest produce is to brought to, stored at and removed from such revenue -station;

(h) provide for the management and control of such revenue stations, and for regulating the appointment and duties of persons employed thereat;

(i) authorise the transport of timber across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber;

(j) prohibit the closing up or obstruction of the channel or banks or any river used for the transit of forest produce and the throwing of grass, brushwood branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel;

(k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river and for recovering the cost of such prevention or removal from the person causing such obstruction;

(l) prohibit absolutely, or subject to conditions, with specified local limits the establishment of saw-mills the converting, cutting, burning, concealing, marking or supermaking the timber, the altering or effecting of any marks on the same, and possession or carrying of marking-hammers or other implements used for marking timber; and

(m) regulate the use of property-marks for timber and the registration of such marks, authorise the refusal of cancellation of the registration of any property-marks, prescribe the time for which the registration of property-marks hold good, limit the number of such marks which may be registered by any one person, and provide for the levy of fees for such registration.

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

NOTES

A section arose as to the true import of a transit passed issued in respect of an elephant under Rule 2(a) of the Rules. Whether it can be held to be a document of title in respect of the elephant? It was examined by the Guahati High Court in Anowaruddin Choudary v. State of Assam (1984) 2 GLR 142. It was held:

"It is difficult to accept the contention that whenever a transit pass in respect of an elephant is produced it must be held to represent a document of title in respect of the said animal. Clause (15) of the licence (Appendix XXIX) merely fulfils the requirement of Rule (2) a as manifested in the provision thereof that without payment a transit pass cannot be obtained and without transit pass an elephant caught during the hunting operation cannot be taken out. Indeed, the entry as respect "the date of expiry" indicates that a transit pass not only loses its utility but also validity on the date so specified as its purpose is to ensure merely "transit" or removal through and from the forest of the named forest produce to the named destination within the period allowed. Indeed the transit route is also therefore indicated in the transit pass. Rule 2 (b) and 8 and even clause (15) of the licence do not comtemplate that a transit pass in respect of an elephant must be issued in the name of the person who has paid the royalty therefor. Although these rules and also clause (15) do manifest the legal position that the person who had paid the royalty for the forest produce in question would acquire title thereto, in the instant case, in support of his title the petitioner has merely produced a transit pass which, aliude does not also establish the identity of the concerned forest produce, namely, the elephant and payment of royalty therefor".

40-A. Powers of Central Government as to movement of timber across customs frontiers. Notwithstanding anything in S.40, the Central Government may make rules to prescribe the route by which alone timber or other forest produce may be imported, exported, or moved into or from (Assam) across any customs frontier as defined by the Central Government, and any rules made under S.40 shall have effect subject to the rules made under this section.

41. Penalties for breach of rules under the last foregoing section. (1) The State Government may, by a rule under the last foregoing section, attach to the breach of any rule under that section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) In cases where the offence is committed after sunset and before sunrise or after preparation for resistance to the execution of any law or any legal process or where the offender has been previously convicted of a like offence, the convicting court may inflict double the penalty prescribed for such offences.

42. All persons bound to aid in case of accident at revenue station. In case of any accident or emergency involving danger to any property at a revenue- station established under a rule made under S.40, every person employed at such revenue station, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger and securing such property from damage or loss.

CHAPTER VII

Collection of drift stranded and other timber

43. Certain kinds of timber to be deemed the property of the State Government until title thereto proved. (1) Timber falling under any of the following descriptions, namely:

(a) timber found adrift, breached, stranded or sunk.

(b) timber bearing marks which have not been registered under rules made under S.40.

(c) timber which has been super-marked, or on which marks have been obliterated, altered or defaced by fire or otherwise, and

(d) in such area as the State Government directs, all unmarked timber, Shall be deemed to be the property of the State Government unless and until any person establishes his right thereto as provided in this Chapter.

(2) Such timber may be collected by a Forest Officer or other person entitled to collect the same, and may be brought to such stations as Forest Officer specially empowered in this behalf may, from time to time, notify as stations for the reception of drift timber.

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

44. Notice to claimants of timber of those kinds. (1) Public notice shall, from time to time as occasion may require, be given by a Forest Officer specially empowered in this behalf of timber collected under the last foregoing section.

(2) Such notice shall contain a description of the timber and shall require any person claiming the same to present to such Officer, within a period of not less than one month from the date on which such notice is given, a written statement of such claim.

NOTES

For similar provisions, see S.46 of the Indian Forest Act, 1927.

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

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

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover any compensation against the Government or against any Forest Officer on accounts of such rejection, or the detention or removal of any timber or the delivery thereof to any other person under this section.

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

NOTES

For similar provisions see S.47 of the Indian Forest Act, 1927.

46. Disposal of unclaimed timber. Where no statement is presented in the manner and within the period prescribed by notice issued under S.44 or, where such statement having been so presented and the claim rejected, the claimant omits to institute a suit to recover possession of such timber, it shall vest in the State Government free from all encumbrances, or when such timber has been delivered to another person under S.45, in such other person free from all incumbrance not created by him.

NOTES

For similar provisions see S.48 of the Indian Forest Act, 1927.

47. Payment to be made by claimant before timber is delivered to him. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until such sum as may be due for salving, collecting, moving, storing and disposing of the timber has been paid by him to the Forest Officer or other person entitled to receive the sum.

NOTES

This section is similar to S.50 of the Indian Forest Act, 1927.

48. Power to make rules and prescribe penalties. (1) The State Government may make rules to regulate the following matter, namely:

(a) the salving, collection and disposal of all timber mentioned in S.43;

(b) the use and registration of boats used in salving and collecting timber;

(c) the amount to be paid for salving, collecting, moving, storing and disposing of such timber; and

(d) the use and registration of hammers and other implements to be used for making such timber.

(2) The State Government may, by a rule made under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or a fine which may extend to five hundred rupees or both.

NOTES

This section is similar to S.51 of the Indian Forest Act, 1927.

CHAPTER VIII

Penalties and procedure

49. Seizure of property liable to confiscation. (1) When there is reason to believe that a forest offence has been committed in respect of any forest procedure, such produce together all tools, boats, carts and cattle used in the commission of such alleged offence may be seized by any Forest Officer or Police Officer.

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

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

NOTES

Section 49 provides for seizure of any property which is liable to confiscation. Before seizure of any property which effected, there must be reason to believe that a forest offence has

been committed in respect of a forest produce. In the absence of such reason, seizure can be effected. In Atul Chandra Barua v. Under Secretary to the Govt. of Assam, 1977 Assam L.R. 276 Gau., a Makna Elephant was captured in dobar partnership under licence issued by the Deputy Commissioner. All dues in respect of royalty were paid. Necessary transit pass was obtained. However on transfer of share of one of the partner the licence was cancelled and elephant was confiscated by the Government under section 49. The legality of confiscation was challenged. It was held:

"The seizure in the instant case is under section 49 of the Assam Forest regulation and that also relates to forest produce. It is nobody's case that any forest offence is being investigated and there after the seizure is made. That being so, the impunged order of seizure and confiscation was not warranted by the provisions of the Assam Forest Regulation."

Once a transit pass is issued in favour of licensee and the captured elephant taken out of forest, it becomes the property of such licensee Atul Chandra Barua, Supra.

49-A. Power to release property seized under S.49. Any Forest Officer of a rank not inferior to that of a Forester who or whose subordinate has seized any tools, boats, carts, or cattle under S.49, may release the same on the execution by the owner or the person in charge thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

NOTES

This section was inserted by Assam Act V of 1931 and is similar to S.53 of the Indian Forest Act, 1927.

50. Procedure on receipt by Magistrate of report seizure. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

NOTES

This section is similar to S.54 of the Indian Forest Act. 1927.

51. Forest produce, tools, etc., when liable to confiscation. (1) When any person is convicted of a forest offence all forest produce which is not the property of the Government and in respect of which such offence has been committed, and all tools, boats, carts and cattle used in the commission of such offence, shall be liable, by order of the convicting court, to confiscation.

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

NOTES

This section is similar to S.55 of the Indian Forest Act, 1927.

52. Disposal on conclusion of trial for forest-offence of produce in respect of which it was committed. When the trial of any forest-offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken possession of by a Forest Officer specially empowered in this behalf, and, in any other case shall be disposed of in a such manner as the Court may order.

NOTES

This section provides for disposal of forest produce in respect of which offence had been committed. When the trial of any forest offence is concluded, the forest produce in respect of which such offence had been committed is taken possession of by a forest officer specially empowered in this behalf. Two things are necessary for taking such possession. Firstly, the trial of the Government or it has been confiscated. After taking possession, such property may be disposed of by the forest Officer in such manner as may be directed by the court.

From a reading of the section itself it is clear that it does not contemplate any order directing delivery of the property seized in connection with the forest offence to the accused person. Such an order would be completely contrary to the provisions of law (State of Assam v. Kirpal Singh Upadhyya (1967) ILR 19 Assam and Nagaland 444).

53. Produce when offender is not known or cannot be found. (1) When the offender is not known or cannot be found, the Magistrate inquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest Officer specially empowered in this behalf, or to be made over to such Forest Officer or other person as the Magistrate may consider entitled to the same;

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

(2) The Magistrate shall either cause a notice of any application under sub. S.(1) to be served upon any person whom he has reason to believe to interested in the property seized, or publish such notice in any way which he may think fit.

NOTES

This section is similar to S.57 of the Indian Forest Act, 1927.

54. Procedure as to perishable property seized under S.49. The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under S.49 and subject to speedy and natural decay, and may, deal with the proceeds as he might have dealt with such property if it had not been sold.

NOTES

This section is similar to S.58 of the Indian Forest Act, 1927.

55. Appeal from orders under Ss.51, 52, and 53. Any person claiming to be interested in property seized under S,49 may, within one month from the date of any order passed by a Magistrate under S. 51, S.52 or S.53, present an appeal there from to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

NOTES

This section is similar to S.59 of the Indian Forest Act, 1927.

56. Vesting of confiscated property in State Government. When an order for the confiscation of any property has been passed under S.51 or S.53, and the period limited by S.55 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the Appellate Court confirms such

order in respect of the whole or portion of such property, as the case may be, shall vest in the State Government free from all incumbrances.

NOTES

This section is similar to S.60 of the Indian Forest Act, 1927.

57. Savings of power to release properties seized. Nothing hereinbefore contained shall be deemed to prevent any Forest Officer or other officer empowered in this behalf by the State Government from directing, at any time, the immediate release of any property seized under S.49, which is not the property of the Government and the withdrawal of any charge made in respect of such property.

NOTES

For similar section see S.61 of the Indian Forest Act, 1927.

58. Punishment for wrongful seizure. (1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.

NOTES

For similar section see S.62 of the Indian Forest Act, 1927.

59. Penalty for counterfeiting or defacing marks on trees and timber and altering boundary marks. Whoever, with the intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code- knowingly counterfeits upon any tree or timber a mark used by Forest Officers to indicate that such tree or timber is the property of the Government or of some person, or that it may lawfully be felled or removed by some person, or

(a) unlawful affixes to any tree or timber a mark used by Forest Officers, or

(b) alters, defaces or obliterates any such mark placed on any tree or timber, by or under

(c) the authority of a Forest Officer, or

(d) alters , moves, destroys or defaces to any boundary-marks of any forest or waste land to

(e) which any provisions of this Regulation apply,

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

NOTES

For similar section see S.63 of the Indian Forest Act, 1927.

60. Power arrest without warrant. (1) Any Forest Officer or police Officer, may, without orders from a magistrate and without a warrant, arrest any person reasonably suspected of, having been concerned in any forest offence publishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay take or send the person arrested before a Magistrate having jurisdiction in the case.

(3) Any Forest Officer or Police Officer or Police Officer who vexatiously arrests any person on the pretence that he is suspected of having been concerned in any forest offence or otherwise as provided by S.60 (1) of this Regulation shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(4) No Forest Officer or Police Officer shall detain in custody a person arrested under sub-S. (1) of this section for a longer period than under all the circumstances of the case is reasonable ; and such period shall not exceed twenty-four hours exclusively of the time necessary for the journey from the place of arrest to the Magistrate's Court having jurisdiction in the case.

NOTES

Sub-sections (3) and (4) of this section were inserted by Assam Act II of 1943. For similar provision see.S.64 of the Indian Forest Act, 1927.

61. Power to prevent commission of offence. It shall be the duty of every Forest Officer and Police Officer to prevent , and any such officer may interfere for the purpose of preventing, the Commission of any forest offence.

NOTES

For similar provision see S.66 of the Indian Forest Act, 1927

62. Power to compound offences (1) The State Government may, by notification in the official Gazette, empower a Forest Officer by name, or as holding an office-

(a) to accept from any person against whom a reasonable suspicion exist that he has committed any forest offence, other than an offence specific in S.58 or S.59 a sum of money by way of compensation for the offence which such person is suspected to have committed, and

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

62. Power to prevent commission of offence. (1) The state Government may, by notification in the official Gazette, empower a forest Officer by name, as holding an office-

(a) to accept from any person against whom a reasonable suspicious exist that he has committed any forest offence , other than an offence specified in S. 58 or S59 a sum of money by way of compensation which such person is suspected to have committed, and

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

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

(3) No Forest officer shall be empower under this section unless he is a Forest Officer of a rank not inferior to that of a Forest Ranger, and is in receipt of a monthly salary

amounting to atleast one hundred rupees , and the sum of money accepted as compensation under Sub-S (1)., cl. (a), shall in no case exceed the sum of fifty Rupees

NOTES

Although the marginal note to section 62 is "Power to compound offences", the word "compound" is not used in sub-section (1) clause (a), which only empowers the Forest Officer to accept compensation for a forest offence from a person suspected of having committed it. The person so suspected can avoid being proceeded for the offence by rendering compensation. He may think that he was being unjustly suspected of an offence and he ought to defend himself or he may consider it prudent on his part to pay such compensation in order to avoid the harassment of a prosecution even when he is of the view that he had not committed the offence.

By adopting the latter course he does not remove the suspicion of having committed the offence unless he is to have such benefit conferred on him by some provisions of law. In effect the payment of compensation amount to his acceptance of the truth of the charge against him. Sub-section (2) only protects him with regard to further proceedings, but has not the effect of clearing his character or vindicating his conduct. ***Biswabahan vs. Gopen Chandra Hazarika, AIR 1967 Sc 895; 1967 Cri.L.J. 828.,831.***

If a person is charged with an offence, then unless there is some provision for composition of it the law must take its course and the charge enquired into resulting either in conviction or acquittal. If composition of an offence was permissible under the law, the effect of such composition would depend on what the law provided for. If the effect of composition is to amount to an acquittal then it may be said that no stigma should attach to the character of the person, but unless that is expressly provided for, the mere rendering of compensation would not amount to the vindication of the character of the person charged with the offence. ***(Biswabahan (supra).***

In ***Biswabahan (supra)****, while considering the settlement of an excise shop, the Board of revenue took into consideration compounding of forest offence by the applicant as affecting his suitability in getting settlement. It was held by the Supreme Court that the board was quite competent to take the view and that the applicant was not vigilant in observing the law even if it had found - which it did not - that the applicant's explanation was not unconvincing.*

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

NOTES

This section was omitted by Assam Act II of 1943 and again inserted by Assam Act XXX-VII of 1950.

For similar provisions see S.69 of the Indian Forest Act, 1927.

64. Compensation for damage caused by commission of offences. (1) When any person is convicted of felling, cutting, girding, making, lopping of tapping trees, or of injuring



them by fire or otherwise in contravention of this Regulation or of any rule thereunder, the convicting Court may, in addition to any other punishment which it any other punishment which it may award, order that person to pay to the State Government such compensation, not exceeding ten rupees for each tree, with respect to which the offence was committed, as it may deem just.

(2) If the person convicted of the offence committed is the agent or servant of another person, the convicting Court may, unless after hearing that other person, it is satisfied that the commission of the offence was not a consequence of his instigation, or of any neglect or default on his part, order him instead of the person who committed the offence, to pay the compensation referred to in sub-S (1).

(3) An appeal from any order under sub -S.(1) or sub -S(2) shall lie to the Court to which orders made by the convicting Court as ordinarily appealable , and the order passed on such appeal shall be final.

65. Forfeiture of lease. When the holder of any lease, licence or contract whatsoever granted or continued by or on behalf of the Government for any of the purposes of this Regulation commits an offence is committed by any agent or servant of the holder of lease, licence or contract , and the State Government is satisfied that the commission of the offence was a consequence of the instigation of such holder of any neglect or default on his part, the State Government may, by order in writing declare the lease, licence or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order not being prior to the date of the commission of the offence

CHAPTER IX

Cattle trespass

66. Cattle Trespass Act, 1871 to apply. Cattle trespassing in a reserved forest or in a village forest shall be deemed to be cattle doing damage to a public plantation within the meaning of S.11 of the Cattle Trespass Act, 1871, and may be seized and impounded as such by any Forest Officer or Police Officer.

NOTES

This section is similar to S. 70 of the Indian Forest Act, 1927.

67. Power to alter fines fixed by that Act. The State Government may, by notification in the official Gazette, direct that, in the fines fixed by S.12 of the Act last aforesaid, there shall be lived for each head of cattle impounded under S.66 of this Regulation such fines as it thinks fit, but not exceeding the following namely.

	Rs.	A.	p.
For each elephant	10	0	0
For each buffalo	2	0	0
For each horse, mare, gelding, poney, Colt, filly, mule, bull, bullock, cow or Heifer	1	0	0
For each calf,ass,pig, rams, Ewe-sheep, lambs, goat or kid	0	8	0

NOTES

This section is similar to S.71 of the Indian Forest Act, 1927.

CHAPTER X

Forest Officer

68. Investiture of Forest Officers with certain powers.(1) The State Government may invest any Forest Officer by name, or as holding an office with all or any of the following powers, namely,

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

(b) the power of a Civil Court to compel the attendance of witness and the production of documents;

(c) power to issue search-warrants under the Code of Criminal Produce, 1882;

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

(e) power to notify the reasons and manner in which fire may be kindled, kept or carried in a reserved forest;

(f) power to grant any permission referred to in Ss. 26 and 36;

(g) power to notify stations for the receptions of drift timber;

(h) power to give public notice of timber collected under S.43;

(i) power to take possession of property under this Regulation;

(j) power to direct the release of property or withdrawal or charges ; and may withdraw any power so conferred

(2) Any evidence recorded under Cl.(d) of sub-(1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender.

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by S.355, S.356, or S.357 of the Code of Criminal Procedure.

NOTES

The Code of Criminal Procedure, 1898 has repealed and re-enacted as Code of

Criminal Procedure, 1898 and again that 1898 Code has been repealed and re-enacted as Code of Criminal Procedure, 1973. Now the provisions of forest Regulation have been provided for in Ss. 274,275,376,277 of the 1973 code. This section is similar to S.72 of the Indian Forest Act.927

69. Forest Officers deemed to be public servants. All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

NOTES

This section is similar to S.73 of the Indian Forest Act, 1927.

70. Indemnity for acts done in good faith. No suit or criminal prosecution shall lie against any public servant for anything done or omitted to be done by him in good faith under this Regulation.

NOTES

This section is similar to S.74 of the Indian Forest Act, 1927.

71. Forest Officers not to trade. No Forest Officers shall, as principal or agent, trade in forest produce , or be or become interested in any lease or mortgage or any forest, or in any contract for working any forest, whether in India or in any foreign territory.

NOTES

This section is similar to S.75 of the Indian Forest Act, 1927

CHAPTER XI

Supplemental provisions

72. Additional powers to make rules. The State Government may make rules, consistent with this Regulation;

(a) to declare by what Forest Officer or class of Forest Officers the powers or duties conferred or imposed by or under this Regulation on a Forest Officer are to be exercised or performed.

(b) to regulate procedure of Forest Settlement Officers ;

(c) to provide for ejectment of any person who has entered into unauthorized occupation in a forest reserve and for the disposal of any crops raised, or any building or other construction erected without authority in forest reserves ;

No Civil Court shall exercise jurisdiction in any matter provided for by the rules made under this clause.

(d) to regulate the rewards to be paid to officers and informers; and

(e) generally, to carry out the provisions of this Regulation.

NOTES

Clause (c) of section 72 empowers the State Government to make rules to provide for ejectment of any person who has entered into unauthorized occupation in a reserved forest etc. In exercise of the said powers Rules known as "Rules for Establishment and control of Forest Villages" were framed. The said Rules came up for interpretation before the Guahati High Court in ***Enesh Sangma Vs. D.F.O., Karbi Anglong, (1983) 1 GLR 505.***

The facts, in brief, were as follows. The petitioners belonging to "Garo Scheduled Tribes" became refugees on partition and came to Assam. They were allotted land in Rongkhong Reserve Forest which they occupied. The authorities latter attempted to evict such occupants alleging them to be unauthorized occupants. The action of the authorities was challenged before the High Court. The authorities did not produce before the High Court the relevant records regarding allotments made to the petitioners. The High Court on perusal of the facts held that the action taken by the authorities was destructive of the basic principles of "the rule of law". The High Court discussed the effect of allotment made in the reserved forest and laid down the relevant guidelines for deciding the questions raised in the following words:

"In the interest of justice to which the ignorant petitioners are entitled it would be the prime obligation or rather the constitutional obligation of the respondents to trace out all the connected records and then to decide who are the real allottees and who are not. Thereafter, the respondent should proceed to take action against those who have encroached upon land beyond the areas allotted to them. While remitting the case to the D.F.O. we would observe that the petitioners should not allowed to destroy or damage the forest products. The authorities should be extremely vigilant to protect and safeguard the Forest and wild life. With these observations we quash the impunged notices as respondents could not establish that the petitioners were trespassers and/or unauthorized occupier of any land. The respondents have failed to produce any document to that effect. We make it very clear that neither the State nor its executive officer can interfere with the rights of others unless they could point out some specific rule or law to justify their acts. In the instant cases there is no material to bear up the cases of the respondents nor could they point out provision of law to order eviction of the petitioners. In our opinion the actions taken in these cases by the respondents were destruction of the basic principles of 'the rule of law'."

73. Rules when to have force of law. All rules made by the State Government under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

NOTE

This section is similar to S.78 of the Indian Forest Act, 1927.

74. Persons bound to assist Forest Officer and Police Officer. Every person who exercise any right in a reserved forest or village forest, or who is permitted to remove any forest produce from or to pasture cattle or practice jhum cultivation in such forest; and every person who employed by such person in such forest, and every person in any village contiguous to such forest, who is employed by the Government for services to be performed to the community; shall be bound to furnish, without unnecessary delay, to the nearest Forest Officer or Police Officer any information which he may posses respecting the occurrence of a fire in or near forest, or the commission of, or intention to commit, any forest offence and shall assist any Forest Officer or Public Officer demanding his aid ;

(a) in extinguishing any fire occurring in such forest;

(b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest.

(c) In preventing the commission in such forest of any forest offences; and

(d) When there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

NOTE

This section is similar to S.79 of the Indian Forest Act. 1927

75. Recovery of money due to the Government. All money , other fines payable to the Government under this Regulation, or under any rule made thereunder, or on account of the price of any forest produce or of expenses incurred in the execution of this Regulation

in respect of any forest produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue

NOTES

This section provides for recovery of all money other than fines, payable to the Government (i) under the Regulation, or (ii) under any rule made thereunder, or (iii) on account of the pride of any forest produce, or (iv) expenses incurred in the execution of the Regulation in respect of any forest produce, if not paid when due, as arrear of land revenue. Therefore, for application of this section, the liability to the Government must arise under any one of the various heads mentioned above. It is only then the summary procedure laid down in this section will be available. Amount due for breach of contract does not come within the expression "any amount due under these rules". The matter would have been different if the rules, but also for breach of terms of the agreement or otherwise whatever. ***(Praneswar Das vs. State of Assam AIR 1973 Gau 51).***

Amount claimed as auction money is not recoverable under the provisions of the Assam Forest Regulation. It is not due on account of price of any forest produce or of expenses incurred in execution for recovery of any forest produce. The amount is also not due in the execution of the Regulation.

76. Lien on forest produce for such money. (1) when any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce , and such produce may be taken possession of by a Forest Officer specially empowered in this behalf, and may be retained by him until such amount has been paid.

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

Provided that when no price is offered or the price offered in such auction is considered inadequate the sale by such auction shall be stopped and such Forest Officer shall sell the produce in such other manner as the State Government may direct in this behalf.

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

NOTES

The proviso to sub -S.(2) was inserted by Assam Act XI of 1953 and is similar to S. 83 of the Indian Forest Act, 1927.

77. Government and its officers not liable for loss or damage in respect of certain forest produce. The Government shall not be responsible for any loss or damage which may occur in respect of any forest produce while at a revenue station established under a rule made under S.40, or while detained elsewhere for the purposes of the Regulation or, in respect of any timber collected under S.43 and no Forest Officers shall be responsible for any such loss or damage unless he shall have caused the same negligently, maliciously or fraudulently.

78. Land required under the regulation to be deemed to be needed for public purpose. Whenever it appears to the State Government that any land is required for any of the purposes of this Regulation, such land shall be deemed to be needed for a public purpose, within the meaning of S.4 of the Land Acquisition Act, 1870.

NOTES

This section is similar to S.84 of the Indian Forest Act, 1927.

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

NOTES

This section is similar to S.85 of the Indian Forest Act, 1927



ACTs

THE MEGHALAYA TREE (PRESERVATION) ACT, 1976



THE MEGHALAYA TREE (PREVENTION) ACT, 1976.

(Meghalaya Act 13 of 1976)

(As passed by the Assembly)

Received the assent of the Governor on the 5th October, 1976.

(Published in the Gazette of Meghalaya, Extra-ordinary, dated 9th October, 1976)

An
Act

to make provisions for regulating the felling of trees for purpose of protection of catchment areas and soil from erosion and to preserve the special characteristics of the hilly areas as regard landscape, vegetal cover and climate and to provide for matters connected there with and incidental thereto.

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

Short title, extend and commencement

1 (1) This Act may be called the Meghalaya Tree (Preservation) Act, 1976.

(2) It shall extend to the Municipality and Cantonment areas of Shillong.

Provided that the State Government may, by notification, extend the Act to other areas of Meghalaya.

(3) It shall be deemed to have come into force on the 18th May, 1976.

Definition

2 In this Act unless the context otherwise requires: -

(a) "Government" means the Government of Meghalaya;

(b) "Trees" means any trees specified in the Schedule to this Act, and the State Government may, by notification, add to or modify, the Schedule.

(c) "To fell a tree" includes burning, cutting, damaging, up-rooting or lopping a tree to cause sustainable damage or destruction thereto.

Restriction on felling of trees.

3 (1) No person shall fell any tree or cause of permit such trees to be felled in any land, whether of his ownership or otherwise, except with the prior permission of the Divisional Forest Officer who may grant such permission subject to such conditions not inconsistent with the provisions of this Act.

Provided that such permission shall not be refused if the tree is dead, diseased, over-matured, wind-fallen, has become dangerous to life and property or if it is necessary for the purpose of preventing or abating a nuisance.

(2) Every order granting or refusing permission shall be in writing and in the case of refusal shall contain reasons thereof.

(3) Every application for permission under this section shall be disposed of by the Divisional Forest Officer as early as possible as and not later than two months from the date of submission of the application failing which permission shall be deemed to have be accorded.

Appeal.

4. Any person aggrieved by an order of the Divisional Forest Officer refusing permission under this Act may within 30 days from the date of such order, prefer an appeal to the Conservator of Forests.

Penalty for felling trees in contravention of Section 3.

5 Any person who, without obtaining prior permission as provided in the Act, fells any such trees, or causes or permits it to be felled, shall be liable, on conviction before a Magistrate to a fine not exceeding one thousand rupees, and the court of such a magistrate may further order that any such tree so felled together with all tools and other articles used in committing such contravention shall be forfeited to the State Government.

Power of entry, search and seizure

6 (1) Any Forest Officer not below the rank of a Range Officer and Police Officer not below the rank of Sub-Inspector may enter upon any land, where he has reason to believe that any tree has been or is being felled, in contravention of Section 3 and Seize such felled trees or any lopping thereof, together with its produce, tools, implements and other articles used in committing such contravention and shall make a report of such seizure to the Divisional Forest Officer.

(2) If the property so seized is not ordered to be forfeited to the State Government under Section 5, that property shall be returned to the person from whom it was seized.

(3) If any claim is set up by a third person to the property seized as aforesaid, Magistrate shall inquire into the claim and may admit or reject it, after hearing such person in respect thereof.

Bar against proceedings

7. No suit or proceedings shall lie against the State Government or against any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.

Exemption

8. Notwithstanding anything contained in this Act no permission shall be required for -

(1) the trimming or laying of hedges;

(2) lopping of branche s or pruning of any trees as required by ordinary agricultural or horticultural practices;

(3) the felling of any trees in pursuance of any order or direction made or issued by any authority under the provisions of any law for the time being in force.

Provision of this Act to be in addition to any other law for the time being in force

9. The provision of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating in addition to the felling of trees.

When Court to take cognizance of offence

10 No court shall take cognizance of any offence punishable under this Act-

(1) Except on the complaint of the Divisional Forest Officer or any other officer authorised by the 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.

Power to make rule

11 (1) The State Government may make rules to carry out the purposes of this Act.

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

(a) the form and manner of applications to be made for permission under sub-section (1) of Section 3 and disposal thereof, appeals to the Conservator of Forests and the fees payable therefore;

(b) the procedure to be followed in hearing and deciding appeals under Section 4;

(c) any other matter.

Repeal of the Meghalaya Rule 1 of 1976

12. The Meghalaya Tree (Preservation) Rules, 1976 (1 of 1976) is hereby repealed.

SCHEDULE

(See section 2(b))

I. Pine

2.

3.

4.

5.

6.

Sd/-
S. N. Phukan
Secretary to the Government of Meghalaya,
Law Department

GOVERNMENT OF MEGHALAYA
FOREST DEPARTMENT
NOTIFICATION

Shillong, the 9th December, 1985.

No.FOR.40/80/154. It is notified for general information that consequent to the Government Notification vide FOR.40/80/Pt/9 Dt. 22nd August, 1980 making the provision of Meghalaya Tree (Preservation) Act, 1976 Meghalaya Act 13 of 1976 applicable to all areas within a radius of 10 (ten) km from District Council's Court Shillong, all arears within the village Jurisdiction of the villages mentioned below have now come under the purview of the said act, falling, burning, cutting, uprooting of any trees or permitted any trees to felled, burned, out or otherwise within the areas to which the act, extends, except permission in writing from the Deputy Conservator of Forests, Khasi Hills Division is a punishable offence under the aforesaid act.

Sd/- L. Roy
Deputy Secretary, Govt. of Meghalaya
Forest Department.

Name of villages within 10 km of District Council's Court at Shillong.

1. Greater Shillong area including Shillong Cantonment.
2. Barapani
3. Mawtawar
4. Mawpat
5. Diengiong
6. Mawiong
7. Mawdiangdiang
8. Mawkasiang
9. Tynring
10. Mawpdang
11. Nongrah
12. Mawlynrei
13. Mawshabuit
14. Sohryngkham
15. Mawlngad
16. Lamlyer
17. Umphyrnai
18. Laitkor
19. Kynton-U-Mon
20. Smit
21. Nongkrem
22. Mylliem Mawpynthih
23. Pomlakrai
24. Sadew
25. Mylliem
26. Pomlum
27. Mawkriah
28. Umlyngka
29. Mawklot
30. Nongpiur
31. Mawreng
32. Nonglum
33. Baniun
34. Marbaniang
35. Mawsing
36. Nongumlong
37. Nongkseh
38. Shilliangum
39. Mawmih
40. Nongpathaw

Sd/- L. Roy
Deputy Secretary, Govt. of Meghalaya
Forest Department.

No.FOR.40/80/154-A/ Shillong, the 9th December, 1985.

Copy forwarded for information and necessary action to:-

1. The Chief Conservator of Forests, Meghalaya, Shillong.
2. The Deputy Commissioner, East Khasi Hills Shillong.
3. The Deputy Conservator of Forests, Khasi Hills Division, Shillong.
4. The Divisional Forest Officer, Social Forestry Division, Shillong.
5. The Divisional Forest Officer, Forest Resources Survey Division, Shillong.
6. The Working Plan Officer, Shillong.
7. The Director of Soil Conservation, Meghalaya, Shillong.
8. The Law Department.
9. The Cabinet Affairs Department.
10. The Director of Printing & Stationery, Meghalaya, Shillong for publication in the Gazette.
11. The Chief Executive Member, Khasi Hills District Council, Shillong.
12. The Managing Director, Forest Dev. Corporation of Meghalaya Ltd. Lower Lachumiere, Shillong.
13. The Director of Information & Public Relation, Meghalaya, Shillong for wide publicity through office, Radio & Local News Papers both in English and Khasi.

Sd/- L. Roy
Deputy Secretary, Govt. of Meghalaya
Forest Department.

ACTs

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



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 may 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	Miche lia champaca
5	Bola, Dieng Bilat, Bolsen	Bola	Moms kevigata
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
****

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 23rd August, 1994.

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

Sl. No.	Local Name	Commercial Name	Scientific Name
1.	Diengsoh Risang	Indian Horn Beam	Carpinus veminia
2.	Tik, Teak, Segum	Teak	Tectona grandis
3.	Sal, Diengsal, Bel Sal	Sal	Shorea rebusta
4.	Dieng Laphiang, Cippok Gamari.	Bel Gamari	Cemelina arborea
5.	Diengrai, Tita Sopa	Champaca	Mechelia champaca
6.	Yew		Taxus Tacus baccata
7.	Acer		Acer Acer oblengum
8.	Aesculus	Horse Chestnut	Aesculus
9.	Gogra, Makri Sal	Gogra	Schima vallichii
10.	Poma, Diengbti, Dolbret	Toon	-
11.	Mango	-	-
12.	Simul	-	-
13.	Jackfruit	-	Artocarpus
14.	Bhelu Bollok	-	Intergrefolia Tetrameles Nudiflera
15.	Nahor, Diengngai, Kimda	-	Mesua ferrea.

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

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT
****

ORDERS 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	Commercial Name	Scientific Name
1.	Aesculus	Horse chestnut	Aesculus assamica
2.	Gogra, Makri Sal	Gogra	Sehima wallichii
3.	Poma, Diengbti, Belbret	Toon	Toona ciliata
4.	Simul	-	-
5.	Bhelu Bollok	-	Tetramelus nudiflora
6.	Nahor Kimda	-	Mesua ferrea.

This will take immediate effect.

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

Memo No. FOR/50/80/Pt/335-A Dated Shillong, the 16th Feb/95.
Copy forwarded to :-

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

By order etc.

Under Secretary to the Government of Meghalaya,
Forest & Environment Department.

ACTs

MEGHALAYA PROTECTION OF CATCHMENT AREAS ACT, 1990



International Environmental
Law Research Centre

Meghalaya Protection of Catchment Areas Act, 1990

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MEGHALAYA ACT NO. 4 OF 1992

THE MEGHALAYA PROTECTION OF CATCHMENT AREAS ACT, 1990

(As passed by the Meghalaya Legislative Assembly)

[Received the assent of the Governor on the 27th April, 1992]

(Published in the Gazette of Meghalaya, Extra-ordinary Issue, dated 27th April, 1992)

An

Act

To provide for the protection of catchment areas with a view to preserve water sources and to make provisions for matter connected therewith.

WHEREAS, water is so vital to human life and community;

AND, WHEREAS, water sources in the hill areas are dwindling due to denudation of and inconsistent activities in the catchment areas.

AND, WHEREAS, it has become necessary to take regulatory measures to protect and improve the environment and the catchment areas and thereby preserve the water sources therein and augment the yield of water from such sources, streams and rivulets;

BE, it enacted by the Legislature of the State of Meghalaya in Forty-first year of the Republic of India as follows:-

Short title, extent and commencement,

1. (1) This Act may be called the Meghalaya protection of Catchment Areas Act, 1990.

(2) It extends to the whole of the State.

(3) It shall come into force on such date as Government may by notification appoint.

Definitions

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

(a) 'Act' means the Meghalaya Protection of Catchment Areas Act, 1990;

(b) 'Advisory Board' means the Catchment Areas Advisory Board constituted under section 3;

(c) 'Catchment area' means an area where springs streams, rivulets and water sources originate and serve as a potential source of perennial flow of water;

(d) 'Critical catchment area' means the area from where springs, streams, rivulets and water heads originate and serve or can potentially serve the water supply system of any village or town or a group of them and the preservation of which is so vital for the life and health of the community;

(e) 'Competent Authority' means the competent authority appointed under section 12;

(f) 'Government' means the Government of the State of Meghalaya;

(g) 'Land owner' means a proprietor or patta holder and includes a person having interest in the land under this Act;

Explanation: 'land' for the purpose of this Act includes trees, buildings and standing crops on it

(h) 'measures' means the measures specified in section 6;

(i) 'non-critical catchment area' means a catchment area which is not a critical catchment area;

(j) 'notification' means notification by Government published in the Gazette of Meghalaya;

(k) 'prescribed' means prescribed by rule made under this Act;

(l) 'section' means a section of the Act

Constitution of a Catchment Area Advisory Board.

3. (1) There shall be constituted a Board to be known as the Meghalaya Catchment Areas Advisory Board to advise the Government on matter connected with the catchment areas and their protection;

(2) The Advisory Board shall consist of the following members: namely:-

(a) The special Secretary/Secretary, Forest and Environment Department of the Government as Chairman;

(b) The Chief Conservation of Forest;
(c) The Director of Soil Conservation;
(d) The Director of Agriculture;
(e) The Chief Public Health Engineer;
(f) The Director of Health Services;
(g) The Director of Mineral Resources;
(h) The Director of Urban Development;
(i) The Chief Executive Officer/Chairman of the Municipality concerned;
(j) The Chief Executive members of the Autonomous District Councils of their representatives on where there are no Chief Executive members by

reasons of the functions of the District Councils having been taken over by the Governor of Meghalaya, the respective administrators appointed by him to administer the functions of the Council;

(k) Non-official members to be nominated by Government from time to time; and

(l) Environment experts to be nominated by Government from time to time.

(3) The Board may if it thinks necessary co-opt any person or functionality in any of its sitting to resolve any particular issue or issues.

Functions of the Advisory Board

4. (1) The functions of the Advisory Board shall be to advise Government on-

(a) The declaration of any area as catchment area;

(b) The preservation and protection of catchment areas, streams, rivulets, water sources and on measures to be adopted thereof;

(c) The appropriate method of management of catchment areas *vis-a-vis* the activities customarily practiced in such areas;

(d) Whether payment of any amount in any form is called for, for the trees and other cultivation but not for the land;

(e) The basis, terms and conditions of the agreement to be made with the land owners after negotiation with them for the purpose; and

(f) On such other matter connected with the improvement and augmentation of yield of water from sources therein.

(2) The Advisory Board shall meet as often as may be necessary but not less than twice in a calendar year.

Declaration of an area as catchment area.

5. (1) Government may on the advice of the Advisory Board and on receipt of the consent of land owners in writing in the form to be prescribed for this purpose and whose terms and conditions are binding on the parties concerned by notification, declare an area to be a catchment area.

(2) A catchment area to be declared under sub-section (2) may be either a critical catchment area or a non-critical catchment area.

Measures for protection of catchment areas.

6. (1) On the declaration of an area as catchment area under section 5 Government shall have the power to take such measures as it deems necessary or expedient for the purpose of protecting the catchment area.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1) such measures may include all or any of the following matters, namely-

(a) Planting or advising the planting of trees and the taking of other steps to regenerate the forests;

(b) Testing of the soil samples;

(c) In the case of a critical catchment area, prohibiting therein or within a distance not exceeding two hundred metres from the periphery thereof-

(i) The felling of trees, destruction or clearance of groves, bushes or any vegetative cover;

(ii) Jhumming or cultivation or use of any insecticide or pesticide;

(iii) Quarrying of sand or stone;

(iv) Excavation of earth;

(v) The carrying of any activity which in the opinion is likely to damage the prings, streams rivulets or water sources in the area.

(d) In the case of non-critical catchment areas prohibiting therein or within such distance not exceeding one hundred metres from the periphery thereof any activity of the nature specified in clause (c) without permission of and subject to such conditions as the competent authority may think fit to impose.

Guidelines for the competent authority in dealing with applications

7. In granting or refusing to grant permission under clause (d) of sub-section (2) section 6 the competent authority shall while dealing with application consider:-

(a) The nature of activity and the period the applicant for the permission has been carrying on such an activity in the area;

(b) Whether the activity is likely to cause damage to the catchment area the springs, streams, rivulets and water sources therein and if so the extent thereof; and

(c) Whether by not granting any permission, improvement of the catchment area is more likely to be achieved.

Previous publication of notice and consideration of abjections

8. (1) Where Government proposes to take any measure contemplated in sub-section (2) of section 6 it shall publish a previous notice of its intention to do so in a manner as may be prescribed inviting objections from persons likely to be affected by the measures proposed.

(2) If after consideration of objections received under sub-section (1) Government decides to take any of the measures contemplated in sub-section (2) of section 6 the same shall be notified in a manner as may be prescribed.

Prohibition of activities in catchment area.

9. On the measures being so notified under sub-section (2) of section 8 no person shall undertake or carry on, in the critical catchment area, any activity which is so prohibited and, in the non-critical catchment area, any activity without the permission of the competent authority or otherwise than in accordance with such permission.

Power of entry to inspect and verify.

10. Any member of the Advisory Board or person empowered by the Government in this behalf shall have the right to enter at any reasonable time, with such assistance as he considers necessary, upon any land declared as catchment area including the extent thereof as referred to in clause (c) and (d) of sub-section (2) of section 6, to inspect and verify the activities, if any, or in connection with any function under this Act or rules made there under and every person claiming to be the owner, occupier or otherwise of the land shall be bound to render all assistance and if he fails to do or if he wilfully delays or obstruct such member or person he shall be guilty of an offence under this Act.

Offences

11. Whoever contravenes the provisions of section 9 or of section 10 shall for the first offence be punishable with fine which may extend to rupees two thousand and, in case of continuing offence, of rupees two hundred for each day the offence continues and for any subsequent offence with imprisonment for a term which may extend to six months with or without fines.

Competent Authority

12. Special Secretary/Secretary Forest and Environment Department shall be the Competent Authority for the purpose of this Act, and Government may by notification appoint any other competent authority for the purpose of this Act.

Complaint

13. No Court shall take cognizance of any offence under this Act except on a complaint made by the competent authority.

Bar on suits in civil courts.

14. No suit shall be in any civil court to set aside or modify any order passed by Government or by the competent authority under this Act or the rules framed there under.

Appeal

15. Any person aggrieved by the order of Government to declare an area as a catchment area or to take any measure as contemplated in the Act or by any orders of the competent authority may within forty-five days from the date of notification make an appeal to the Meghalaya Board of Revenue and its order on the appeal shall be final.

Effect on other laws

16. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power to make rules

17. (1) The Government may by notification make rules to carry out purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, *viz.*

(a) The manner and method of functioning of the Advisory Board

(b) Fees, if any, to be paid to non-official members and other persons connected with the functions of the Board;

(c) The form and manner of application for permission to carry on any activity in non-critical catchment areas;

(d) The guidelines for the competent authority to deal with applications for permission, subject to provisions of section 7;

(e) The form and manner of notification to be issued under sub-section (2) of section 8 regarding measures to be taken;

(f) From and manner of issuing notice for entry upon any land for inspection and verification under section 10;

(g) The authorities and nodal agency to implement and monitor the implementation of the Act;

(h) Supply or collection of information and data; and

(i) Any other matter that is required to be prescribed for the purpose of this Act.

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ACTs

MEGHALAYA FOREST AUTHORITY ACT, 1991



MEGHALAYA ACT 3 OF 1991

THE MEGHALAYA FOREST AUTHORITY ACT, 1991

(As passed by the Meghalaya Legislative Assembly on the 1st April, 1991)

Received the assent of the Governor on the 16th April, 1991

Published in the Gazette of Meghalaya, Extra-ordinary dated 17th April, 1991

An

Act

To provide for the constitution of an Authority for the unified control of forests in the State

WHEREAS, there is need to further adopt measures to prevent indiscriminate felling of trees in the State:

AND, WHEREAS, for that purpose it is expedient to have an authority with persons from the State Government and the District Council as members:

AND, WHEREAS, concurrence of all the Chief Executive Members of the District Councils in the State has been obtained:

Be It enacted by the Legislature of the State of Meghalaya in the Forty-second Year of the Republic of India as follows:-

1. **Short title, extend and commencement-**

   (1) This Act may be called the Meghalaya Forest Authority Act, 1991.

   (2) It extends to the whole of the State of Meghalaya.

   (3) It shall be deemed to have come into force on the 2nd March, 1991.

2. **Definitions-** In this Act unless there is anything repugnant in the subject or context :-

   (a) "Authority" means the Meghalaya Forest Authority constituted under section 3;

   (b) '"District Council" means an Autonomous District Council constituted under the provisions of the Sixth Scheduled to the Constitution of India; and

   (c) "Forest" means all classes of forests but excludes reserved forests. Government or Government protected forests and any area recorded as forests in Government records.

3. **Constitution of the Authority-**

   (1) There shall be constituted the Meghalaya Forest Authority with a Board of Governors comprising of the Chief Minister, the Minister-in-charge, Forests and Environment and the Chief Executive Members of the Autonomous District Councils in the State.

   (2) The Chief Minister shall be the Chairman, the Minister-in-charge, Forests and Environment, the Deputy Chairman and an officer of the State Forests Department, not below the rank of a Conservator of the Forests to be nominated by the State Government, the Member Secretary of the Board of Governor.

(3) In the event that there is no council of Ministers in the State of Executive Committee in any District Council the Governors as the case may be, of the Board shall, for the time being, be appointed by the Governor of Meghalaya.

4. **Functions of the Authority-** The functions of the Authority shall be to advise the State Government and the District Councils on proper co-ordination and implementation of State and District Council forest laws and in the preparation of forest plans and schemes and other matters connected with the preservation of forests in the State.

5. **Meetings of the Authority and Quorum-**

(1) The Authority shall meet as often as may be necessary and all matters in a meeting shall be decided by the majority members present with the Chairman casting his vote only in case of a tie.

(2) The quorum for any meeting shall be four including the person presiding.

(3) Every meeting shall be presided over the Chairman and, in his absence, by the Deputy Chairman.

6. **Officers and Staff-**

(1) The Member-Secretary shall be the Chief administrative officer of the Authority and shall exercise supervision and control over its day to day affairs, authenticated letters other papers emanating from it and maintain or cause to be maintained accounts and other records.

(2) The Authority may with prior approval of Government appoint such other officers and staff as may be necessary not carrying our its function under this Act.

7. **Power to make rules-** The State Government may make rules for carrying out the purpose of this Act.

8. **Act not to be in derogation of any other laws-** The provisions of this Act shall not be in derogation of any other law on forests operating in, the State.

9. **Repeal and Saving-**

(1) The Meghalaya Forest Authority Ordinance, 1991 is hereby repealed.

(2) Notwithstanding the repeal any action taken or anything done under the Ordinance so repeal shall repealed shall be deemed to have been taken or done under the corresponding provisions of this Act

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ACTs

THE MEGHALAYA FOREST REGULATION (AMENDMENT) ACT, 1998



Registered No. N.E. -771

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PART - VA
GOVERNMENT OF MEGHALAYA
LAW (B)
ORDERS BY THE GOVERNOR
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NOTIFICATION

The 22nd December 1998

No.LL(B)87/98/17—The Maghalaya Forest Regulation (Amendmenl) Act, 1998 (Act No. 7 ol 1998) Is hereby published for general information.

(As passed by the Meghalaya Legislative Assembly)
Received the assent of the Governor on 2lst December, 1998.
Published In THE GAZETTE of Maghalaya, Extra Ordinary Issue dated 22nd December, 1998.

THE MEGHALAYA FOREST REGULATION (AMENDMENT) ACT, 1998.

An
Act

further to amend the Meghalaya Forest Regulation (Assam Regulation No, 7 of 1891 as applied and amended by Meghalaya).

Be it enacled by the Legislature of the state of Meghalaya in the Forty-nineth Year of the Republic of India as follows :-

Short title and commencement

1. (1) This Act may be called the Meghalaya Forest Regulation (Amendment) Act, 1998.

(2) it shall come into force at once.

Amendment of Section 40 of Regulation of 7 of 1991

2. In section 40 of the Meghalaya Forest Regulation (Assam Regulation No. 7 of 1891 as of applied and amended by Meghalaya), in sub-section (2), for clause (I), the following shall be substituted, namely ,-

"(I) prohibit absolutely, or subject to conditions, rules, within specified local limits, the establishment of saw Mills, Saw Pits, Veneer Mills. Plywood Factories and any kind of Forests-Based Industries for the purpose of conversion, manufacturing, peeling, slicing, cutting, burning, concealing, marking or supermarking the timber, altering or affecling any of the marks on the same end possession or carrying of marking hammers or other implements, used for marking timber; and".

Sd/-
(L. M. SANGMA]
Under Secretary to the Govt. of Meghalaya
Law (B) Department.

Shillong - Printed and Published by the Director of Printing and Stationery, Meghalaya, Shillong
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ACTs

THE MEGHALAYA FOREST REGULATION (AMENDMENT) ACT, 2012



(As passed by the Meghalaya Legislative Assembly)
Received the assent of the Government on 19th December, 2012.
Published in the Gazette of Meghalaya Extra-Ordinary issue dated 21st December,2012.

THE MEGHALAYA FOREST REGULATION (AMENDMENT) ACT,2012

An

Act

To amend the Meghalaya Forest Regulation Act, (Assam Regulation 7 of 1891 as adapted and amended by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixth-third Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Meghalaya Forest Regulation (Amendment) Act, 2012.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette appoint.

Insertion of Additional clause (10) to section 3 of the Meghalaya Forest regulation Act.

2. In section 3 of the Meghalaya Forest regulation (Assam Regulation 7 of 1891 as adapted and amended by Meghalaya), after clause (9), the following new clause (10) shall be inserted, namely ;-(10) An area would be "forest" if it is a compact or continuous tract of minimum 4 hectares land, irrespective of ownership, and where:-

(a) More than 250 naturally growing trees per hectare of 15 cm and higher diameter at breast height (DBH) over bark are present or

(b) More than 100 naturally growing bamboo clumps per hectare are present in case of the tracts containing predominantly sympodial bamboo:

Provided that in case of tract containing mixed crop of non-bamboo vegetation and bamboo, the qualifying number of trees including bamboo clumps would be proportionately modified from the above specified numbers of determining the land as "forest".

Provided further that a tract of land used for traditional way of agriculture by the tribal population or for bonafide community livelihood needs shall not be "Forest" irrespective of the density of vegetation growing on it:

Provided further that any area recorded as "Forest" in any of the Government records including the records of the Autonomous District Councils of the State shall *ipso facto* be "Forest" irrespective of the size and number of trees including bamboo clumps:

Provided further also that "Forest" shall also include all the areas irrespective of size, ownership and type of vegetation growing on such areas which have been identified by a competent authority and

notified as protected areas or critical wildlife habitat or corridors for wildlife or habitat of endangered species or eco-sensitive/eco-fragile areas or critical catchment areas of rivers and other water sources or biodiversity heritage sites or sacred groves in the State.

Explanation :

If 60% of the tract is covered with trees and 40% with bamboos, then the qualifying numbers shall be more than 150 trees of 15 cm and higher DBH over bark and more than 40 bamboo clumps per hectare for identifying such areas as “forest”.

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RULEs

GENERAL RULES FRAMED UNDER THE ASSAM FOREST REGULATION HAVING THE FORCE OF LAW



GENERAL RULES FRAMED UNDER THE ASSAM FOREST REGULATION HAVING THE FORCE OF LAW

CHAPTER I

Powers of Forest Officers

[Under Sections 68 (1) and 72]

Class of Officers empowered 1	Section of the Regulation 2	Brief description of powers 3
(1) Deputy Rangers, Foresters, Forest Guards, Forest Gate Keepers, Forest Timber Watchers, Forest Supervisors, Forest Fire Watchers	52	Power to take charge of forest produce which is the property of the Crown or has been confiscated by order of a court.
	53	Power to accept charge of confiscated property when the offender is not known.
(2) Rangers, Deputy Rangers, Foresters, incharge of a Range or revenue station	26(d)	The above powers, and (a) Power to permit in writing the acts mentioned in Ss. 24 and 25 subject to such restrictions and conditions and to the payment of such royalty, fee or other charge as the Conservator may fix. (b) Power to permit vehicles to use roads in reserved forests subject to such restrictions and conditions and to the payment of such tolls or permit fees as the Conservator may fix.
	36	(a) Power to permit in writing the acts mentioned in Ss. 33 and 34 subject to such restrictions and conditions and to the payment of such royalty, fee or other charge as the Conservator may fix or as may have been prescribed by the State Government. (b) Power to permit vehicles to use roads belonging to the Forest Department in unclassed State forests subject to such restrictions and conditions and to the payment of such tolls or permit fees as the Conservator of Forests may fix.

Class of Officers empowered 1	Section of the Regulation 2	Brief description of powers 3
	47	Power to receive payment on account of drift or other timber.
	57	Power to direct release of property seized under S. 49.
(3) Rangers on a salary of not less than Rs. 125 a month	62	The above powers, and Power to accept compensation for offences and to release property seized as liable to confiscation.
	76	Power to take possession of forest produce and to sell such by auction for recovery of money due on this account.
(4) Deputy Commissioners and Sub-divisional Officers (in hill districts), Extra Assistant Conservators	43(2)	The above powers, and Power to notify depots for reception of drift and other timber.
	44 (1)	Power to give notice of timber collected under S. 43.
	68(1)	Power to enter upon and survey any land, to compel attendance of witnesses and production of documents, to issue search warrants and to record evidence.
(5) Deputy Conservators of Forests, Assistant Conservators of Forests, Extra Assistant Conservators in-charge of Forest Divisions within the limits of their respective divisions, Deputy Commissioners of Khasi and Jaintia Hills and Naga Hills within their districts		The above powers, and
	23	Power to stop ways and water courses in reserved forest with the concurrence of the Deputy Commissioner of the district.
	25(c)	Power to regulate the kindling or carrying of fire in reserved forests.
(6) Conservators		All the above powers.
		Construction of transmission line through reserve forest.

Class of Officers empowered 1	Section of the Regulation 2	Brief description of powers 3
(7) Deputy Commissioners, Sub-divisional Officers within their jurisdiction	63(1)	Power to enter upon and survey any land, to compl. attendance of witnesses and production of documents to issue search-warrants and to record evidence.
(8) Honorary Forest Officers	49-A	Power to release under bond property seized under S. 49.

Forest Officers are authorised to exercise the following powers to execute forest contracts other than those relating to the purchase, sale or permanent acquisition of land :

In the case of Forest Department contracts and other instruments in matters connected with the administration and working of forests and with the business of Forest Department generally, including leases of land but not including contracts relating to the purchase or sales or per¬manent acquisition of land ; provided that the value of the property to which the contract or instrument relates or the amount of expenditure involved does not exceed the limit	By Conservator up to Rs. 25,000 (or in the case of lease of land Rs. 2,000). By Divisional Forest Officer up to Rs. 5,000 (or in the case of lease of land Rs. 2,000).

NOTES

The description of powers delegated under paragraph “Forest Officers.... acquisition of land” was substituted *vide* Notification No. GFR 95/46/34, dated 10th August, 1948.

The para prior to this substitution was inserted *vide* Notification No. 3461 F (a), dated the 23rd October, 1931.

In item No. 6 in column (3) the words “Construction of transmission line through reserve forest” have been inserted *vide* Notification No. FOR 277/65/4, dated 16th August, 1965.

These powers of Forest Officers were prescribed *vide* Provincial Government Notification No. 3212-R, dated the 14th November, 1932.

Under S. 68 (1) of the Assam Forest Regulation, the Provincial Government can invest any Forest Officer by name, or as holding an office, with power as detailed therein. Under S. 72 of the Ruglation additional rules can be made by the Government so long as they are consistent with the Regulation.

CHAPTER 2

Rules Regarding Unclassed State Forests

[Under Section 32 (a)]

Reserved Trees

All trees of the undermentioned kinds standing on any land at the disposal of the State shall be reserved trees :-

Vernacular names			Botanical names
1. Sabas, Champas, Sopas			Magnolia, pterocarpa, sphenocarpa and Gustavi, Manglietia insignis, Hookeri and Caveana, Talauma Rabaniana and phellocarpa, Michelia cathcortii, excelsa, lanuginosa, Champaca, punduana, ablonga, Mannii and montana
2.	Ghaulmugra, Lamtem	...	Taraktogenos Kdrzii.
3.	Nahor, Nageswar		Mesua ferrea.
4.	Sia, Mohor, Karal, Kasu-	...	Kayea assamica and floribunda.
	koroi (Carkachar) Serpoi (Kuki).		
5.	Gugra, Nagabhe or Makria	...	Schima Wallichii and Schima khasiana.
6.	Kurail	...	Diptreocarpus turbinatus.
7.	Hollong	...	Dipterocarpus pilosus.
8.	Sai	...	Sherea robusta.
9.	Makai	...	Shorea assamica.
10.	Simul	...	Bombox malabaricum.
11.	Rata	...	Dysoxylum binectariferum.
12.	Amari, Rata	...	Amoora Rohituka, Wallichii and chitagonga.
13.	Kolia, Boga poma, Hotia	...	Chikrassia tabularis.
14.	Poma	...	Cedrela Toona, febrifuga and microcarpa.
15.	Sissoo	...	Dalbergia Sissoo.
16.	Ping	...	Cynometra polyandra.
17.	Sonalu, Sanaru	...	Cassia Fistula and nodosa (Bandarlathi).
18.	Khair, Khoira	...	Acacia Catechu.
19.	Moi Sundi	...	Albizzia lucida.
20.	Koroi	...	Albizzia procera.
21.	Hiharu, Koroi moroi	...	Albizzia odoratissima.
22.	Futuli, Duang, Fikiri	...	Altingia excelsa.
23.	Hollock, Fhalna	...	Terminalia myriocarpa.
24.	Bogi Famuk	...	Eugenia praecox.
25.	Fatijam Barjamuk	...	Eugenia Fambolana.

Vernacular names			Botanical names
26.	Sida	...	Lagerstroemia parviflora.
27.	Ajhar, Farul	...	Lagerstroemia Flos-Reginae.
28.	Khokan, Raradala	...	Duabanga sonneratioides.
29.	Panikadam, Gahori chapa	...	Nyssa sessiliflora.
30.	Tarakehapa, HaMu, Haludchaki	...	Adina cordifolia.
31.	Kurta	...	Palaquium polyanthum.
32.	Mohidal, Kawatuti	...	Cordia frdgrantissima.
31.	Ahui	...	Vitex peduncularis.
34.	Gomari, Gamarh	...	Gmelina arborea, Linn.
35.	Bonsum, Nikahi	...	Phoebe attenuata and Hainesiana.
36.	Gonsoroi, Gondroi	...	Cinnamomum Cecicodaphane and glanduliferum.
37.	Fat Sundi	...	Alseodaphne Owdeni.
38.	Naga Dalchini, Paderai	...	Cinnamomum Zeylanicum.
39.	Agar, Sasi	...	Aquilaria Agallocha.
40.	Kuhir	...	Bridelia retusa.
41.	Urium	...	Bischofia Favanica.
42.	Garokhuta, Chhamolia	...	Aporosa Roxburghii.
43.	India rubber, Bar	...	Ficus elastica.
44.	Kathal	...	Artocarpus integrifolia.
45.	Sam	...	Artocarpus Chaplasha.
46.	Dud-champa	...	Pseudostreblus indica.
47.	Bola	...	Morus laevigata.
48.	Finari	...	Podocarpus neriifolia.
49.	Momailateku (in the districts of Nowgong and Sibsagar)	...	Aglaia species.
50.	Thutmala } (in the districts of Cachar, Sylhet	...	Garuga pinnata.
51	Ruhimalla } and Nowgong.)	...	Odina wodier
52.	Bhelu	...	Tetrameles mudiflora (in all Forest Divsions).
53.	Kadam	...	Anthocephalus cadamba in Sylhet, Cachar, Sibsagar, Lakhimpur, Kamrup, Haltugaon and Garo Hills Forest Divisions.
54.	Kalasam, Kharika Chopa	...	Cryptccarya.
55.	Banjalakia, Bospat and Satiana	...	Amygdalina.

NOTES

Items 54 and 55 were inserted *vide* Notification No. GFR 183/49/2., dated the 20th October, 1949

Rules relating to unclassed State forests in the Plains Districts of Assam and the North Cachar Hills

[Under Ss. 33, 34 (2) (c) (e) (g) (h) and 35 (2)]

1. (a) In these rules the expression "Unclassed State Forests" means any lands at the disposal of the State and not included in a reserved or village forest.

(b) These rules shall apply to any unclassed State forests taken up for ordinary or special cultivation only to the extent laid down in each case in the Settlement Rules under the Assam Land and Revenue Regulation, 1886, or in the leases granted under the Settlement Rules.

(c) Extraction of all forest produce shall as a rule be suspended from land in unclassed State forest in respect of which an application for a lease for ordinary or special cultivation has been presented ; but if such extraction is authorised, these rules shall be in force, unless such unclassed State forests have been exempted from their application under the orders of the State Government.

2. (1) As a special concession and without prejudice to the rights of the State over unclassed State forests persons of the following classes, namely :

(a) persons holding land temporarily settled for ordinary cultivation at full khiraj rates in the plains districts of the Assam Valley, in the District of Cachar, and in the Jaintia and Pratabgarh parganas and the Longai-Singla tract of the Sylhet District, and the tenants of such persons ; and

(b) raiyats holding land under nisfkhirajdars and lakhirajdars in the Assam Valley and under the zamindars in the Bijni and Sidli Duars of the Goalpara District ;

(c) Hillmen paying house-tax in the Mikir Hills ;

may extract for their own domestic use only in the districts in which they hold land, unreserved timber either green or dead firewood, bamboo, cane, thatching grass, ekra or nal, paidal, patidal, fodder grass, stones, gravel and sand without payment of royalty:

Provided that—

(i) forest produce extracted under this rule shall not be transferred by sale, barter, or gift, and the quantity extracted at a time shall be limited, except with the permission of the Forest Officer, to what the settlement-holder himself can carry or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Forest Officer with the approval of the Deputy Commissioner ;

(ii) thatching grass shall not be removed from any leased san grass mahal ;

(iii) the Deputy Commissioner may prohibit the removal from any area of timber intended for boats or dugouts or of dead wood except in accordance with a permit given by the Divisional Forest Officer.

(2) Persons holding land at khiraj rates in the Jaintia paraganas of the Sylhet district and the tenants of such persons may also exercise this privilege in the Jaintia Hills lying within the district of the Khasi and Jaintia Hills.

3. In the Assam Valley, ekra or nal may be removed by the settlement holder for domestic use only without restraint and free or royalty.

4. In the plains portion of the new Cachar District including the Karimganj Sub-division, persons other than those specified in R. 2 on taking out permits for home consumption in the form prescribed in Appendix A to these rules may extract for their own domestic use, forest produce of the kind mentioned below. Each permit shall cover consumption of a single house-hold (khans not bari) for the period from 1st April to 31st March or for any shorter period therein specified and shall not be used by another household except with the permission of the Forest Officer who issues the permit, it shall not cover the presence of more than one person at a time in the forest. A fee of six rupees shall be charged for each such permit, irrespective of whether the concession in particular instances is extended to Forest Reserves or unclassed State forests. The exercise of this privilege shall be subject to the provisions of R. 2 and shall be limited to the extraction per permit of the following quantities :

Firewood	---	100 maunds.
Bamboo	---	200 in number.
Canes	---	5 bundles.
Thatching grass except from leased san grass mahals	---	200 bundles.
Ekra or nal	---	10 ”
Patidai (unprepared)	---	20 bundles of not more than 18 inches diameter each.
Patidal	---	20 ”
Fodder grass	---	No limit.
Stones, gravel and sand	---	Up to 1,000 c. fit.

Executive orders ralating to unclassed State forests—

(1) Home consumption permits under R. 4 of the rules relating to unclassed State forests should be issued in the vernacular and should contain the details of the produce covered by the permit both as regards description and quality.

(2) A Divisional Forests Officer when inspecting a revenue station should satisfy himself by making enquiries in the locality that home consumption permits are allowed freely to all persons who are entitled to such permits.

NOTES

In this rule the words “in Sylhet and in the plains of Cachar” were substituted by the words “in the plains sub-division”, and the words “A fee of... such permit” were also substituted by the words “A fee of State forests,” *vide* Notification No. GFR 111/49/6. dated the 18th November, 1949.

5. Save as provided in the three foregoing rules, no trees, reserved of unreserved, shall be felled, cut, girdled, marked, tapped or injured by fire or otherwise, no timber shall be sawn, converted or removed and no other forest produce collected and removed except under and subject to the condition of a trade permit as prescribed in Appendix B to these rules, which may be granted by the Divisional Forest Officer, Deputy Commissioner or other officer specially empowered in this behalf.

6. Trade permits are non-transferable. They shall ordinarily be issued for any period not exceeding twelve months, but the period of any such permit may be extended up to a further maximum period of twelve months at the discretion of the Divisional Forest Officer and on the payment of a fee which shall not exceed 25 per cent of the royalty on the forest produce to be removed under the permit.

The Divisional Forest Officer may however remit the fee altogether in cases in which he considers this justified.

7. Forest produce removed under a trade permit shall be charged royalty at such rates as may be prescribed by the Conservator of Forests subject to the control of the State Government.

Any alterations in the district schedule of rates shall be notified in the official Gazette from time to time and copies of such notification shall be pasted on a notice board at the District Kutchery, Divisional Forest Office, all Forest Range offices and revenue and check stations in the district concerned.

Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent of decrease and 25 per cent increase according to distance and difficulties of extraction.

8. Timber or other forest produce may be granted free of royalty or at favourable rate up to the value of Rs. 1,000 and Rs. 250 by the Conservator and Divisional Forest Officers respectively ; provided the work will be of real assistance in the development of forest revenue.

Assistance in the construction of buildings to be used by the public for religious and educational purposes, and for works of the other public utility, and in food relief will be given by a grant-in-aid.

9. All fees and royalties payable on account of any forest produce collected or removed under these rules shall ordinarily be paid before the issue of the trade or home consumption permit ; but it is left to the discretion of the Conservator to decide whether such payment shall be removed in full, or in part, or be deferred. Except in

cases where payment is deferred forest produce shall not be removed from a forest or from a sale depot until full payment has been made by the permit-holder.

Note 1. The Divisional Forest Officers will have similar discretion which will be exerciseable subject to the condition that all fees and royalties will be collected under the Transit Rules before removal from deposits.

Note 2. When calculating the amount payable, the total of the bill will be rounded, fractions below half an anna being omitted and half an anna or over being reckoned as one anna.

10. No lease for any fixed period giving the right of removing India rubber, cane, kutcha or cutch, lac, agar, ivory, or any other forest produce shall be given otherwise than in accordance with the general or special orders of the conservator who is empowered to authorise sales in respect of such leases, by auction, tender or any other method at such rates as he may decide in his discretion.

11. All forest produce which is in transit in any part of the State and in respect of which there is a reason to believe that any money is payable to Government under these rules may be stopped and examined by any Forest Officer and all persons in charge of such forest produce shall be bound to produce, when called upon to do so, any permit or certificate or pass which may have been granted to them for its removal.

12. If any person infringes any of the above rules he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

13. (a) The following acts are prohibited in the North Cachar Hills :

(i) cultivation by jhuming in the neighbourhood of the Railway Department on the slopes above the railway line and within a distance of one quarter of a mile (surface measurement) from the railway line ;

(ii) kindling of fire within such area.

(b) Any person infringing this rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

A royalty of $12^{1}/_{2}$ per cent, ad valorem was imposed on all lac produced in Assam on any land at the disposal of the State and not included in a reserved or village forest.

Rules for the quarrying of stones or the collection of stones gravel, shingle or sands from unclassed State forests in Assam

( ) No Railway Department or any other Department of the Government of India is permitted to quarry stones or collect stones, gravel, shingle or sand for its own use

or for supply to others except with the sanction of the State Government to be obtained in each case and subject to such conditions and royalty (if any) as may be imposed in each case by the State Government.

Note 1. Royalty is leviable at eight annas per 100 c. fit. of stones ballasts, boulders, etc., removed by the Railway Department from the land near Chutiapara Railway Station in the Kamrup Division with effect from the 10th July, 1931.

Note 2. Royalty is leviable with effect from the 1st April, 1937 at annas eight per 100 c. ft. on boulder, ballast, sand, laterite or other minor minerals taken by the Railway Department for Railway or other purposes from the Nowgong Division, excluding the portion of the North Cachar Hills administrated by the Divisional Forest Officer, Nowgong.

Note 3. Royalty is leviable with effect from the 1st April, 1939 at the rate of annas eight per 100 c. ft. on sand taken by the Railway Department for Railway of other purposes from the Dehing river near Naherkatia and on sand removed by the Assam Railways and Trading Company, Margherita, from the Dehing river near Margherita and from the smaller subsidiary streams between Margherita and Ledo in the Lakhimpur Division for the Company's own requirements or other purposes.

Note 4. Royalty is leviable at the rate of annas eight per 100 c. ft. of stone, gravel, shingle, etc., collected by the Railway Department from the Langting river in the North Cachar Hills in the Nowgong Division.

Note 5. Royalty is leviable with effect from 1st April, 1937 at the rate of annas eight per 100 c. ft. on boulders, shingles, etc., removed by the Railway Department from the Behubar quarry in the Dikhu river for. the railway or either purposes.

Note 6. No royalty is leviable on the materials applied by the Railway to the Public Works Department of the Government of Assam or to any local authority approved by the Government of Assam ; provided that the conditions of proviso to R. (2) of the rules for the quarrying of stone, etc. are fulfilled.

Note 7. Royalty is leviable with effect from the 1st April, 1939 at the rate of annas eight per 100 c. ft. of ballast, boulders, etc. extracted by the Railway Department from the Dittockcherra and Maibong quarries in the North Cachar Hills in the Cachar Division for their use or for any other purposes, except 39 bighas of land forming a ballast quarry at Dittockcherra which was acquired by the Railway Company and 57, 29 acres which was transferred to Railway, vide Government of Assam's letter No. 2570-R., dated the 31st August, 1932 and in the cases of which no royalty should be charged on ballast, boulders, etc., extracted therefrom.

Note 8. Royalty is leviable with effect from the 1st April, 1949, at the rate of annas eight per 100 c. ft. on boulders, ballast, sand, etc., extracted by the Central Public Works Department of the Government of India in the State of Assam. They should also follow the same procedure as adopted by the Assam Public Works Department as

detailed under R. (2) at page 40 of the Assam Forest Manual, Vol. I., but on payment of royalty for the quantity involved.

(2) Persons or companies other than railway companies, who quarry stones or collect stones, gravel, single or sand for domestic use or for use in any industry or for supply to a third party not himself entitled to quarry stones or collect stone, gravel, shingle or sand under these rules shall obtain a free permit thereof from the Forest Officer-in-charge of the local forest office, and unless exempted by the provisions of R. 2 or R. 4 of the rules relating to unclassed State forests, shall be required to pay royalty on all stones, gravel, shingle or sand extracted besides complying with any other conditions of the permit. The rate of royalty shall be fixed by the Conservator of Forests at $12^{1}/_{2}$ per cent, ad valorem in all Divisions except the Garo Hills and at $6^{1}/_{4}$ per cent, ad valorem in the Garo Hills.

Provided that (i) contractors taking out free permits and supplying stones, gravel, shingle or sand to the Public Works Department or to any local authority approved by the Provincial Government may be exempted by Divisional Forest Officers from royalty on stones, gravel, shingle or sand so supplied on production of a certificate from the authority employing them stating the quantity of stones, gravel, shingle or sand supplied and certifying that it has been delivered at site at a reduced price which does not include royalty and if the Executive Engineer or the Chief Executive Officer of a Local Body concerned secures before hand the Divisional Forest Officer's approval of the locality from which extraction of stones, gravel, shingle or sand is proposed.

In order to avoid delay in the quarrying or collection, the Executive Engineer or the Chief Executive Officer of any local authority approved by the State Government will prepare a list of quarries from which it is desired to extract stones, gravel, shingle or sand and will forward this list to the Divisional Forest Officer together with a statement showing the quantities proposed to be taken from each quarry. The Divisional Forest Officer will, on receipt of the list and statement, accept them with or without modifications regarding the quarry quantity, etc., and at the same time will issue a consolidated permit in the name of the Executive Engineer or the Chief Executive Officer, as the case may be, for each quarry to the quantity agreed upon by him. On receipt and acceptance of tenders the Executive Engineer or the Chief Executive Officer will issue free permit with full details as to names of contractor and quarry, quantity, destination, particulars of works, etc., to his contractors up to the limit of the consolidated permit granted for each quarry, by the Divisional Forest Officer, will immediately send copies of these permits to the Divisional Forest Officer.

NOTES

These rules were made *vide* Notification No. 3892-R, dated the 23rd November, 1936.

In R. 1, the words "Railway Company" was substituted by "Railway Department or any other Department of the Government of India", *vide* Notification No. GFR 29/49/6, dated the 27th June, 1949 and Notification No. GFR 29/49/8, dated the 23rd August, 1949.

The words “Eastern Bengal Railway or Assam Bengal” whether they occur in the succeeding notes of the said rule was substituted by “Railway Department”.

Rules 8 has been inserted *vide* Notification No. GFR 29/49/6, dated 27th June, 1949 and Notification No. GFR 29/49/8, dated the 23rd August, 1949.

Rules to regulate the removal of orchids from the unclassed State forest in the North Cachar Hills sub-division of the Cachar District

1. Orchids may only be collected for export from the North Cachar Hills Sub-division under cover of a licence.

2. The licence will be granted by the Deputy Commissioner, Cachar district, on payment of a licence fee of five rupees, and shall cover a period of 6 months from the date of issue.

3. The licence will not be transferable and will be invalid after the expiry of the date specified therein.

4. A fee of eight annas per plant must be paid as royalty.

5. For the export of orchids a transit pass will be issued free of charge and may be obtained after payment of all fees due, from the Range Officer, North Cachar Hill Range, Haflong.

6. Flowers of orchids may be removed free of charge.

7. Plants for sale in the North Cachar Hills may be removed free of charge by local inhabitants under the control of the Sub-divisional Officer, North Cachar Hills sub-division.

8. Any person removing or trading in orchids in contravention of these rules shall be punished with imprisonment for a term which may extend to one month or with a fine which may extend to fifty rupees, or with both.

NOTES

These rules were inserted *vide* Government Notification No. 996-R, dated the 10th February, 1933.

Rules to regulate the removal of orchids from the unclassed State forests in the Naga Hills

1. Orchids may only be collected for export from the Naga Hills under cover of a licence.

2. The licence will be granted by the Deputy Commissioner, Naga Hills, on payment of a licence fee of five rupees, and shall cover a period of 6 months from the date of issue.

3. The licence will not be transferable and will be invalid after the expiry of the date specified therein.

4. A fee of eight annas per plant must be paid as royalty.

5. For the export of orchids a transit pass will be issued free of charge and may be obtained after payment of all fees due, from the Beat Officer, Dimapur.

6. Flowers of orchids may be removed free of charge.

7. Plants for sale in the Naga Hills may be removed free of charge by local inhabitants under the control of the Deputy Commissioner, Naga Hills.

8. The export of the following orchids is prohibited :

Fenanthera imschootiana.

Phajus albus.

Cyripedium insigne.

9. Any person removing or trading in orchids in contravention of these rules shall be punished with imprisonment for a term which may extend to one months or with fine which may extend to fifty rupees, or with both.

NOTES

These rules were inserted *vide* Notification No. 459-R, dated the 12th February, 1936.

CHAPTER 3

GRAZING RULES UNDER S. 34 (2) (e), 35 (2) AND 72 (d) OF THE ASSAM FOREST REGULATION, 1891 (VII of 1891) AND UNDER S. 12 OF THE ASSAM LAND AND REVENUE REGULATION, 1886 (1 of 1886)

Rules to regulate grazing in the unclassed State forests in Assam

Extent

1. The following rules shall govern the grazing of buffaloes, cattle and elephants in unclassed State forests, whether reserved for grazing or not, in the Assam Valley Division and the districts of Cachar and Sylhet (excluding the Hakaluki Haor in Sylhet and the North Cachar Hills in Cachar), and the payment of fees therefor.

Note. Those portions of the rules which are marked asterisks (**) shall apply only to notified areas as defined in R. 2 (e) in modification of the remaining rules, which shall apply mutatis mutandis to such notified areas.

Definitions

2. (a) The term "unclassed State forests" means any land at the disposal of the State and not included in a reserved forest or in a village forest or in a village grazing ground.

(b) The term "officer in charge of grazing" denotes, in each district, an Assistant Commissioner or Extra Assisstant Commissioner entrusted with this work by the Deputy Commissioner or if no officer has been so entrusted the Deputy Commissioner himself.

(c) The term "officer making the assessment" denotes, in each district, the Grazing Superintendent or a Sub-Deputy Collector or other Officer deputed by the Deputy Commissioner for the purpose of checking the numbers shown in applications for grazing permits, assessing the fees payable and issuing permits for grazing.

**(d) The term "notified area" means an area reserved under R. 3 (i) which has been notified by the Deputy Commissioner in the official Gazette as an area in which the procedure of enumeration, the incidence of grazing fees, the control of numbers of animals admitted and the fixation of khuti or bathan sites shall be operated with the assistance of the Department dealing with livestock improvement.

NOTES

These rules were inserted *vide* Notification No. 2912 R, dated the 25th September, 1934.

Rule 2 (d) was inserted *vide* Notification No. 2001 R, dated the 23rd June, 1937.

Determination of grazing reserves and notified areas, limitation of numbers grazing and movement of cattle

3. (i) The State Government may lay down the policy to be followed for the reservation of areas to be set apart for the use of professional graziers and may issue directions to the Deputy Commissioner regarding both reservation and de-reservation. No grazing reserve shall be constituted and no grazing reserve or portion of such reserve shall be de-reserved without the approval of the Sate Government subject to his control the Deputy Commissioner may reserve from settlement areas to be used as Professional Grazing Reserves. Such reserved areas shall be entered in a register in the office of the Deputy Commissioner or Sub-divisional Officer. The maximum number of cattle for grazing in such areas should, from time to time, be fixed by the Deputy Commissioner. He may forbid the issue of permits in excess of such number as he may deem fit and may at his discretion, distribute the maximum by way of ration between the owners or graziers concerned and order the owners or graziers not to keep or graze any animal in excess of such ration in the reserve. The orders of the Deputy Commissioner shall be served on the owners of the graziers by a notice stating

therein the time, running from the date of the service of the order within which the animal or animals in excess should be removed.

Any person or persons, on whom the notice is served, intentionally disobeying the order shall be liable to a penalty which may extend to two hundred rupees, and in case such disobedience is continued to a further penalty which may extend to Rs. 50 (fifty) for each day during which such breach continues.

Note. The object of this rule regarding numbers is to give powers to prevent over-grazing of any particular area, even to the extent of practically closing it for recuperation.

NOTES

This rule was inserted *vide* Notification No. 92/45/15, dated the 25th November, 1946.

(ii) The Deputy Commissioner or the Sub-divisional Officer may fix the sites of the khutis or bathans and these shall not be moved to a new site without the permission of the Deputy Commissioner or the Sub-divisional Officer. Elephants shall not be moved from one reserved area to another without similar permission.

Any person infringing this rule shall be liable under S. 35 (2) of the Assam Forest Regulation to a fine which may extend to one hundred rupees.

**(iii) The Deputy Director of Agriculture (Live-Stock) shall apply to the Deputy Commissioner for notification of such areas as are suitable, when required. The Deputy Commissioner shall if he sees no objection to the proposal cause a copy of the notification to be affixed in public view at the District or Sub-divisional office, at the office of the Sub-Deputy Collector concerned, if any, and at the office of the Mohsirdar or Mauzadar concerned. The Deputy Director of Agriculture (Live-Stock) shall ensure that the graziers concerned receive warning of the changes in procedure and fees caused by the area being constituted a notified area.

3-A. Nothing contained in these rules authorises any person to use village grounds.

Note. The rules governing that use of village grazing grounds are framed under the Assam Land and Revenue Regulation (Chapter III of the Rules under that Regulation).

NOTES

This rule was inserted *vide* Notification No. 2001 R, dated the 23rd June, 1937.

Liability to Fees

4. Grazing fees on all buffaloes, cattle and elephants grazing in un-classed state forests shall be payable at the rates and by the persons prescribed in Appendix B to these rules with the following exceptions :

(i) No fees shall be charged for buffaloes or cattle under two years old on the 1st July of the year for which a permit is applied for.

(ii) The following persons are exempted from the payment of grazing fees for buffaloes or cattle provided they are domiciled in the neighbourhood :

(a) cultivators who are not interested in a dairy business, or in a cattle-breeding or trading business, or in a buffaloe-breeding or trading business, and who do not keep their cattle in areas reserved for professional graziers ;

(b) residents other than cultivators, who keep their cattle for their private milk supply, and do not trade in dairy-produce or cattle or buffaloes, and who do not keep their cattle in areas reserved for professional graziers.

Note 1. A herdsman, in the absence of the owner of the animal, shall be liable for all dues payable in respect of animals found in his charge.

Note 2. A person who deals in dairy produce, etc, is not exempted under this rule because he happens to have land under cultivation ; nor does an owner of cattle, etc., becomes liable to assessment merely because he occasionally sells his surplus stock of dairy produce or cattle, etc. Whether any person is or is not a trader or interested in a business under these rules is a question of fact to be decided by the officer in charge of grazing. When there is any doubt the assessee should get the benefit of it.

**(iii) In “notified areas” no fees shall be charged for breading bulls or for young bulls destined to be future breeding bulls—in the case of cattle only—provided such bulls and young bulls are, in the opinion of the officer of the Agriculture Department (who shall not be below the rank of Inspector), deputed for this work by the Deputy Director of Agriculture (Live-Stock) necessary and suitable for the purpose of breeding.

Note. To qualify for exemption bulls mentioned in Cl. (iii) should be of the best quality available in the herds of cattle in which they breed. Bulls of a quality not sufficient to justify exemption under (iii) should be classified as ‘Uncastrated Males’ and assessed accordingly.

Enumeration

5. Application for grazing permits, (i) All persons liable in accordance with Appendix B to the payment of fees for grazing, not being exempted under R. 4, shall take out permits for all buffaloes, cattle or elephants kept in their charge in the form prescribed in Appendix A to these rules.

(ii) Before the end of May in each year the Mohsirdar, or (where there is no Mohsirdar), the mauzadar or other person directed by the Deputy Commissioner to do so, shall send to the officer making the assessment a list of all persons whom he considers liable to assessment under these rules. He shall at the same time serve on every person in the list the form prescribed in Appendix C and note that he has done so against each name in the list. The officer making the assessment shall take similar action in the case of any other person whom he considers liable to assessment and shall submit the complete list to the officer in charge of grazing.

**(iii) In "notified areas" the officer of the Agriculture Department, not below the rank of Inspector, deputed for the work, and not the Mohsirdar or mauzadar or other persons directed by the Deputy Commissioner to do so outside such areas shall send in the list of all persons liable to assessment to the officer making the assessment after inspecting the cattle, and shall show in this list the number of cattle classified according to Appendix A. He shall send a copy of this list to the Deputy Director of Agriculture (Live-Stock) and shall at the same time serve on the graziers the form prescribed in Appendix C and note that he has done so against each name in the list. The officer making the assessment shall submit the complete list to the officer in-charge of grazing.

(iv) After filling in the particulars in the appropriate columns of the aforesaid form and signing the affidavit thereon the grazier shall apply for a permit by presenting the form before the 1st of July each year (or within one month of supply of the form of applicant or whichever shall be later) to the officer in charge of grazing, the Grazing Superintendent or any other officer specially authorised by the Deputy Commissioner to receive such applications, and issue permits,

Note. It shall be the duty of the grazing clerk or the officer authorised to receive the application, to fill in the form of application for illiterate graziers at their request and without fee.

Check on assessment

6. (i) The officer making the assessment whether application has been made to himself in accordance with the orders of the Deputy Commissioner under R. 5 (iv), or he has received the lists and applications for permits from the officer in charge of grazing, shall check the actual number of cattle liable to assessment, in unclassed State forests with the permits issued. He shall be empowered to make summary assessment of unreported cattle on; the spot.

(ii) Graziers who commence to graze their cattle in a district during the course of the year shall apply for a permit stating the number of assessable animals in their charge within one month of the date of their doing so. Similarly, graziers who have been assessed to grazing fees in one district in the previous year, or who have received a form of application as prescribed in R. 5 (ii) or (iii), in the current year, and who move to another district without having obtained a permit, shall apply for a permit within one month of the date of their arrival in the district to which they have moved.

**In “notified areas” such applications will be made to the Agricultural Inspector concerned who will classify the cattle and forward the application to the officer in charge of grazing or other officer authorised by the Deputy Commissioner to receive such applications.

(iii) If after the issue of a permit and before the 30th June following a permit-holder becomes possessed of more buffaloes, cattle or elephants liable to fees than are included in his permit, he shall apply to the officer in charge of grazing, or other officer authorised by the Deputy Commissioner to receive such applications, within fifteen days, for an additional permit. If the date on which he becomes possessed of such animals is before the 1st of January, he shall be required to pay the fees for a full year at the time of issue of the additional permit ; if after the 1st January, he shall be required to pay half the annual fees.

**In “notified areas’ applications for such additional permits will be made to the Agricultural Inspector concerned who will classify the cattle and forward the application to the officer in charge of grazing or other officer authorised by the Deputy Commissioner to receive such applications.

(iv) Summary assessment. Any person who fails to apply in time for a permit for the full number of animals liable to assessment will be liable to summary assessment on the spot by the officer making the assessment and may be required to pay double the amount of fees due on any unreported animals found in his charge.

The officer at the time of making the assessment shall deliver to the person found in charge of the cattle a notice in the Form in Appendix D.

(v) The fees and penalties due on such summary assessment shall be collected by the Mohsirdar or mauzadar or other officer authorised by the Deputy Commissioner. Rewards up to the whole amount of the penalties assessed may be granted by the Deputy Commissioner with the sanction of the Commissioner of the Division to persons other than those responsible for the assessment or collection of the grazing fees who give information as to the “existence of unreported animals”.

**(vi) In “notified areas” young bulls, other than those necessary and approved for breeding, which reach the age of two years subsequent to the issue for the permit, shall if they remain uncastrated, be liable to summary assessment at the rate for uncastrated males. Requisition for such summary assessment will be made by the Agricultural Inspector concerned to the officer making the assessment, a copy being sent to the Deputy Director of Agriculture (Live-Stock).

Payment and Recovery of Grazing Fees

7. (i) Two-thirds of the grazing fees prescribed in Appendix B of these rules shall be paid at the time the application is presented and a permit shall then be issued which shall cover the period from the 1st July to the 30th June following. The remaining one-third shall be paid to the Moshirdar or mauzadar or any other officer authorised by the Deputy Commissioner not later than the 1st of December following. Full fees shall be

charged for cattle, buffaloes and elephants arriving in a district before the 1st January and half fees to those arriving after that date, but allowance shall be made for any fees for the year in question already paid to Government in any part of the Province. Such fees shall be payable at the time of the issue of the permit.

(ii) Variation in fees. Deputy Commissioners are authorised to lay down a scale of fees differing from those prescribed herein in the case of grazing reserves to which a cattle breeding or milk-producing scheme approved by the Provincial Government/ Commissioner has been applied.

**(in) In "notified areas" the modified rates of fees shown in the Appendix shall be applied according to the classification made by the Agricultural Inspector concerned, viz , necessary and approved breeding bulls shall graze free and uncastrated males other than breeding bulls shall be assessed at three times the ordinary fees.

Castration done subsequently to the Agricultural Inspector's classification shall not entitle the owner or herdsman to any reduction in his assessment.

(iv) Arrears of fees. Arrears of grazing fees payable under these rules are recoverable as arrears of land revenue.

Remission of Fees

8. (i) Deputy Commissioners are authorised to remit the unpaid portion of the fees in the cases in which their realization would cause hardship, e. g., in the case of a number of animals destroyed by an outbreak of disease or when animals are sold by an order of a Court.

(ii) The Deputy Commissioner or the Sub-divisional Officer may remit the fees payable by poor persons in cases of hardship

(iii) When animals have been assessed to or exempted from grazing fees by the Forest Department for grazing in Forest Reserves, they shall not also be liable to assessment for grazing in unclassed State forests ; provided that the owner or grazier can produce a valid Forest Department permit.

Similarly animals which have been assessed to or exempted from grazing fees in unclassed State forests shall be not liable also to assessment to grazing fees in reserved forests where such grazing is allowed ; provided that the owner or grazier can produce a valid permit issued under the rules. In each case this prohibition expires with the expiry of the period covered by the permit.

Note. The Forest Department should charge from a grazier Rs. 15 per elephant for grazing in reserved forest where a permit granted by the Revenue authorities is not forthcoming and Re. 1 per elephant as permit fee where such permit has been taken out from the Revenue authorities.

NOTES

The Note after this rule was inserted *vide* Notification No. 370-R, dated the 4th February, 1936.

Inquiries and Appeals

9. (i) When the return made under R. 5 (iv) differs from the assessment list sent by the Mohsirdar, or mauzadar or other person directed by the Deputy Commissioner to do so the officer in charge of grazing will send all cases which he deems deserving of enquiry to the officer making the assessment. The latter will inform the assessee of the result of his enquiry and it will be open to the assessee to appeal to the officer in-charge of grazing for a further enquiry. This enquiry will be conducted as a proceeding of a judicial nature. When the Deputy Commissioner himself conducts the inquiry there will be an appeal to the Commissioner ; when he does not, there will be an appeal to the Deputy Commissioner ; Provided that no appeal shall lie after the expiry of six weeks from the date of the order appealed against.

(ii) An appeal against summary assessment shall lie within 30 days of such assessment to the Deputy Commissioner of the district ; provided that if the assessment has been made by the Deputy Commissioner himself no appeal shall lie.

**(iii) In “notified areas’’ appeals against enumeration and classification made by an officer of the Agriculture Department shall be referred to the Deputy Director of Agriculture (Live-Stock) for the first inquiry.

Control

10. The Commissioner shall have general control and revisionary powers in all matters relating to grazing within his division.

Rules to regulate the grazing of cattle in the unclassed State forests in the Hakaluki Haor in the District of Sylhet

1. Definitions. In these rules—

(a) the term “professional grazier” means any person who keeps or grazes cattle in the Hakaluki Haor either in consideration of payment by the owner of the cattle or for purposes of trade ;

(b) the term “cattle” means elephants, buffaloes, bulls, bullocks and cows.

2. Every professional grazier who grazes cattle in the Hakaluki Haor must have regular bathan, the site for which will be determined by the Tahsildar and must take out a permit in the form given in Appendix A.

Note 1. Professional graziers must take out permits for all cattle kept in their charge in bathans whether they belong to them or not.

Note 2. No permit shall be issued to a professional grazier who has no regular bathan in the Haor and no professional grazier shall be allowed to graze in the Haor any cattle other than those kept in his authorised bathan.

3. On first November each year or within three days of their arrival in the Haor all professional graziers must apply in writing for a permit to the Tahsildar Hakaluki,

and declare at the same time the number and kind of cattle in their possession.

4. One-half of the fees due shall be paid at the time of application for the permit and the other half before the first day of February next succeeding. After that date attachment will issue against all defaults.

5. Permits will cover the land revenue year from 1st July to 30th June following.

6. If after the issue of a permit and before the close of the year ending 30th June, a professional grazier become possessed of more cattle liable to tax than are included in the permit, he shall apply within three days to the Tahsildar, Hakaluki, for an additional permit. If such additional permit is issued before 31st of January, he shall be required to pay the fees for a full year at the time of issue of permit; if after the 31st January, he shall pay half the annual fees.

7. The Tahsildar shall within two weeks of the application for a permit (or additional permit) under these rules either issue such permit or record an order refusing it together with the grounds for refusal.

8. No fees will be charged on cattle which are under one year old at the time of the issue of the permit.

9. If at any time a professional grazier is found in possession of cattle in respect of which a permit is required but which are not covered by a permit, double fees will be charged for all such cattle. Rewards up to the whole of the value of the excess fee realized may be granted by the Deputy Commissioner to any person, other than a Gazetted Officer, giving information as to the existence of unreported cattle.

10. Fees shall be payable at the rates prescribed in Appendix B.

11. An appeal against erroneous or improper assessment or enumeration or against the improper refusal of a permit shall lie to the Sub-divisional Officer and must be filed within one month of the receipt of the permit issued or of the order refusing the permit, as the case may be in the event of a permit (or additional permit) being finally refused, all fees paid by the applicant on that account shall be refunded to him forthwith.

12. Fodder gross shall not be cut and removed by beat from the Hakaluki Haor except under cover of a permit obtained from the Tahsildar, Hakaluki, on payment of a fee of rupee one per boat per year running from the 1st July to the 30th June following.

13. Any professional grazier grazing cattle on the Haor in contravention of any of the rules above, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both, in addition or as an alternative to any other penalty prescribed in these rules :

Provided that total of such fines and penalty shall not exceed five hundred rupees.

NOTES

These rules were inserted *vide* Notification No. 631-R, dated the 17th March, 1927 and No. 2122-R, dated the 1st August, 1927.

CHAPTER 4

Rules to regulate the import of forest produce

[Under Sections 37 (1) and 40 (2) (a) and (g)]

The following rules, which shall come into force from the date of this notification, are prescribed to regulate the import by road or river of timber and other forest produce into the Districts of Assam from any place beyond the territories to which the Assam Forest Regulation, VII of 1891, extends except Bhutan Hill, Tippera and Manipur.

1. All timber or other forest produce imported by road or river into Assam from any place beyond the territories to which the Assam Forest Regulation, VII of 1891, extends except Bhutan and Hill Tippera, shall be brought to the nearest of the following revenue stations staffed by Government on the route of extraction, for examination and for the payment of the amounts, if any, due to Government thereon, whether as Import duty or on any other account.

Sadiya Frontier Tract—Sadiya, Saikhowaghat, Murkong Sellek, Laima-kuri, Pasighat.

Lakhimpur District—Boduti, Margherita, Jeypur, Dibrugarh, North Lakhimpur, Subansiri.

Sibsagar District—Sibsagar, Dimapur, Barpathar, Golaghat, Dhansiri-mukh, Jamuguri, Mariani, Jorhat, Suffrai Noajan.

Nowgong District—Nowgong, Lumding, Kharikhana, Amtreng, Lengri, Jamunamukh, Kamrup/Kachua (Borpanimukh), Nelli, Nokhola, Silghat, Jakhalabandha, Tetelisora, Dharamtul/Palahguri, Diphu, Dhansiri, Singima-righat.

Darrang District and Balipara Frontier Tract—Gohpur, Behali, Char-duar, Tezpur, Odalguri, Paneri, Mangaldaighat (Kharupetia), Biswanath, Bengbari Amaribari, Mazbat, Nonal, Pabhoi, Newly, Kherkheria.

Kamrup District—Kulsi, Kukrmara, Nagarberra, Boko, Loharghat, Rani Palashbari, Khanapara, Jarihat, Gangrapara, Gauhati, Tambulpur, Barpeta, Lokhara, Ranikhamar, Mataikhar, Hahim, Azra, Rajapara.

Goalpara District—Dhubri.

Garo Hills District—Moheskhola, Goalpara.

Sylhet District—*[Deleted]*.

Cachar District—Sonai, Matijuri, Lakhipur Moneirkhal, Dolai, Kukicherra, Putnicherra.

Khasi and Jaintia Hills Division—Shillong. Nongpoh and Burnihat, for forest produce from the Khasi States to be taken outside the .territories of those States.

NOTES

These rules were made *vide* Notification No. 7558 F, dated the 13th December, 1909.

In these rules Sadiya Frontier Tract was inserted *vide* Notification No. 1090-R, dated the 2nd April, 1935.

The Sylhet District has been deleted from the list.

In the Cachar District the word "Putnicherra" was subsequently added.

The Khasi and Jaintia Hills Division was added *vide* Notification No. 4207 G-J, dated thus 18th August, 1942.

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2. The timber and other forest produce referred to in R. 1 shall not be removed from any of the above-mentioned revenue stations until the amounts due to Government thereon have been paid, the timber has been marked and a Forest Department pass in the prescribed form has been obtained from the Forest Officer in charge of the revenue station.

3. Import duty on timber and other forest produce will be levied at the following rates :

Increase and decrease of any of the rates is vested in the Senior Conservator of Forest to a limit of 25 per cent of decrease and 25 per cent increase according to distance and difficulties of extraction.

[*See* Appendix A]

4. In the case of timber and forest produce imported from Siem's territory, Khasi Hills, except timber and firewood imported into the British territory of Shillong, which are exempted from duty the rates of import duty to be realised by Government will be as follows.

Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent of decrease and 25 per cent in-crease according to distance and difficulties of extraction.

[Schedule of rates published separately]

(a) Such forest produce shall be covered by a certificate of origin issued by the Seim or his authorised agent and bearing such signature or stamp of the Stem or his agent as has been previously registered in the Divisional forest office concerned.

(b) Home consumption import permits may be issued by officers-in-charge of revenue stations in British territory in the form prescribed in Appendix A for the import from the Siem's territories in the Khasi Hills of the quantity of forest produce specified therein required for home consumption only on realisation of a fee of Rs. 2-8-0 for each permit. This concessional permit shall not affect the right of the Siem's to levy royalty on the forest produce imported under such permits. A permit endorsed by the Siem or his agent after realisation of his dues shall entitle the holde r thereof to import the forest produce into British territory without certificate of origin and to remove such forest produce to his home direct without first taking it to the nearest revenue station.

Import from Bhutan, Hill Tippera and Manipur

5. No import duty will be paid on timber and other forest produce imported into the Goalpara, Cachar, Longaighat, Sibsagar, Kamrup and Darrang districts from the territories of the Dharma and Deb Rajas of Bhutan and Manipur and into Sylhet district from Hill Tippera, but such timber or other forest produce shall be brought to the nearest of the following revenue stations staffed by Government on the route of extraction.

Goalpara Division

Sankos, Kachugaon, Haltugoan, Deosiri, Kuklong, Kokrajhar, Basugaon, Bonaigaon, Bijni.

Kamrup Division

Batabari, Subankata, Darranga

Darrang District and Bilipara Frontier Tract

Paneri, Tangla, Newly, Nonai Odalguri, Bengbari

Sylhet District

Longai, Maulvi Bazar, Silua, Chunarjghat Matiganj Kalenga, Kruma, Balipipla, Juri, Jagadishpur, Madhabpur.

Haltugaon Division

Panbari, Bijni, Runikhata, Bongaigaon, Basugaon

Cachar Division

Lakhipur

Sibsagar Division

Dimapur

6. All forest produce imported from Bhutan and Hill Tippera will be accompanied by a certificate of origin. This certificate will be given to the Forest Officer incharge of the forest revenue station, who will in exchange, issue a Forest Department pass in the prescribed form. Such passes will be issued free of charge.

6-A. The Manipur State must levy at least as much royalty on all forms of forest produce as is at present levied by Government in the Divisions into which the produce

is imported and Government reserve the right to impose an import duty on forest produce coming from the Manipur State if it is found that it is competing unfairly with produce from Government forest. No reduction of the rates of royalty below those in force in the Divisions into which the produce is imported will be sanctioned by the Manipur State without previous reference to the Conservator of Forest, Assam, in each case.

6-B. The Manipur Forest Officer, in charge of the Jirimukh Revenue Station, in the case of import into the Cachar Division and the Manipur Forest Officer, in case of import into the Sibsagar Division, will issue the special transit pass in the same form as that used in the Cachar Division for Manipur timber and will issue the ordinary transit pass prescribed and used by Government for bamboo, cane, thatch and other kinds of minor produce when imported into the Cachar or Sibsagar Division. The Range Officer, Lakhipur or the Beat Officer, Dimapur will stamp the Manipur pass after necessary check and will sign it as 'checked and found correct' for which he will maintain a separate check Register.

Note. (a) Rule 6 does not refer to permits for shoulder borne forest produce imported by a land route, where the quantities of produce which may be extracted during the currency of the permit are not specified.

Where forest produce is imported into Assam by a land route under a permit of this sort, the permit must be accepted as a prima facie evidence that the produce has been legally collected from the State Forest of Bhutan or Tripura State, asthe case may be.

The permit is to be carried by person or persons importing shoulder-borne forest produce by a land route and must be produced for inspection and check by any Forest or Police Officer, if required.

(b) Certificates of origin are required only in cases where large quantities of forest produce collected under permits specifying definite quantities are imported into Assam by land or water, e. g., rafts of timber, bamboos or carted timber, bamboos, etc.

7. The Forest Officers in-charge of the Goalpara, Kamrup, Darrang and Sylhet Divisions will be supplied with copies of the seals or signatures of persons authorised to sign certificates of origin.

8. All timbers brought down by the Langa, Gorapila, Champamati, Gangia or Sankos rivers, or any of their tributaries in the District of Goalpara, shall be stopped for examination, and be reported to the District Forest Officer, or other Forest Officer authorised in that behalf, at the following places :

Datma on the Langa river, Rujadabri on the Gorapila river, Garubhasa on the Champamati river, Buragaon on the Monas river, Burimukh on the Gangia river, Tamaihat on the Sankos river, Bijnighat on the Gobmai river ;

or at such other places as the Government may, from time to time, prescribe by Notification in the official Gazette.

9. Should the person incharge of any timber brought down the Lunga, Gorapila, Champamati, Gangia or Sankos rivers or any of their tributaries in the district of Goalpara desire to land such timber before reaching any of the places prescribed under R. 8 as places for the stoppage thereof they shall obtain the permission in writing of the District Forest Officer or other Forest Officer who may be authorised in that behalf. If such officer deems fit to grant such permission, he shall examine the timber and shall grant a pass in the prescribed form.

10. Except with the permission in writing of the District Forest Officer or such other Forest Officer authorised in that behalf, no timbers in transit on the Langa, Gorapila, Champamati, Gangia or Sankos rivers or any of their tributaries in the District of Goalpara may be landed or removed inland, nor may such timber be cut up or converted before a pass has been granted by the Forest Officer, for the same.

11. All timber, when in transit in the Goalpara District, either by land or by river, may be stopped and examined by any Forest or Police Officer, and the person in charge of such timber shall be bound to produce any passes which may have been granted to them, when called upon to do so by any Officer or Police Officer.

12. If any person infringes any of the above rules he shall be punished with imprisonment of either description, which may extend to six months, or with fine which may extend to five hundred rupees or with both.

CHAPTER 5

Transit Rules

[Under Sections 40 and 41]

Rules to regulate the transport of forest produce by land and water

1. (a) All rivers, as defined in the Assam Forest Regulation. 1891 (VII of 1891), and their banks shall be kept open for the transport of forest produce.

(b) Except with the written permission of the Deputy Commissioner and under the conditions imposed by him, no person shall cause diversion of the channel or obstruction on the banks or in the channel of any river used for the transport of Forest produce.

(c) The Deputy Commissioner shall have the power to order the removal of any obstruction on the banks or in the channel or the closure of any diversion of any river used for the transport of forest produce and to recover the cost thereof from the person or persons who caused the obstruction or the diversion or by sale of the forest produce causing the obstruction.

2. (a) No forest produce shall be removed except as provided in sub-rule (b) of this rule unless covered by a pass which shall be in the from of—

(i) a permit issued by a duly authorised Forest Officer under the rules relating to the unclassed State forest or reserved forests, allowing the holder to remove forest produce from a specified locality ; or

(ii) a certificate of origin (in the form prescribed in Appendix A) in the case of forest produce from private lands for which nothing is due to Government. Such certificate must be issued by the owner of such land or his duly authorised agent and must bear such signature or stamp of the owner or his agent as has been previously registered in the local Divisional Forest office, and such certificate shall be produced by the holder at the revenue specified therein to to be dealt with as noted hereafter ; or

Note. The certificate of origin must be issued in all cases whether the owner himself or any other person removes the produce.

(iii) a transit pass (in the form prescribed in Appendix B) issued by a Forest Officer, authorised by the Divisional Forest Officer, in token of full payment of all amounts due to Government on account of the forest produce covered by it. In special cases the conservator of forest may permit the issue of transit passes by any person duly authorised by him.

Provided that no certificate of origin or other pass shall be required for the transport of home grown fati, barua, bakal and bethua bamboos. No royalty will be realised on bamboos of these kinds unless they are known to have come from Government forest.

(b) (i) Lac intended for export can be moved within a plains district or to a plains districts from a neighbouring hill district without a transit pass or permit from the place of origin to the storage godown or premises of the purchaser subject to the provisions of items (ii) and (iii) below :

(ii) all traders who at any time store lac exceeding 50 maunds in their godowns or premises must register such godowns or premises with the Divisional Forest Officer of the district concerned. All traders in lac not coming under this definition will remain as heretobefore under the conditions of R. 2 (a) ;

(iii) all traders who register godowns or premises under (ii) will pay the royalty due on lac brought to such godowns or premises, other than lac covered by a certificate of origin, within 7 days of its receipt and receive a storage receipt for the amount;

(iv) transit passes will be issued free on request for export of lac against storage receipt issued under item (iii) ;

(v) the stock held in registered storage godowns or premises is subject to check at any time by any Forest Officer of the rank of Ranger, Extra-Assistant

Conservator of Forests, Assistant Conservator of Forests or Deputy Conservator of Forests and all facilities, etc., for such check must be given by the owners of registered storage godowns or premises.

Note. On receipt of notice from the conservator of any change in the rate of royalty for lac. divisional forest officers will immediately notify all Deputy Commissioners and Sub-divisional Officers in whose charge lac is cultivated.

NOTES

As observed in Anowaruddin Choudhury v. State of Assam [(1984) 2 GLR 142], a 'transit pass' is granted to a person merely to take out of forest any kind of forest produce on payment of the dues therefor, if any, as the form prescribes the places from which such produce has to be transported; its destination as well as the route of its transport besides indicating the dates of issue and expiry ; its ownership is, however, not indicated. Hence 'transit pass' which does not show on its face that it is granted to a person in recognition of the title of such person, title to the seized elephants cannot be said to have been conclusively established merely with the help of a transit pass.

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3. The places mentioned in Appendix C to these rules, and such others as may, from time to time, be prescribed by State Government, shall be revenue stations for the purposes of these rules.

4. (a) All forest produce in transit covered by a permit or a certificate of origin shall be taken to the nearest revenue station staffed by Government on the route of extraction except in cases provided for in R. 5, the person or persons in charge of such forest produce and detained there for examination, measurement, or counting and marking, if necessary, by the Officer-in-charge of the revenue station.

(b) No forest produce in transit taken to a revenue station shall be moved within such station between sunset and sunrise without the permission of the officer-in-charge of the revenue station nor shall such forest produce be moved away from the Revenue station until a transit pass as prescribed in these rules has been issued by him.

(c) In the case of forest produce in transit covered by a permit or a certificate of origin and intended to be exported beyond the district within which it has been collected, a transit pass as prescribed hereinbefore shall be obtained by the person in charge of such forest produce from the duly authorised forest officer-in-charge of a revenue station in exchange for the permit or the certificate of origin and such forest produce shall not be booked or moved by rail, steamer or boat unless covered by such transit pass. When the destination of such forest produce is within the district, the permit or certificate of origin shall be endorsed by the duly authorised officer-in-charge of the revenue station in token of full payment of all amounts due to Government and such endorsed permit or certificate of origin shall be deemed to be the transit pass required under these rules :

Provided that it shall be within the power of the officer-in-charge of a revenue station to refuse to grant a transit pass or endorse a permit or a certificate of origin if he has reason to believe the permit or certificate of origin covering the forest produce to be false or full payment of all amounts due to Government in respect of the forest produce has not been made ;

Provided also that in the case of rhinoceros horns only, no permit or transit pass shall be granted and no permit or certificate of origin shall be endorsed by any officer except a Divisional Forest Officer or a District Magistrate. Applicants for transit passes for the export of rhinoceros horns out of British India shall name the intended port of shipment and the transit passes shall be issued in duplicate, one copy shall be despatched direct by the Divisional Forest Officer or the District Magistrate to the Collector of Customs at the port named and shipment shall be permitted only if both copies are in that officers' hands.

Note. Firewood, thatching grass, bamboos, unreserved poles and reeds may be removed from the Mohendraganj Range in the Garo Hills Division on receipt of a transit pass only, without taking out any permit.

5. Should the person or persons in charge of any forest produce in transit desire to stop, land, cut up, convert or utilise any such produce before taking the same to a revenue station, he or they shall obtain the permission in writing of the officer-in-charge of the nearest revenue station. Such officer shall, if he deems fit to grant the permission, proceed in respect of the forest produce as if it had been taken to a revenue station.

6. No fee shall be levied for transit passes granted in respect of forest produce from private land covered by a certificate of origin or in respect of forest produce covered by a Gurkati Permit or in respect of forest produce on which full royalty has been paid.

7. All amounts due to Government whether as royalty, duty, or on any other account, in respect of any forest produce in transit shall be paid in such manner as ordered by the Divisional Forest Officer.

8. All forest produce in transit may be stopped and inspected at any place by any Forest Officer and all persons-in charge of such forest produce shall be bound to produce the permit, the certificate of origin, or the transit pass covering such forest produce when called upon to do so by the Forest Officer.

9. All persons in-charge of forest produce in transit by the Brahmaputra river shall stop such forest produce at Dhubri for check and record.

10. Except with the previous sanction in writing of the officer in charge of the nearest revenue station, and under conditions imposed by the Divisional Forest Officer with the approval of the Conservator of Forests, no person shall establish or convert timber at a saw-mill or saw-pit. Such sanction or conditions may with the approval of

the Divisional Forest Officer be rescinded or modified by the officer in charge of the revenue station by giving six months' notice in writing. This rule applies only to the establishment of regular saw-mills or saw-pits and does not apply to the casual sawing of timber grown on private land.

NOTES

The Transit Rules have been framed under Ss. 40 and 41 of the Regulation. Section 40 deals with the power to make rules to regulate transit of forest produce and S. 41 prescribes the penalties for breach of such rules.

In this rule the words "within one mile of the cold season bed of any river in the Surma Valley used for transport of timber" after the words "saw-mills or saw-pit" were deleted by Notification No. AFR 204/50/3, dated 3rd February, 1957.

11. All traders wishing to transport timber (except bamboo and cane) from the forests, shall have their property marks registered in the Divisional Forest Office concerned in the manner heieinafter prescribed and all their timber in transit shall bear their registered property marks. No transit pass shall be issued for such timber in transit unless it bears a registered property mark.

Merchants dealing in timber already bearing the registered property marks of the traders, who transported it from the forest, are not required to register property marks for use on such timber ; provided that they can produce documentary evidence to prove that they are in lawful possession of such timber.

Note. The words "traders" used in the rule does not apply to small cultivators who buy a few trees and dispose of the timber locally to regular traders.

12. (a) For the registration of property mark a written application should be submitted to the Divisional Forest Officer concerned, and a sketch of the proposed mark together with a written description, and a fee of Rs. 5 shall be sent with the application.

(b) No fee shall be charged for the registration in any division of a property mark which has already been registered in any other division and is still in force.

(c) The registration of a property mark shall hold good for three years from 1st April preceding the date of its first registration in whatever division it may have been issued, or being used.

(d) A certificate in the form prescribed in Appendix E shall be granted for the registration of a property mark.

13. The Divisional Forest Officer may refuse to register any property mark or cancel one already registered for any of the following reasons:

(i) If he considers that the mark resembles too closely any Government mark or any property mark previously registered in favour of another person;

(ii) If the applicant or holder does not possess or in the opinion of the Divisional Forest Officer is not likely to possess timber requiring to be marked with a property mark ;

(iii) If on account of a conviction for any forest offence, or for any other reason which seems to the Divisional Forest Officer to be sufficient, the holder or the applicant is not considered to be a fit person to be entrusted with such mark.

14. No timber which is in transit or intended for transit shall be marked except with a registered property mark, and no one shall supermark, alter or efface any mark on such timber, and the possession or carrying of hammers or other implements used for the impression of marks which have not been registered in the manner hereinbefore prescribed is strictly prohibited.

15. The booking or moving of timber in logs or rough hewn, sawn timber (except tea shooks), bamboos exceeding 100 in number, canes exceeding 100 kaps, charcoal exceeding 5 maunds, lac, agar, elephants, elephant tusks, and any other forest produce by rail, aeroplane, steamer or boat is prohibited unless such forest produce is accompanied by a transit pass issued under these rules.

NOTES

In this rule the word "aeroplane" after the word "rail" has been inserted *vide* Notification No. GFR 117/50/3, dated 3rd May, 1950.

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16. *[Deleted]*.

NOTES

This rule has been deleted *vide* Notification No. FRS 148/72/13, dated 10th May, 1973.

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17. Any person infringing any of the above rules may be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Executive orders relating to the Transit Rules

(1) Divisional Forest Officers should satisfy themselves before registering the signature or stamp of an owner of private land or his agent under R. 2 (ii) of the Transit Rules that the applicant owns land containing forest produce. A facsimile of the registered signature or stamp should be supplied to all revenue stations.

(2) A stock of forms of certificate of origin must be kept at all revenue stations and should be issued freely to all applicants whose signatures or stamps have been registered charging 6 pies for 2 copies, unless the officer in charge has reason to believe that the applicant has no legitimate use for such forms.

(3) If the officer in charge of a revenue station has not sufficient reason to refuse to grant a transit pass in exchange for a certificate of origin or to endorse such certificate under the proviso of R. 4 of the Transit Rules, but is not satisfied that the certificate is true, he should grant the transit pass or endorse the certificate and then institute enquiries.

(4) It should be made widely known that persons who want to extract forest produce from private lands must take out a certificate of origin in the prescribed form and that copies of the form, if required, can be obtained from the nearest revenue station.

(5) A register should be maintained at each revenue station showing the date of arrival of all consignments of forest produce and the date of release and all other necessary particulars. A trader may submit a copy of the arrival report of the consignment of forest produce giving the necessary details direct to the office of the Divisional Forest Officer. The officer in-charge of the revenue station will countersign this copy. The Divisional Forest Officer should make use of these reports to check the accuracy of the entries in the register.

Rules under Ss. 40 (1) and 41 (1) of the Assam Forest Regulation for the better control of rafts of logs and bamboos on the Barak, Kusiara and Surma rivers in the Surma Valley

1. No raft shall exceed the dimentions specified below for the dry and wet seasons, respectively :

Dry season —November to May

Log rafts	Built Bamboo rafts
Maximum length 100 feet	
" width 25 "	80 feet
" draught for November (not prescribed) and from December to May 3 feet	20 " 3 "
Rainy season—June to October	
Log rafts	Built Bamboo rafts
Maximum length 210 feet	150 feet
" width 45 "	25 "
" draught (not prescribed)	

Note. The above limits of size shall apply to log and bamboo rafts floated between Silchar Railway Station and Madna.

2. For rafts of the kinds specified in R. 1, the minimum crew shall consist of 4 men in the dry season and of 6 men in the rainy season.

Note. (1) For rafts of not more than twenty logs, a crew of 2 men will suffice.

(2) Neither R. 1 nor R. 2 shall apply to small jungle rafts or bundles of bamboos.

3. No rafts shall travel at night. Between sunset and sunrise every raft shall be moored close to the bank in a straight reach and no two rafts shall be moored abreast.

4. Every raft shall carry an anchor or a suitable appliance at each end for checking progress. On a steamer approaching, the raft shall straighten up and afford it a fair way.

5. Every raft other than a small jungle raft or bundle of bamboos shall show a riding light at night : Provided that no light need be shown when a raft is moored at a recognised depot.

Note. The following are recognised depots :

In cachar

1.	Silchar	On the Barak river.
2.	Sialtek	

In Sylhet

1.	Bhanga	
2.	Karimganj	
3.	Fenchuganj	On the Kusiara river.
4.	Manumukh	
5.	Marcoli	

1.	Kanaighat	
2.	Sylhet	
3.	Chhatak	On the Surma river.
4.	Dwarabazar	
5.	Sunamganj	

6. So far as circumstances permit, rafts must be navigated at a distance apart of not less than half a mile.

Note. The Divisional Forest Officer will assist in this by seeing that transit passes for rafts are only issued when the raft next ahead has had a good start.

7. The breach of any of the above rules will render the owner and crew of a raft liable on conviction before a Magistrate to a fine not exceeding fifty rupees each.

CHAPTER 6

Rules to regulate the salvage, collection and disposal of drift and other timber

1. No person shall salve or collect timber of any of the descriptions mentioned in S. 43 (1) of the Assam Forest Regulation except as permitted by the Regulation or by the rules.

2. Any person holding a lease or licence or permit, from a Forest Officer empowered to grant the same, for the salving and collection of timber falling under any of the descriptions mentioned in S. 43(1) of the Regulation shall, subject to the conditions of the grant, be entitled to salve and collect such timber for the purposes of S. 43(2) of the Regulation.

3. No timber salved and collected under S. 43(2) of the Regulation except such as may be collected under R. 6, shall be moved to or landed at any places other than such as may be notified under the said Regulation, as depots for reception of such timber.

4. The following shall be the rates of fees for salving timber :

	Rs. a. p.
(1) For every raft containing more than five logs	5 0 0
(2) For every log in any raft containing not more than five logs	1 0 0
(3) For every log between 5 feet and 10 feet in length and 2 feet or more in girth	0 8 0
(4) For every log 10 feet or more in length and between 2 feet and feet in girth	0 8 0
(5) For every log 10 feet or over in length and 4 feet or more in girth	10 0
(6) For every raft of bamboos —10 per cent on the valuation made by the Divisional Forest Officer, or anyother officer authorised by him on this behalf.	

5. When claim to any timber has been admitted, the claimant shall take delivery of the timber within 15 days of a notice being sent to him that his claim has been admitted, and the fee prescribed in the preceding rule together with such sum for collecting and moving the timber as may be specified in the notice, shall become due from him upon the expiry of the said period or at the time of delivery, whichever is earlier. If the claimant does not take delivery within that period, an additional fee for storage at one anna per log or raft of bamboos shall become due from him for each day thereafter. If the claimant does not take delivery of the timber within two months of the notice being sent to him, any Forest Officer, empowered under S. 76 of the Regulation may sell the timber by public auction for recovery of the amount of fees

and other sums due thereon up to the date of the sale and in that case the proceeds of the sale shall be disposed of as provided in the said section.

6. The use of unmarked drift timber belonging to the State, except dugouts, sawn timber and prepared logs, in the Assam Valley districts is free to all settlement holders, as defined in the Assam Land and Revenue Regulation, and their sub-tenants, who may collect it for their domestic and agricultural and other private purposes (but not for purposes of sale, barter nor trade), except in the rivers mentioned in Appendix A to these rules and such other rivers as may be notified from time to time by the State Government in the official Gazette, where the use is limited to unmarked drift timber measuring less than 5 feet in length and 2 feet in girth.

7. Drift timber and fuel belonging to the State Government may be collected for sale or trade—

Either (a) on a permit obtained from the Forest Department which payment shall be made at the rate of Rs. 6 per annum, or Re. 1 per mensem, on the opinion of the applicant or in the case of potters at Majuli on payment of Re. 1-4-0 per annum per house-hold for use only in their pottery business, such permits not being transferable, but covering the transport and sale by the agent or servant of the permit-holder, or

(b) in such localities as shall be notified by the State Government from time to time, on a fee permit obtained from the Forest Department, the forest produce collected under such permit to be taken to such place as the Divisional Forest Officer may direct for the assessment of royalty at the rates in force in the unclassed State forest of the district or at such other rates as the State Government may from time to time prescribe, and not to be moved from such place except with the Forest Officer's permission until royalty has been paid in full :

Provided that collection under permit as in (a) shall be allowed in individual cases in notified localities where, in the opinion of the District Officer, the sale of drift wood merely earns a bare Livehood for the person concerned.

8. All timber found adrift, breached, stranded or sunk in any river of the districts of Cachar and Sylhet measuring less than 5 feet in length and feet in girth is hereby exempted from the provisions of S. 43 of the Assam Forest Regulation, 1891.

9. Any person infringing Rr. 1, 3 and 7 of these rules shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or both.

APPENDIX A

(1) Doyang and Dhansiri rivers in the Sibsagar district.

(2) Bharali river in the Darrang District.

(3) The portion of the Kopili river in the Nowgong district lying between the southern district boundary and the Jamunamukh forest revenue station.

(4) The portion of the Someswari river between village Goka and the district boundary of the Garo Hills.

(5) The right bank of the Brahmaputra river from Bhumraguri reserve (or Bhorelimukh) to Deputamukh in Darrang District.

(6) The right bank of the Brahmaputra river from Sialmarighat to one mile below Kharupetia Bazar, in Darrang District.

(7) The right bank of the Brahmaputra river from one mile above Biswanathghat-bazar to one mile below in Darrang District.

(8) The rivers in the plains portion of the Sadiya Frontier Tract.

(9) Portion of the Disang river, one mile in length on either side between Lepaigaon and Desangmukh for the collection of firewood for professional lime burners in Sibsagar District.

(10) Both banks of the Brahmaputra river from Disangmukh to Dhan- sirimukh for the collection of drift timber for boat building in Sibsagar District.

(11) Jinjiram river in the Western Range, Garo Mills District.

(12) Jinjiram river in the Mahendraganj Range, Garo Hills District.

(13) Dudnoi, Jinari and Krishriai rivers and the portion of the Brahmaputra river between Mornoi and Goalpara in the Northern Range, Garo Hills Division;

(14) The locality from Siju Songmeng up to the point Where the district boundary cuts across the Someswari river at Agmara in the Southern Range in the Garo Hills District.

(15) Brahmaputra, Dibru, Dehing and Sessa rivers in Dibrugarh Range in Lakhimpur District.

(16) (i) Subansiri river from Dullungmukh Inspection Bungalow to Badatighat.

(ii) Boginadi from ferryghat on Public Works Department road to the place where it falls into Subansiri river.

(iii) Ranganadi from southern boundary of Ranga reserve to the place where it falls into the Subansiri river.

(iv) Digrongnadi from ferryghat on the Public Works Department road to the place where it meets the Subansiri river; and

(v) Charikorianadi from Mashkhowa to Bakhamukh, in the North Lakhimpur Range, Lakhimpur District.

(17) The left bank of Dibru river from Guijan to Malukaghat in the Tinsukia Range in Lakhimpur District.

(18) The portion of the Buridehing river lying between Tirapmukh and Dirakmukh in the Margherita Range in Lakhimpur District.

(19) The portion of the Burridehing river lying, between. Sitakunda island and its junction with Tingrainadi in the Jeyypur Range in Lakhimpur District.

(20) The Manas, Chanapamati, Tarang and Gaurang rivers up to the boundary of the reserves in Goalpara District.

(21) Saraibhanga up to Patgaon in Goalpara District.

(22) Garufela river which is also called Sankosh up to Sapatgram in Goalpara District.

(23) Janali and Jakali rivers up to the boundary of the reserve in Goalpara District.

(24) Sankosh river with its branches the Gangadhar and the Gadadhar in Goalpara District.

(25) Bamnai river up to its junction with the Gadadhar in Goalpara District.

(26) Tipkai up to its junction with Sankosh (Garufela) in Goalpara District

(27) Portion of the Beki river (Mora Monas) from the southern boundary of the North Kamrup Game Reserve down to the Eastern Bangal Railway bridge over the same river in Kamrup District.

NOTES

These rules were framed *vide* Notification No. 1974-R, dated the 5th July, 1934, under S. 48 of the Regulation, which provide for the rule making power of the Government and prescribes penalty for breach thereof.

CHAPTER 7

Roles for the establishment and control of forest villages

1. Forest villages may be established within the limits of any reserved forest on sites the location of which shall be approved by the Conservator of Forests in writing.

2. Forest villages are designed for the purpose of providing a source of the suitable local labour and for forming and maintaining plantations and laungyas, and no castes which are not habituated to living and working in the forest are eligible for admission. Divisional Forest Officers may admit new entrants to existing forest villages in accordance with the executive orders of the Conservator.

3. The boundaries of all permanent forest villages will be demarcated by boundary pillars and shown in maps together with all interior details such as fields, homesteads, etc., and a register shall be maintained of the houses in each forest village.

4. The Divisional Forest Officer is authorised to evict summarily from a forest village without payment of compensation to any one who does not comply with the rules or who refuses to carry out his orders so far as they are consistent with the rules or whose conduct impairs the harmonious working of the village. An appeal,

however, shall lie to the Deputy Commissioner of the district, but in the event of the latter disagreeing with Divisional Forest Officer, the case must be referred to the Conservator whose decision shall be final.

5. An allotment up to 5 bighas of land to include homestead or bari will first be made for each resident household, to which will be added ten bighas of land on account of each working member residing in that household, but no household should occupy more than thirty-five bighas of land. Thus a household containing three workers including the householder would be entitled to thirty-five bighas of land. The land given out to a household will not be reduced in extent during the householder's occupancy, if the members of his household become subsequently reduced in number. Non-resident villagers may similarly be allowed to cultivate up to a maximum of 30 bighas per household.

Note. This rule shall not have retrospective effect in the case of those householders to whom more than 35 bighas of land have already been allotted but may be given effect to, on the decease of the present occupier, in cases where households are in possession of land considerably in excess of the amount permitted under this rule.

6. On the decease of a householder, the name of his male heir will be registered as a forest villager if he is considered by the Divisional Forest Officer to be suitable in all respects, or in cases where a daughter is the heiress the name of her husband should be recorded as the householder, if he is suitable for employment as a forest villager. The names of heirs who are minors will be recorded as forest villagers when they become fit for work or, in the case of females, when they marry husbands suitable for employment as forest villagers, but nothing in this rule shall be held to recognise any heritable right in land allotted to a forest villager.

7. The sub-letting of land by a forest villager is not permissible in any circumstances, but with the permission of the Divisional Forest Officer, servants may be engaged to assist in agricultural operations and their names shall be recorded as temporary forest villagers.

8. Land revenue shall be levied for the land (excluding home-stead or bari) given to a forest villager at such rates as have been approved by Government.

Note. The following rates have been approved :

Division	Rate
Lakhimpur, Goalpara and Sylhet	... Six annas per bigha
Sibsagar	Ditto Ditto
Darrang	Ditto Ditto
Kamrup and Cachar	Ditto Ditto
Garo Hills	Ditto Ditto
Nowgong	... Four annas per bigha

9. Each adult forest villager shall, if called upon, render 20 days' labour per annum at the rate of wages locally current.

10. In addition to cultivating land at concessional rates of revenue for which an annual patta will be issued by the Divisional Forest Officer, each householder in a forest village will be allowed free grazing for all necessary plough cattle and ten heads of other cattle, but this term shall not include buffaloes in cases where on account of proximity to plantations or other considerations they are likely to cause damage. Cattle belonging to outsiders shall not be allowed to be kept by a forest villager.

Note. The number of necessary plough cattle is fixed as follows :

Land under cultivation	No. of plough catties allowed free
15 bighas	1 pair
25 „	2 pairs
35 „	3 pairs

For any excess number of cattle owned by a forest villager for which free grazing is not allowed, grazing fees will be realized at rates not less than those levied in the unclassed State forests.

11. Adult male forest villagers shall pay for all forest produce taken by them at ordinary rates in force in the reserved forest concerned, but may be allowed to remove free of royalty sufficient building materials to erect and maintain their houses and 10 cart load of fuel annually, if they elect to render 5 days' labour in lieu of paying royalty. In cases where in his opinion it is justifiable the Divisional Forest Officer may allow not more than one servant per household to remove forest produce to the above amount free of royalty without the obligation to render 5 days' labour.

The general principle is that forest villagers who render free labour should be employed as far as possible in the vicinity of their villages. If labour is given under the preceding or succeeding paragraphs of this rule in return for free produce, and work cannot be found within a distance of five miles from the village concerned, it will be paid for at the current rate of wages with a maximum of six annas per diem. Labour should not be called upon during the cultivation or reaping season save in emergency which should be reported to the Conservator, and must be in connection with work other than domestic work in the household of any Forest Officer, and must not be on the construction or repair of latrines : this applies also to labour rendered under R. 9.

Where in any case persons other than forest villagers have been in the habit of rendering free labour in return forest produce free of royalty the amount of labour to be rendered for equivalent privileges will in future be five days if ten days have hitherto been rendered, or four days if the amount was actually eight days in practice (exclusive of the time spent in coming and going), without reduction in respect of forest produce.

This rule is provisional, and subject to the proviso that where forest villagers wish to pay land revenue at ordinary khiraj rates in lieu of supplying free labour, this should be allowed.

Note 1. The revised rules will not apply to the excluded areas.

Note 2. A man giving labour between 3-10 miles from his village and doing 6 continuous days' work will be given half days free labour for travelling there and back and a man giving labour over 10 miles from his village and doing 6 continuous days work will be allowed 1 day's free labour for travelling there and back. The days given being counted to the work.

12. Jumias may be admitted into the reserves on condition that they sow with their crops the seed of such forest trees in such manner as the Divisional Forest Officer may direct; building material and 10 cart loads of fuel annually will be given to them free of charge but they will be liable to render 20 days' labour if called upon at the local rate of wages. Jumias who in addition cultivate rupit land, will be similarly required to sow tree seeds with their jum crops,. They shall be liable to pay for building materials and fuel required by them, but mav commute the payment annually due for these by undertaking to maintain the forest seedling in each jum, from being suppressed by weeds for a period of two years from the time cultivation is abandoned. They will still remain liable to render the 20 days' labour at the local rate of wages.

Note. The jumias admitted into the reserved forests under R. 12, will execute an agreement in the form approved by Government in their letter No. FOR.1367/5276 GJ., dated the 27th October, 1941.

13. The forest department and its contractors shall have the first claim to the labour of forest villagers, who shall not accept employment from any other department, company or individual without the previous sanction of the Divisional Forest Officer.

14. The Forest Department may resume occupation of land allotted to a forest villager by giving six months' notice to the occupier.

15. Separate work registers in addition to the ordinary muster rolls will be maintained for each village showing the amount and the nature of the work done by each villager. The village register, the work registers and the muster rolls will be inspected by the Divisional Forest Officer at the time of range and beat office inspections, and he will be responsible that the labour is being properly utilized. Labour for carrying baggages of officers must always be paid.

16. Payments for work done should be made by a responsible officer at intervals which should not exceed a week except in special circumstances with the permission of the Divisional Forest Officer.

17. For each forest village the Divisional Forest Officer may, with the sanction of the Conservator of Forests appoint a gaonbura or headman and, if necessary, a watchman, and their suspension, punishment and dismissal shall be vested in the

Divisional Forest Officer. The duties of such headman or watchman will be prescribed in each case by the Conservator of Forests who may exempt any of them from paying land revenue for any area up to 35 bighas of land and from rendering any labour repuired by Rr. 9 and 11.

18. The Divisional Forest Officer with the previous sanction of the Conservator, may make such reasonable advances of cash or grain to any householder of a forest village, as may be necessary to enable him to prepare or sow his land or purchase plough and bullocks ; all such advances will be recoverable with the interest at $6^{1}/_{4}$per cept per annum.

19. The Divisional Forest Officer may with the written permission of the Conservator excuse forest villagers who have become old or infirm, poor widows, minors incapable of work, or persons who are for the time being wholetime employees of the Forest Department, such as elephant attendants, from rendering labour in exchange for forest produce removed for home consumption, and will forward a list of such exempted persons annually to the Conservator.

20. On a request supported by 50 per cent or more of the villagers, the Divisional Forest Officer may, with the approval of the Conservator, admit persons whose services are needed for the welfare of the forest villagers, e. g., a school master, a shop-keeper or a barber as residents of a forest village on the following terms :

(1) An allotment up to 12 bighas of land may be given to, such a resident for homestead or bari but no rupit land will be allowed to him. No concession shall be allowed in respect of land revenue for the land occupied by him but the Divisional Forest Officer shall consult the Deputy Commissioner in each case as to what would be an appropriate rate.to charge, bearing in mind not only the character of the land occupied but the use to which it is put.

(2) The villagers and the Forest Department shall always have first claim on his services and he shall not work for persons outside the village without the permission of the Divisional Forest Officer.

(3) He will be exempted from rendering any labour but will ordinarily be given forest produce free for his own use only in return for his services rendered to the villagers on wages at the rates locally current.

(4) He shall be subject to such additional conditions as the Divisional Forest Officer may with the approval of the Conservator lay down in writing at the time of admission.

(5) He shall be liable to be evicted summarily by the Divisional Forest Officer without payment of compensation, from a forest village for breach of any of the above terms or for breach of any provision of the Assam Forest Regulation or of the rules made there under in force at the time or for refusal to carry out his orders.

NOTES

These rules have been framed under Notification No. 4631-R, dated 6th December, 1930, under Ss. 72 (e), 74 and 75 of the Regulation. Section 72 (e) empowers the Government to make rules consistent with the regulations generally to carry out the provisions thereof. Section 74 deals with the persons bound to assist Forest Officer and Police Officer. Section 75 deals with the provisions for recovery of money.

CHAPTER 8

Preservation of wild life in preserved forests

[Under Sections 25 (g) and 72]

1. The killing of fish by the use of explosive or poison is absolutely prohibited but the netting of fish, under special licences issued by the Divisional Forest Officer, the taking of eggs and the netting and trapping of birds may be permitted in special cases.

2. The killing and capture of wild animals and birds is prohibited during the closed seasons prescribed below :

I. Wild Birds :	**Closed Seasons**
Pigeons and doves	From 1st March to 15th June.
Black, Swamp, Bamboo and Hill Patridge, Jungle fowl and Kalij Pheasant, quail	From 1st March to 31st October.
Spot bill, whistling teal, cotton teal, Geese, ducks, Brahmani duck, plover, snipe, woodcock and wood duck	From 1st April to 31st October.
White winged wood duck, florican Hornbill, Peafowl, Peacock-pheasant and all other birds not specified above except those classed as vermine such as crows parrakeets, Bulbuls, sparrows etc, actually damaging food crops for which not closed season is prescribed .	The whole year.
II. Wild Animals—Mammals :	
Full grown male deer (except Swamp deer and Spotted deer) Hares, Wild Buffaloes in Lakhimpur District, Gaur or Indian Bison in Lakhimpur, Darrang and Goalpara District	From 1st June to 31st October.

Female and immature males of the above species, hornless deer, with horns in velvet	The whole year.
Wild Buffaloes except in Lakimpur District	
Gaur or Indian Bison (Wild Mithun) except in Lakhimpur, Darrang—and Goalpara District	The whole year.
Swamp deer, Spotted deer and Rhinoceros	
Elephant, except under special license issued by the Deputy Commissioner (the prohibition does not extend to elephants shot under 1 Elephant Control Licences)	
Gibons or Hoolocks, Golden Langer Pygmy hog and Pangolins, Hispid hare, Golden Cat, Glouded Leopard, Marbled Cat, Spotted Lingsang (or Tiger Civet) Slow Loris, Flying Squirrel, Porcupine Tiger	The whole year.

NOTES

These rules were made *vide* Notification Nos. 2594-G. J. dated the 1st May, 1939 and No. 3344/G. J., dated the 28th June, 1939 and No. 5749-G. J., dated the 7th September, 1939 and finally modified *vide* Notification dated 29th November, 1968 having come into force from the 1968-69 shooting season.

The word “tiger” at the end was inserted *vide* Notification No. FRW 24/ 69/183, dated 30th November, 1974.

III. Reptiles :

Monitor lizards, pythons and crocodiles	The whole year.

Provided that by order of State Government these seasons may be waived for the collection of specimens, dead or alive for scientific purposes, when animals are over-crowded to their own danger, when crops are being damaged, when human life or domestic animals are endangered or when it is desirable to destroy wounded or diseased animals.

3. Hunting, shooting and fishing within a reserved forest are prohibited. Except under license issued in accordance with the rules below and subject to the provisions of Rr. 1 and 2.

4. The Chief Conservator of Forests, Assam, may, subject to the approval of the State Government, declare any reserved forest or portion thereof to be a Wild Life Sanctuary, in which shooting, hunting and trapping are absolutely prohibited except

under licences, which may be granted by the Government of Assam, to the approval of sportsmen for the exclusive of hunting and killing carnivorous animals.

5. The Chief Conservator of Forests, Assam, may with the prior approval of the State Government declare any reserved forest or part thereof to be a Class I or Class II reserve for the purpose of limiting the number of particular species of game, that may be killed or hunted or of absolutely protecting any species.

6. The Conservator of Forests, Assam, shall divide the Class I forests into shooting block none of which shall remain open for more than 15 consecutive days at a time or be re-opened untill after having been given a 15 days' rest.

7. A list of resereved forests that have been declared Class I Forests in accordance with R. 5 shall be published in the official Gazette as soon as possible after the 1st September, copies of such notifications being sent to all Deputy Commissioners, Divisional Forest Officers and Honorary Forest Officers. All other reserves excepting Wild Life Sanctuaries are Class II forests. The list of shooting blocks formed in accordance with R. 6 in a Class I reserved forest should also be published in the Assam Gazette before 1st October whenever any change takes place.

8. (a) No person or member of a party reserving a block shall be permitted to kill in any one year or period less than one year ending on the 31st May more than—

(a)	One Buffalo	Subject to the specific permission given by the Chief Conservator of Forests, Assam in
(b)	One Bison	arreas other than these where the animals are fully protected.
(c)	One Tiger	Mature males only.
(d)	2 (two) barking deer	Mature males only.
(e)	2 (two) Hog deer	Mature males only.
(f)	2 One Sambar	Mature males only.

(b) No party reserving a Block jointly shall be permitted to kill in any one year or period less than one year ending on the 31st May more than—

(a)	One Buffalo	Subject to the specific permission given by the Chief Conservator of Forests.
(b)	One Bison	Assam in areas other than those where these animals are fully protected.
(c)	4 (four) Tigers	Mature males only.
(d)	2 (two) barking deer	Mature males only.

(e)	2 (two) Hog deer	Mature males only.
(f)	1 (one) Sambar	Mature males only.

(c) Not more than 2 Buffaloes and 3 Bisons will be allowed to be shot in a year in the entire State and that too with the specific permission from the Chief Conservator of Forests, Assam.

9. The use of rifles of bore less than 375 for shooting big game is prohibited. Cartridges loaded with shot larger than No. 4 may not be carried in a reserved forest; this prohibition shall not, however, apply to cartridges with single bullets, such as Lethal or Contractile.

No animal except carnivora (tigers and leopards etc.) and pig shall except in a beat, be shot from a machan or with the aid of artificial light.

The shooting of animals at a salt-lick or from a motor car at night is absolutely prohibited. This prohibition does not extend to elephants shot under Elephant Control Licences except as stated therein.

10. Licences in Form A for Class II reserves valid for one year or less and expiring on the 31st May to hunt or shoot birds and game other than buffaloes, Bison and Swamp Deer, will be issued by the Divisional Forest Officer subject to the conditions specified in these rules and in the licence on payment of fee of Rs. 30-00. The licence holder shall pay the pay of any Forest Guard or Game Watcher detailed to accompany him on shooting expedition. This licence does not convey the exclusive right to shoot in the area mentioned in the licence :

Provided always that the Divisional Forest Officer may for good and sufficient reason decline to issue licence ; and provided also that, if circumstances render it advisable, a licence may be cancelled or temporarily suspended by the Divisional Forest Officer.

11. In addition to the fees prescribed under R. 10, the following royalties shall be paid on any of the animals, hereinafter mentioned, wounded or killed by a licence holder shooting in Class II Forest :

Buffalo	If specially permitted to be shot by the Chief	Rs. 300 each
Bison	Conservator of Forests	Rs. 400 each
Full grown male Sambar		Rs. 150 each
Full grown male Barking deer	Rs. 50 for the First	Rs. 75 for the Second.
Full grown male Hog deer	Rs. 75 for the First	Rs. 100 for the Second.

Tiger	Rs, 200 for the First	Rs. 300 for the Second.
Leopard	Rs. 50 for the First	Rs. 100 for the Second.
Pig	Rs. 25 for the First	Rs. 50 for the Second.

12. The following persons, when travelling on duty within their jurisdiction, are exempted from the payment of the fees laid down in R. 10 and R. 19, but not from the royalties and fees prescribed in Rr. 11, 15 and 16 or from the provision of R. 21. They shall also be subject to the provisions of R. 13 :

(a) The Governor (b) Members of the Council of Ministers (c) Deputy Commissioners (d) Honorary Forest Officers (e) The Inspector-General of Forests and a Gazetted Forest Officer within his own jurisdiction	Within their own jurisdiction.

13. All the holders of a licence in Form A, including persons mentioned in R. 12 as exempted from paying licence fees shall be bound by the following limits :

(a) The limit to the maximum number of animals, which may be shot during one shooting season ending 31st May, fixed in R. 8.

(b) Any limit fixed by endorsement of the licence in Form A.

14. A holder of a licence in Form A, wishing to reserve Class I shooting Block shall forward his licence to the Conservator of Forests of the concerning Cricle, Assam, on endorsement giving the following particulars :

(a) Locality in which and period during which he wishes to hunt and shoot.

(b) The names of any companions and followers who will accompany him, who will not be armed unless they have the requisite licences.

(c) The species of animals he wishes to shoot.

(d) The number and type of each weapon and the kind of ammunition he proposes to use.

A party of licence-holders not exceeding 6 in number may be permitted to reserve a Class I shooting block in their joint names, in which case all licences shall be forwarded to the Conservator of Forests with the application. Such a party shall not be allowed to carry more than four guns.

No application to reserve a Class I block will be considered more than 3 months ahead.

15. The fees for reservation of a Class block to hunt and shoot only for a period not exceeding 15 days, which must be sent to the Conservator at the time of making application, shall be—

(a) For holder of licence in Form A, i. e., one gun ... Rs. 100

(b) A party of holders of licences in Form A not exceeding 6 in numbers :

For two guns ... Rs. 80 each

For three guns ... Rs. 70 each

For four guns (Maximum) ... Rs. 60 each

16. In addition to above licence fees prescribed under Rr. 10 and 15 the following royalties shall be paid on any of the animals hereinafter mentioned, wounded or killed by a licence holder, person or party reserving a Class I block

Buffalo	If specially permitted by the Chief Conservator	Rs. 300 each
Bison	of Forest, Assam	Rs. 400 each
Male Samber		Rs. 150 each
Male barking deer	... Rs. 50 for the First	Rs. 75 for second
Male Hog deer	... Rs. 75 for the First	Rs. 100 for second
Tiger	... Rs. 200 for the First	Rs. 300 for second
Leopard	... Rs. 50 for the First	Rs. 100 for each after
Pig	... Rs. 15 for the First	Rs. 25 ”

The expression “First, Second” refer to a shooting season for the months ending 31st May and are to be adjusted with animals shot under R. 11.

Officers exempted from the payment of the fee for a shooting license in Form A under R. 12 are liable to pay the fees prescribed for the reservation of Class I block and the royalties prescribed in this rule.

17. By order of the State Government these royalties mentioned in Rr. 11 and 16 may be reduced or waived on specimen, alive or dead collected for scientific purposes and provided that the Conservator of Forests, Assam in the case of Class I forests and the Conservator or the Divisional Forest Officers in the case of Class II forests may reduce or waive these royalties when game is over-crowded to its own danger; when crops; are damaged or destroyed; when human lives or domestic animals are endangered ; or when it is desirable to destroy wounded or diseased animals.

18. In addition to the above royalties for shooting birds and animals of various categories certain ad valorem royalties have been fixed on animals and birds trapped and exported from unclassed State forests and reserved forests in the State, as per statement attached to this licence.

Birds. *Ad valorem* royalty on all birds except predators will have to be paid as per schedule attached.

Animals. *Ad valorem* royalty as per schedule on all animals except Rohines (which are prohibited) and elephants which come under Rhino and Elephants Preservation Acts.

19. Fishing. Licences in Form B in fish to reserved forests except sanctuaries will be issued by the Divisional Forest Officers subject to contract of the Conservator of Forests, of the Circle in the case of Class I forests on payment of the following fees :

for one day	...	Rs. 5
for one month	...	Rs. 50

Provided always that the Divisional Forest Officer may for good and sufficient reasons decline to issue a licence and may if circumstances render it advisable, cancel or temporarily suspend a licence.

The licence in Form B shall be returned to the issuing officer immediately on its expiry.

20. Licence in Form B, for fishing in a sanctuary may be granted by the Divisional Forest Officer with the previous sanction of the Conservator of Forests, on payment of the fees as listed below :

(i) Rs. 6 per diem per person for a period up to 14 days at a stretch,

(ii) Rs. 60 for 15 days per person

21. Licences in Form A and Form B must accompany the holder on shooting and fishing expedition and shall be produced for inspection on demand by any Forest Officer and at the expiry of each period covered by an endorsement made under R. 15.

The licence must be duly completed on each occasion to show the number and species of all animals shoot and licence will be returned to the licensee after inspection.

22. *Visit to Wild Life Sanctuaries.* Following fees shall be paid by the visitors in viewing the wild life in the Sanctuaries :

Fees for elephant hire :

(a) Rs. 15 per trip per elephant for a visitor if alone.

(b) Rs. 8 per trip per person if two visitors are accommodated in one elephant.

(c) Rs. 6 per trip per person if three visitors are accommodated in oae elephant.

(Not more than three persons will be permitted in one elephant)

Fees for view permit :

(i) Rs. 5 per diem per person.

(ii) Rs. 2 per diem per person for low paid Government servants and Jawans.

(iii) Re. 1 per diem per student, if the students visit the sanctuary at their own initiative and 50 paise per head if a group of students under the auspices of an educational institution visit it.

(iv) View fee from watch-towers :

(a) Rs. 3 per adult

(b) Re. 1 per child (below 12 years old)

Fees for use of camera :

(a) Cine camera :

Rs. 10 per diem per person for professionals.

Rs. 5 per diem per person for amateurs.

(b) Ordinary camera—

Rs. 5 per diem per person for professionals.

Rs. 2 per diem per person for amateurs.

(c) Fees for shooting of films in reserved forests and Wild Life Sanctuaries:

1. Rs. 100 (one hundred) per day for single professional cine- cameraman from India with limited photographic equipments (not more than two cine-cameras).
2. Rs. 300 (three hundred) per day for cinema and feature film shooting studios parties with elaborate photographic equipments who are registered in India.
3. Rs. 100 (one hundred) per day per elephant for elephant hire.
4. Rs. 50 (fifty) per hour per launch for motor launchire.
5. Rs. 15 (fifteen) per hour per boat for man-plied boat.
6. 100 per cent increase of the fees under items 1—5 above for foreign single professional cameraman and parties.

Road fees:

(i) Rs. 3 per jeep or ordinary car

(ii) Rs. 7.50 per truck or bus

Fees for motor launch :

(i) Rs. 3 per hour per seat

(ii) Rs. 10 per hour for all the four seats

For additional time, e. g., for every half an hour, the charge will be half of the above rate

Fees for man-powered boats :

(i) .50 paise per hour per person

(ii) Rs. 2.50 per hour for all the five seats.

To guard against any compensation claim, a visitor will have to sign a risk note to the effect that "The visitors travel at their own risk".

23. If any person infringes any of the above rules or any of the conditions of this licence he will be punished under S. 25 of the Assam Forest Regulation, 1891 (VII of 1891).

FORM "A"

Licence to hunt and shoot granted under Rule 10

(Fee Rs. 30)

Licence No. ... ... date of issue ... ... date of expiry 31st May, 19 .

Name of Licensee ... ... Status ... ...

Address ... ...

Name of reserved forest or portion thereof, for which the licence is issued and the boundaries :

Signature of Issuing Officer

Date ... ...

The above licence is issued subject to Rr. 2, 3, 8, 9, 11, 13 and 21.

Endorsement under Rule 14

This licence is endorsed under R. 14 subject to Rr. 2, 3, 6, 8, 9, 10, 13, 15, 16 and 21 for the area and periodZA ... ...

Signature of Endorsing Officer

Date ... ...

FORM B

Licence to fish granted under Rule 19/20

Fee per person	Reserved forests	Wild Life Sanctuary
For one day	... Rs. 5	Rs. 6
For 15 days	...	Rs. 60
For one month	... Rs. 50	

No ... ... Date of issue ... ... Date of Expiry

Name of Licensee ... ... Status ... ...

Address ... ...

Name of river or part thereof, or rivers in which fishing is permitted ....

Details .....

Signature of Issuing Officer

Date ... ...

Conditions under which this licence is issued :

1. This licence is issued subject to the rules prescribed in the Notification No. ... ... dated ... ...

2. The use of road and line only is permitted under the licence.

3. This licence conveys no exclusive right to fish in the rivers specified above.

4. This licence must accompany the licensee and be produced on demand by any Forest Officer and must be returned to the Issuing Officers immediately on its expiry.

5. The killing of fish by explosive or poison and the netting of fish are prohibited but the netting of small fish for use as live or dead bait is not prohibited.

6. The licence does not entitle the holder to shoot or without the previous permission of the Divisional Forest Officer to carry fire-arms in any reserve forests.

7. The licence is not transferable.

FORM C

Licence to visit Wild Life Sanctuaries under R. 22

Fees per person per trip in a day—

1. Elephant hire :
   - (a) Rs. 15 if the visitor is alone on an elephant.
   - (b) Rs. 8 if two visitors are on an elephant.
   - (c) Rs. 6 if three visitors are on an elephant.

2. View permit :

Rs. 5

Rs. 2 for low paid Government servants and Jawans.

Re. 1 for student if the visit is at his own initiative, and

Re. 0.50 if a group of students under the auspices of an educational institution visit it.

From watch-tower :

Rs. 3 for adult and Re. 1 for children (below 12 years old).

3. Camera charge :

(a) Cine camera—

Rs. 10 for professionals.

Rs. 5 for amateurs.

(b) Ordinary cemera—

Rs. 5 for professionals.

Rs. 2 for ameteurs.

4. Road permit:

Rs. 3 per Jeep or ordinary car.

Re. 7.50 per Truck or Bus.

5. Motor launch—

Rs. 3 per hour.

Rs. 10 per hour for all four seats.

For additional time, e. g., for every half hour, the charge will be half the above rate.

6. Man powered boats :

Re. 0.50 per hour and Re. 2.50 per hour for all five seats.

No. ... ... Date of issue .... Date of Expiry ... ... Name and address of the licensee ... ... Status ... ...

Name of the Wild Life Sanctuary and reason for taking photographs which the licensee is permitted to visit the Sanctuary.

Assamese names of Wild Animals and Birds in Assam Forests and their Ad Valorem Royally :

English Name	Assamese Name	Assamese Name in English Alphabets	Ad Valorem Royalties
1	2	3	4
1. Rhinoeeros	গড়	Garh	Protected.
2. Elephant	হাতী	Hati	Protected.
3. Buffalo	ম'হ	Mah	Protected.
4. Bison	মেথন	Mathoon	Protected.
5. Tiger	বাঘ	Bagh	Rs. 20.00 each
6. Leopard	নাহৰ ফুটুকী বাঘ	Nahar Phutuki bagh	Rs. 50.00 each
7. Clouded Leopard	গোধ ফুটুকী বাঘ	Gdoha Phutiki bagh	Protected
8. Golden Cat	শোনলী বন মেকুৰী	Sonali Ban Makuri	Protected.
9. Black Panther	ঘোঢ বা কাল বাঘ	Ghon ba (cub) Kalabagh (Grown up)	Rs. 200.00 R. 300.00 each.
10. Loth Bear	মাটিৰ ভালুক	Mati Bhaluk	Rs. 30.00 each.
11. Himalayan Black Bear	হিমালয়ৰ কাল ভালুক	Himalaya Kola Bhaluk	Rs. 50.00 each.
12. Honey Bear	মৌ খোৱা ভালুক বা গাছ ভালুক	Moukhowa Bhaluk ba Goch Bhaluk	Rs. 50.00 each.
13. Malayan Sun Bear.	মালয়ৰ খেকীয়া ভালুক	Malay Dakhiya Bhaluk	Protected
14. Sambar	কাঠ খোৱা পহু বা বৰশৰ	Cath Khowa Pahu ba Bar Sar	Rs. 100.00 each.
15. Spotted Deer (Chittal)	ফুটুকী হৰিণ	Phutuki Harn	Protected
16. Swam Deer	দল হৰিণ	Dalharin	Protected.

English Name		Assamese Name	Assamese Name in English Alphabets	Ad Valorem Royalties
1		2	3	4
17.	Barking Deer	শুগাৰি পহু	Sugari Pahu	Rs. 50.00 each.
18.	Hog Deer	খতীয়া পহু	Khatia Pahu	Rs. 50.00 each.
19.	Wild Pig	বনবীয়া গাহৰি	Banaria Gahari	Rs. 20.00 each.
20.	Wild Beer	বনবীয়া গাহৰি	Bara Gahari	Rs. 10.00 each.
21.	Pigmy Hog	সৰ গাহৰি	Saru Gahari	Protected
22.	Civet Cat	গন্দেৰা	Gandera	Rs. 2.00 each.
23.	Civet Cat (Small)	জহামাল	Jahamal	Rs. 1.00 each.
24.	Fishing Cat	মাছ খোৱা মেখুৰী	Mashkowa Mekuri	Rs. 3.00 each.
25.	Leopard Cat	লতা মেকুৰী	Lata Makuri	Rs. 20.00 each.
26.	Indinn Jungle Cat	বন মেকুৰী	Ban Makuri	Rs. 10.00 each.
27.	Wild Dog	বাং কুকুৰ বা বনৰীয়া কুকুৰ	Bangkukur ba [pub] Banaria (grown pu Kukur.)	Rs. 10.00 each. Rs. 20.00 each.
28.	Monkey (Rhesus)	বান্দৰ বা (মলোৱা)	Bandar (Malna)	Rs. 5.00 each.
29.	Monkey (Lagoor)	হনুমান বান্দৰ	Hanuman Bandar	Rs. 10.00 each.
30.	Monkey others	বান্দৰ	Bandar	Rs. 2.00 each.
31.	Golden Langoor	সোনালী বান্দৰ	Sonali Bandar	Protected
32.	Hoolock Monkey	ছলো বান্দৰ	Holow Bandar	Protected
33.	Porcupine	কেটেলা পহু	Katala Pahu	Protected
34.	Ant Eater	বন ৰো	Van Row	Rs. 2.00 each.

English Name		Assamese Name	Assamese Name in English Alphabets	Ad Valorem Royalties
1		2	3	4
35.	Hares	শহা পহু	Saha Pahu	Rs. 50.00 each.
36.	Hispid hare			Protected
37.	Flying Squirrel	বনৰীয়া কেৰ্কটুৱা বা ৰাম শহা	Banaria Kerkatua ba Ram Shar.	Protected
38.	Marten	হিমালয় দেশীয় হালধীয়া ৰঙৰ নেউল	Himalay Dakheya Haldhi Garalar Neul	Rs. 3.00 each.
39.	Mangoose	নেউল	Neul	Rs. 3.00 each.
40.	Binturong or Bear Cat	ইয়ুং	Moung	Rs. 30.00 each.
41.	Tiger Ciret Cat	লতা মাকৰগ বাঘ	Lotamakuri bagh	Protected
42.	Slow Loris	লাজুকী বান্দৰ	Lajuki bandar	Protected
43.	Goral (Wild Goat)	বনৰীয়া ছাগলী	Banaria Chagali	Rs. 50.00 each.
44.	Otters	উদ	Ud	Rs. 3.00 each.
		REPTILES		
1.	Crocodile	ঘৰিয়াল	Ghorial	Protected
2.	King Cobra	চকৰফেটী সাপ বা শঙ্খ সুৰ	Chakaripheti Sap Kukura dahi pheti ba Sankha sur.	Rs. 5.00 each.
3.	Cobra	ফেটী সাপ	Fheti Sap	Rs. 1.00 each.
4.	Monitor Lizard	গুই	Guin	Protected
5.	Golden Monitor-Lizard	সোণ গুই	San Guin	Protected
6.	Pythons	অজগৰ	Ajagar	Protected
		WILD BIRD		
1.	Imperial Pigeon	পহুঁনা চৰাই	Borglhuna Charai	Rs. 0.50 each.

English Name		Assamese Name	Assamese Name in English Alphabets	Ad Valorem Royalties
1		2	3	4
2.	Green Pigeon	মাইঠা চৰাই	Maitha Charai	Rs. 0.25 each.
3.	Partridge	কইৰা	Koira	Rs. 0.50 each.
4.	Jungle Fowl	বনৰীয়া কুকুৰা	Banaria Kukura	Rs. 0.75 each.
5.	Pheasant (Kalij)	দৰিক	Darik	Rs. 0.75 each.
6.	Peacock Pheasant	দেউ দৰিক	Deo Darik	Protected
7.	Floricae	উল্ল মোৰা	Ullumore	Protected
8.	White winged Wood Duck			Protected
9.	Quail	বটা চৰাই	Bata Charai	Rs. 0.50 each.
10.	Pelican or Spotted billed	ভেৰা চৰাই বা ভেলা	Bhera Charai ba Bhela	Rs. 2.00 each.
11.	Whistling Teal	শৰালী চৰাই	Sarali Charai	Rs. 0.50 each.
12.	Cotton Teal	পানী হাহ	Fani Hah	Rs. 0.50 each.
13.	Geese	ৰাজ হাহ	Rajhah	Rs. 2.00 each.
14.	Wild Duck	বনৰীয়া হাঁহ	Bonaria Hah	Rs. 1.01 each.
15.	Plover	বালি ঘোৰা চৰাই	Bali Ghora Charai	Rs. 0.25 each.
16.	Hawks	শ্যেণ চৰাই	Shyea	Rs. 1.00 each.
17.	Crows	কাউৰী	Kauri	Rs. 0.25 each.
18.	Magpies	দহি কটা	Dahi Katra	Rs. 0.25 each.
19.	Hill-Myna	মইনা চৰাই	Maina Charai	Rs. 3.50 each.
20.	Parrot	ভাটৌ	Bhatou	Rs. 0.50 each.

Other Birds are Protected.

[Under Sections 34 (2) (f) and 35 (2)]

A. No rhinoceros shall be killed in the unclassed State forests of Assam except with the previous sanction of the Provincial Government.

B. If any person infringes the above rules, he shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Protection of Forest from fire

[Under Section 25 (b) and (c)]

The following rules apply to the Goalpara, Kamrup, Darrang, Nowgong, Khasi and Jaintia Hills, and Garo Hills Districts, and North Cachar Hills.

I. No person shall, within a forest reserve which is specially protected from fire or along its boundaries, kindle or carry any fire, or leave any fire burning otherwise than as provided in Rule II.

II. Between the 1st February and 31st May, no person desirous of clearing by fire any standing forest or grass land within half a mile of the boundary of a forest reserve which is specially protected from fire, or of burning rubbish within such distance of such a reserve, shall do so otherwise than in accordance with the following rules :

(i) notice of such desire shall be given at least one week beforehand to the nearest local range forest official, or to whoever may be in charge of the range office at the time ;

(ii) he shall choose for such burning a day or time when a high wind is not blowing ;

(iii) he shall take every precaution that the fire does not spread beyond the limits of the land to be burnt over, or of the heaps into which the rubbish to be burnt may have been made, and in case of accident shall render every assistance in preventing the fire from spreading into the reserve.

III. Any person collecting inflammable forest produce, such as grass or bamboos, on land adjoining a forest reserve, and any holder of a permit to collect such produce from the forest reserve, shall stock the material so collected in an open space.

IV. All persons travelling on roads, paths, or tracks passing through, or along the boundary of, a forest reserve which is specially protected .from fire, shall camp only at such places as may be cleared and set apart for such purpose by the Divisional Forest Officer, who shall yearly publish a list of such camping grounds. Camping at localities other than those so set apart along such roads, paths, or tracks is prohibited. Persons using such camping grounds shall light any fires they may require for cooking or other purposes in such away as not to endanger the forest reserve, or the buildings or other property on the camping grounds.

Eviction from reserved forests

[Under Section 72 (c)]

(1) Subject as hereinafter provided, the Divisional Forest Officer may eject any person from land in a reserved forest in which no person has been allowed to settle other than as a forest villager admitted in accordance with the rules published in Notification No. 4631-R, dated the 6th December, 1930, or any rules issued in substitution thereof to govern the administration of forest villages.

(2) Such person may be ejected or ordered to vacate forthwith, and the Divisional Forest Officer may sell, confiscate or destroy any crop raised, or any building or other construction erected without authority.

(3) Any person or persons intentionally disobeying an order to vacate under sub-R (2) shall, without prejudice to appropriate action under Ss. 24 and 25 of the Regulation be liable to a penalty which may extend to two hundred rupees, and, in case such disobedience is continued, to a further penalty which may extend to fifty rupees for each day during which such breach continues.

Rules for eviction from reserved forests

[Under Section 72 (c)]

1. Subject as hereinafter provided, the Divisional Forest Officer may eject any person from land as a reserve forest in which no person has been allowed to settle other than as a Forest Villager admitted in accordance with the rules published in Notification No. 4631-R, dated the 6th December, 1930, or any rules issued in substitutions thereof to govern the administration of forest villages.

2. Such person having unauthorised occupation in a forest reserve may be ejected or ordered to vacate forthwith and the Divisional Forest Officer may sell, confiscate or destroy any crops raised any building or other construction erected without authority in forest reserves.

3. Any person or persons intentionally disobeying an order to vacate under sub-R. (2) shall, without prejudice to appropriate action under Ss. 24 and 25 of the regulation, be liable to a penalty which may extend to Rs. 500 and in case such disobedience is continued to a further penalty which may extend to Rs. 100 for each day during which such breach continues.

No Civil Court shall exercise jurisdiction in any matter provided for by these rules made in accordance with the provisions of S. 72 (c) of the Assam Forest Regulation, 1891.

NOTES

These rules were inserted in exercise of the powers conferred under S. 72 (c) of the Assam Forest Regulation, *vide* Notification No. FRS 153/71/89, dated 21st May, 1973.

RULEs

RULES AND ORDERS IN FORCE IN CERTAIN DISTRICTS



RULES AND ORDERS IN FORCE IN CERTAIN DISTRICTS

CHAPTER I

Section I — **The Garo Hills Regulation, 1882 (Regulation No. I of 1882)**

Preamble. Whereas Regulation 1 of 1876 (The Garo Hills Regulation, 1876), the operation of which was extended for one year by the Chief Commissioner's notification issued with the previous sanction of the Governor General in Council on the 18th March, 1881, ceased to be in force on the 31st day of March 1882 ;

And whereas it is desirable to re-enact certain provisions of the said Regulation, it is hereby enacted as follows :

1. Short title. This Regulation may be called The Garo Hills Regulation, 1882.

Local extent and commencement. It extends only to the Garo Hills District, and comes into operation on being published in the Assam Gazette.

2. Power to the Chief Commissioner. The Chief Commissioner may, from time to time, subject to the control of the President, by notification in the Assam Gazette—

(a) *To prohibit certain acts.* Prohibit all or any person, not being natives of the Garo Hills District, from doing any of the following acts within the limits of the said district without a licence, that is to say,—

cutting wood,

hunting animals,

collecting wax, ivory, India-rubber, or other jungle products, and

(b) *To regulate the granting of licences to do such acts.* Prescribe the conditions and restrictions subject to which, and the amount of fees on payment of which, and the persons by whom, licences to do any of the said acts may be granted.

3. Penalties for offences against S. 2. Any person who does any act in contravention of a notification issued under S. 2 of this Regulation, and any holder of a licence under the said section who does any act in contravention of a restriction or condition imposed by such license, shall be punished for a first offence with a fine not exceeding one hundred rupees, and for each subsequent offence with imprisonment of either description for a term which may extend to three months, or with a fine not exceeding five hundred rupees, or with both; and the Magistrate by whom he is convicted may further order that all animals or carcasses of animals, and all wood, wax, ivory, India-rubber, or other jungle products found in his possession, and all animals, ropes, nets, guns, ammunition, and other things used by him in the commission of such offence, shall be confiscated.

4. Acquisition of interests in land prohibited. It shall not be lawful for any British subject, or other person not being a native of the Garo Hills District, to acquire any interest in land or the product of land within the limits of the said district without the sanction of the Chief Commissioner or of such officer as the Chief Commissioner may appoint in this behalf.

Any interest so acquired may be dealt with as the Chief Commissioner or the said officer may direct.

The Chief Commissioner may, from time to time, by notification in the Assam Gazette, extend the prohibition contained in this section to any class of persons, natives of the said district, and may, from time to time in like manner, cancel or vary such extension.

5. Realisation of fines and imprisonment in default of payment. The provisions of Ss. 64 to 70, both inclusive of the Indian Penal Code shall apply to all fines imposed under the authority of this Regulation.

6. Jurisdiction. The jurisdiction in respect of offences against this Regulation shall be exercised by such officers, and subject to such conditions as the Chief Commissioner may, from time to time, by notification in the Assam Gazette direct.

Section 2—Rules having the force of law

(A) RULES RELATING TO THE USE OF FOREST PRODUCE IN ZAMINDARY LANDS IN THE GARO HILLS DISTRICT THAT ARE UNDER THE MANAGEMENT OF THE STATE UNDER SECTION 2 (a) AND (b)

1. Zamindary forests in Garo Hills. In such lands, all persons, not being natives of the Garo Hills District, are prohibited from cutting wood, hunting animals and collecting wax, ivory, India-rubber or other forest produce save under and subject to the provision of trade or Gurkati permits, Appendices A and B to these rules, and granted by the Divisional Forest Officer or other person empowered by him in this behalf.

2. (a) Trade permits will be issued for the removal of such timber and other forest produce as may be specified therein.

(b) Trade permits may be issued for any period not exceeding twelve months from the date of issue, but the period of any permit may, at the discretion of the Divisional Forest Officer, be extended for a further maximum period of twelve months on payment by the permit-holder, of a fee as fixed by the Divisional Forest Officer, not exceeding 25 per cent, of the royalty payable on the produce to be removed under the permit.

(c) Royalties shall be charged on the timber and other forest produce removed under a trade permit at the rates prescribed in Appendix C (published separately)

to these rules. Increase and descrease of any of the rates is vested in the Chief Conservator of Forests to a limit of 25 per cent, of decrease and 25 per cent, increase according to distance and difficulties of extraction.

3. Gurkati permits will be issued for the year ending on the 30th June for the removal by land of thatching grass, bamboos, canes, reeds, leaves (pathi) and poles up to 1 foot 6 inches in girth of species other than reserved under the Assam Forest Regulation in such quantity as can be carried by the holder of the permit on his person. The fee for one Gurkati permit shall be as follows :

	Rs. a. p.
(i) For house-tax paying natives of the Garo Hills District	1 . 0 0
(ii) For other persons	5 . 0 0

4. Trade permits and Gurkati permits are not transferable except with the written permission of the Divisional Forest Officer.

A Gurkati permit must be in the possession of the persons cutting or removing the produce and must be produced on demand for inspection by any Forest Officer, Police Officer or any revenue official.

(B) RULES RELATING TO THE USE OF FOREST PRODUCB OF LAND AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN A RESERVE OR VILLAGE FOREST IN THE GARO HILLS DISTRICT

In these rules the expression “unclassed State forests” means any land at the disposal of the State not included in a reserve or village forest.

In these rules the expression “House-tax-paying natives of the Garo Hills District” refers to members of the following tribes when assessed to house-tax—Garo, Koch, Mann, Cachari, Hajong, Rabha, Khasi, Dalu and Mech.

5. No reserved or unreserved trees shall be felled, cut, girdled, marked, lopped, tapped or injured by fire or otherwise, no timber sawn, converted or removed, and no other forest produce collected or removed except under and subject to the conditions of a trade or Gurkati permit prescribed in these rules or under the orders of the State Administration or of the Consevator of Forests :

Provided that—

(i) the cutting of jhums may be practised by house-tax-paying natives of the Garo Hills subject to the control of the Deputy Commissioner :

(ii) (a) all house-tax-paying natives of the Garo Hills district resident or jhuming in that district may, without any permit, remove and utilise free of royalty such timber and other forest produce as they may require for their own use within the district, but not for sale, trade, mortgage or gift.

This concession is extended to servants of the State serving in the Garo Hills.

(b) all other residents of the Garo Hills district who pay land revenue and non-residents who hold temporarily settled land in the plains mauzas of the district may, without permit, remove and utilise free of royalty such unreserved timber and other forest produce as they may require for their own use within the district, but not for sale, trade, mortgage or gift.

Note. "The concession in sub-Cls. (a) and (b) are limited except with the permission of the Divisional Forest Officer, to the quantity extracted at a time which a concessionaire can himself carry"

(iii) House-tax-paying natives of the Garo Hills district may bring timber, including dugouts from unclassed State forests down the undermentioned rivers for sale or trade purposes and shall be exempted from taking out a permit but shall pay royalty on such produce at the scheduled rates at the time of sale, or within two calendar months of its arrival whichever is earlier at the revenue stations enumerated below :

(a) Timber other than sam—

(1) Maheshkhala	river and its	tributaries	Maheshkhala.
(2) Mahadeo	ditto	ditto	Mahadeo.
(3) Goneswari	ditto	ditto	Goneswari (Rongara).
(4) Someswari	ditto	ditto	Bagmara.
(5) Nitai	ditto	ditto	Nitai Hat Khola (Ghosegaon).
(6) Bogai	ditto	ditto	Dalu.
(7) Tholong	ditto	ditto	Chandabui.
(8) Marshi	ditto	ditto	Sisangpara.
(9) Kalo	ditto	ditto	Garobadha.
(10) Jinjiram	ditto	ditto	Hulbari, Kasharipara Mankachar and Mahendraganj.
(11) Jinari	ditto	ditto	Nibari.
(12) Krishnai	ditto	ditto	Dekachang.
(13) Dudhnai	ditto	ditto	Damra.

(b) Timber of sam from north of Siju only—

(1) Someswari river excluding tributaries Bagmara.

Royalty shall be realised at scheduled rates on forest produce, namely, firewood, thatching grass, bamboos, canes, reeds, leaves and poles of unreseved timber below 1 foot 6 inches in girth, brought down by the above-mentioned rivers.

No royalty shall be levied on skins (other than python and lizard skins), horns and monkeys or other small animals brought down to notified revenue stations for sale.

Royalty at the rate of $6^{1}/_{4}$ per cent, *ad valorem* shall be realized on all python and lizard skins exported exceeding six feet and one foot six inches respectively in length. No python and lizard skins of smaller dimensions shall be exported.

6. There shall be two classes of permits, *viz.*,—
   (i) Trade permits,
   (ii) Gurkati permits.

(i) (a) Trade permits will be issued by the Deputy Commissioner, Divisional Forest Officer or any other officer empowered in this behalf in the form prescribed in Appendix A to these rules, for felling, cutting, conversion and removal of all reserved timber and for unreserved timber, over 1 foot 6 inches girth measured at 4 feet from the ground and for all other forest produce when not actually carried on the person under a Gurkati permit if cut, collected or removed for purposes of trade.

(b) Trade permits are not transferable except with the written order of the Deputy Commissioner or the Divisional Forest Officer. They may be issued for any period not exceeding twelve months from the date of issue. Such period may be extended for a further maximum period of twelve months at the discretion of the Divisional Forest Officer on payment by the permit holder of a fee not exceeding 25 per cent, of the royalty payable on the forest produce removed under the permit.

The Divisional Forest Officer may however remit the fee altogether in cases in which he considers this justified.

(c) Royalty shall be payable on the forest produce removed under a trade permit at the rates prescribed in the schedule published separately.

Increase and decrease of any of the rates is vested in the senior Conservator of Forest to a limit of 25 per cent of decrease and 25 per cent, increase according to distance and difficulties of extraction.

(ii) (a) Gurkati permits will be issued by the Deputy Commissioner, Divisional Forest Officer or any other officer or person duly empowered in this behalf in the form prescribed in Appendix B to these rules for the collection and removal by land of firewood, thatching grass, bamboos and canes, reed, leaves and poles of unreserved species up to 1 foot 6 inches in girth in such quantities as can be carried by a permit holder on his person.

(b) Gurkati permits are not transferable except with the written order of the Deputy Commissioner or the Divisional Forest Officer, and they must be in the possession of



their holders when cutting or removing any forest produce and must be produced on demand for inspection by any Forest, Police or Revenue Officer. They will be issued for the year ending on the 30th June.

(c) A Gurkati permit will be issued to one person only at the following rates:

			Rs.
For house tax paying natives of the Garo Hills District removing forest produce for sale		...	1
For other persons	...	...	5

7. No lease for any fixed period giving the right of collecting or removing rubber, cane, kath or kutch, lac, agar or other forest produce from the unclassed State forests shall be given without the previous sanction of the Conservator of Forests.

8. All fees and royalties payable on account of any forest produce collected or removed under these rules shall be paid previous to the issue of the trade or Gurkati permit ; but it is left to the discretion of the Conservator of Forests to decide whether such payment shall be recovered in full or in part when a trade permit is issued. In no case will forest produce be permitted to be removed from a forest or in the case of produce taken to an authorised sale depot, from the sale depot, until full payment has been recovered from the permit holder.

9. All timber and other forest produce in respect of which there is reason to believe that any money is payable to Government under these rules, when in transit in any part of the district, may be stopped and examined by any forest or police officer and all persons in charge of such timber or other forest produce shall be bound to produce any permit or certificate or pass which may have been granted to them for its removal when called upon to do so by such forest or police officer.

10. Any person infringing any of the above rules shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Section 3. **Executive Orders relating to the Garo Hills**

1. Rewards to finders of elephant tusks. The Deputy Commissioner, Garo Hills, has full discretion in the matter of granting rewards to the finders of elephant's tusks.

2. Gurkati. Commission at a rate not exceeding 10 per cent, on collections on account of gurkati is payable to the tuskars and sirdars of the Garo Hills and to forest subordinates below the rank of forest rangers and other servants of the State and other persons approved jointly by the Deputy Commissioner and the Divisional Forest Officer when they are entrusted with the work of selling such passes.

3. The following rules are prescribed for the sale of gurkati permits in the Garo Hills division :

(i) Range and Beat Officers will report on the condition of each new permit seller proposed giving full details about his holdings, cattle, connections, occupation, etc., in order that the Divisional Forest Officer may judge of his suitability for the work.

(ii) Permit sellers except tuskars must bring or send their books monthly to the range or beat office during the week the officer in charge is preparing his cash accounts and must at the same time remit all money due to Government and the following penalties may be imposed for failure to do so—

(a) Reduction of commission from 10 per cent, to 5 per cent, in the case of failure to produce the books and pay the revenue in full during the first month.

(b) Confiscation of commission due for failure to produce the books and pay the revenue in full for two months running :

(c) Confiscation of the books for such failure for three months ;

(iii) Permit sellers who are Laskars must bring or send their books to the range or beat office and deposit their collections every quarter, failing which they shall forfeit the commission due to them for the quarter ;

(iv) Range and Beat Officers shall report all such failures and will be responsible for the revenue due if they do not so report;

(v) Range and Beat Offcers will submit monthly along with their accounts a statement of permits sold, amounts realised and amount due, against each permit seller.

4. The Garos and other aboriginal tribes residing in the hills are allowed to take free of charge from forest reserves bamboos, firewood, thatching grass and unreserved trees that may be required by them for their own use ‘within the district but not for sale, trade, mortgage or gift.

CHAPTER 2

THE KHASI AND JAINTIA HILLS

Section 1. **Rules relating to the use of forest produce on land at the disposal of the State ia the Jaintia Hills and the British villages of the Khasi Hills and not included in a reserved or village forest**

[(a) Under Ss. 33, 34 (2) (a),(c),(e),(g), and (h), 34 (3), 35 (2) and 40 (f)]

1. Difinition. In these rules the expression unclassed State forests means any land at the disposal of the State in the Jaintia Hills and the British villages in the Khasi Hills and not included in a reserved or village forest.

The areas listed in Appendix A and such other areas in the unclassed State forests as may be declared by the Provincial Government from time to time shall be exempted from the operations of these rules.

2. No reserved or unreserved trees shall be felled, cut, girdled, marked, lopped, tapped or injured by fire or otherwise, no timber sawn, converted, or removed and no other forest produce collected and removed, except under and subject to the conditions of a trade permit as prescribed in these rules, and granted by the Deputy Commissioner or any other officer authorised by him in this behalf or under a written order of the Provincial Government:

Provided that—

(a) the cutting of jhums by Syntengs and Khasis may be practised subject to the control of the Deputy Commissioner ;

(b) natives of the Khasi and Jaintia Hills district shall be allowed to remove and utilise free of royalty such timber and other forest produce, except orchids as they require within the district but shall not be permitted to export timber or other forest produce beyond the district except under a trade permit ;

(c) *[Deleted]*

(d) servants of the State other than natives of the District of Khasi and Jaintia Hills, serving in the district outside Shiliong, are exempted from payment to royalty on firewood obtained by them from the neighbouring unclassed State forests for their own consumption.

3. Trade permits will be issued in the form prescribed in Appendix B to these rules for the removal of all reserved trees and of unreserved trees over 1 foot 6 inches in girth measured at 4 feet from the ground and all other forest produce. Trade permits are not transferable.

4. Trade permits will be issued ordinarily for any period not exceeding twelve months, but the period of any such permit may be extended up to a further maximum of twelve months at the discretion of the Deputy Commissioner and on payment of a fee which shall not exceed 25 per cent of the amount of royalty payable under the permit. The Deputy Commissioner may however remit the fee altogether in cases in which he considers this justified.

The power given above to the Deputy Commissioner with regard to granting of extension of time on time-expired permits may be exercised by the Sub-divisional Officer, Jowai, subject to the conditions that the sanction given by the Sub-divisional Officer is confined to cases in which the royalty payable at the time when extension is asked for does not exceed Rs. 100 and that his power of granting extension is limited to the period of four months.

5. Royalties shall be charged on forest produce removed from the unclassed State forests under a trade permit at the rates prescribed in the schedule published separately.

Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent, of decrease and 25 per cent increase according to distance and difficulties of extraction.

6. The royalty due shall be paid at the time of marking the produce previous to its removal or, where this is permitted, at the first revenue station reached by the forest produce.

7. No timber or other forest produce removed under a trade permit shall be landed, converted, utilised or exported unless covered by a pass to be issued on receipt of royalty in the form prescribed in Appendix D to this rule.

8. All timber or other forest produce when in transit may be stopped and examined by any Forest Officer, Sirdar, Doloi, or Police Officer, and all persons in charge of such timber or other forest produce shall be bound to produce any permit or pass which may have been granted to them for its removal when called upon to do so by such Forest Officer, Sirdar, Dolloi or Police Officer.

9. In the unclassed State forests leases for any fixed period giving the right of collecting or removing rubber, cane, kuth or cutch, lac, agar, or other forest produce may be given by the Deputy Commissioner who should consult the Conservator of Forests as to the terms of the lease.

10. Grazing of cattle in unclassed State forests by natives of the Khasi and Jaintia Hills District is permitted free. Professional graziers may be permitted to grace their cattle in areas selected by the Deputy Commissioner under the conditions and on payment of the rates prescribed by him.

11. Any person infringing any of the above rules shall be liable to be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both.

[(b) Under Sections 40 and 41]

12. Limestone from the Khasi and Jaintia Hills district exported into the district of Sylhet must be covered by a printed pass in the form of—

(a) a certificate of origin, Appendix A, issued by the Khasi owners in respect of limestone from their quarries and by the headman of Sohbar and Mostoh villages in respect of limestone from Sohbar and Mostoh quarries ; or

(b) a chailan, Appendix B, in respect of limestone from British-owned quarries;

(c) a certificate of registration, Appendix C.

13. All limestone exported from the Khasi and Jaintia Hills district shall be taken by the most direct route to the nearest revenue station notified under the Assam Forest Regulation within the Sylhet Division for payment of royalty and such limestone shall not be removed from the revenue station until royalties at the following rates are paid :

(i) from British-owned quarries—Rs. 20 per 1,000 maunds ;

(ii) from Khasi-owned quarries—Rs. 10 per 1,000 maunds.

Limestone from Mostoh quarry covered by a certificate of origin signed by the headman of the Mostoh village is exempted from payment of any royalty ; Provided that in the case of limestone belonging to exporters who have established depot below a revenue station and who supply the duplicates of challans covering their limestone to the revenue station officer concerned the royalty may, at the discretion of the Divisional Forest Officer, be realised by the revenue station officer on bills submitted for the total quantity of limestone carried past the revenue station during a month.

14. All limestone landed at depots established by the exporters and reloaded for transport to markets, shall be covered by a chailan, Appendix B which chailan shall be endorsed by the officer-in-charge of the nearest revenue station and a copy thereof supplied to him.

15. Every boat or other conveyance carrying limestone shall be measured, marked and registered by a Forest Officer authorised in that behalf, who shall grant a certificate of registration in the form prescribed in Appendix C to the person incharge thereof stating the carrying capacity of the boat or conveyance.

A fee of annas four per 100 maunds or part thereof shall be charged with effect from 1st November, 1942 for all boats registered by the Forest Officer and the certificate of registration shall be valid for a period not exceeding one year ending on the 31st October.

16. The standard weight for limestone for the purpose of measuring boats and realisation of royalty shall be a maund of 112 lb.

17. The carrying capacity of a boat shall be ascertained by loading the boat fully and shall be recorded in the register of certificates. The certificate shall be filled up in duplicate, one copy shall remain as a counterfoil in the book and the duplicate copy shall be given to the owner of the boat or conveyance. The registered number of the boat shall be painted or branded thereon. The measurement of a boat may be cheked by any Forest Officer at any time to see that it corresponds with the register number.

18. The person in charge of the boat may be called upon to produce any of the above certificates or chailan by any Forest Officer. Any person not producing such documents when called upon or infringing any of the above rules may be punished with a fine not exceeding Rs. 500.

Section 2. **Executive orders relating to the Khasi and Jaiatla Hills**

1. Relationship between the Deputy Commissioner is charge of forest and the Conservator. The Deputy Commissioner. Khasi and Jaintia Hills, is, subject to the control of the Commissioner of Divisions directly responsible to the Provincial Government for the working of the forest within his district. The position occupied by the Conservator in regard to above named forests is that of an adviser to the

Provincial Government and to the Deputy Commissioner. The Deputy Commissioner should consult the Conservator on all technical forest matters and is expected to follow the advice of the latter officer in such matters as far as is possible. Should he reject the advice of the Conservator he must justify such rejection on political or other grounds. In the event of the Conservator disagreeing with any action taken by the Deputy Commissioner in regard to forest matters he is empowered to refer the question through the Commissioner of Division for the decision of the Governor.

Note. The above does not affect the Conservator's power under Chapter I, Part I of the Manual to prescribe conditiont and fix royalties and fees for felling timber and other action within reserved forest.

2. Conservator's inspection, etc. The Conservator and/a responsible Imperial Forest Officer deputed by him are authorised to inspect the forest whenever possible, forwarding a note embodying the result of his inspection to him for transmission to the Governor and for communication to the Deputy Commissioner. The Conservator is also authorised to inspect the work of Gazetted Officers attached to the Khasi Hills Forest Division for the purpose of carrying out markings under the working plans and to instruct them in their work. He is also at liberty to test the competency of the subordinate forest officers in such a manner as he may deem to be necessary or to depute an imperial Forest Officer to do so. The Deputy Commissioner should not, except in cases of emergency, employ any of his Forest subordinates on markings for felling or thinnings or on cultural work without first consulting the Conservator of Forests and receiving the latter's assurance that the subordinate is competent to be entrusted with such work.

3. At the request of the Deputy Commissioner, Khasi and Jaintia Hills, his forest office may be occasionally inspected by the Conservator of Forests.

4. Mahals in the Khasi Hills. Elephants in the Khasi Hills are treated in the same way as the produce of quarries and waste lands, i.e., the State is entitled to half the proceeds, and reserves to itself the rights to close the mahals when considerations of conservancy render such a course advisable. If a Seim wishes to hunt any mahal on his own account, he should, as a rule, take out a licence in the usual manner.

5. The pound-keeper of Shillong may be given a commission at the rate of 5 per cent on the amount of compound fees collected by him on behalf of the forest department in respect of the cattle impounded for illicit grazing in Government forests. Rules for the removal of Orchids from the Jaintia Hills and such portion of the Khasi Hills as constitute British territory and for their sale at Shillong

6. (1) The term "Collector" is intended to refer to agents of florists' firms for Europe and elsewhere who regularly trade in orchids.

(2) Removal of orchids. A licence to a "Collector" for the removal of orchids from the Jaintia Hills and such portions of Khasi Hills as constitute British territory will not be granted except with the special permission of the Provincial Government.

(3) Sale of orchid plants from either British or Siem's territories is prohibited in the station of Shiliong except under a licence from the Deputy Commissioner Khasi and Jaintia Hills, which .will be graated on payment of the fees noted below :

Vanda Caerulea Cymbidium Eberneum Cypripedium Hirsuttissium Phajus Wallichii Blumeri Dendrobrobium Litui-fiorum " (ne Freemanii) " Crystallinium " Formosum " Infuhdibulum " Devonianum " Falcoaery " Wardianum	Rs. 1 per plant
All other kinds	0-50 nP,

(4) The exportation of the orchid Cypripedium insigne is prohibited.

(5) Licenses are not transferable and are invalid after the expiry of the term specified therein.

(6) The flowers of orchids can be sold without licence.

(7) Any persons found removing or trading in orchids is contravention of these rules will be prosecuted.

CHAPTER 3

Executive rules relating to the Lushai Hills
Rules for the management of the forests ia the Lushi Hills/Mizo District.

In the following rules :

(1) Lushai Hills. "Tree" includes palms, bamboos, stums, brushwood, and canes.

(2) "Timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned, or hollowed out for any purpose or not.

(3) "Forest produce" includes—

(a) the following whether found in or brought from, a forest or not, that is to say, timber, charcoal, cautchoue, catechus wood-oil, resin natural varnish, bark, lan, aod myrabolams ; and

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

(i) trees and leaves, and fruits, and all other parts, or produce not hereinbefore

mentioned of trees :

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

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

(iv) peat, surface soil, rock, and minerals (including limestone, laterite mineral oils and all products of mines or quarries).

1. The administration of forests in the Lushai Hills is invested in the Superintendent, Lushai Hills subject to the general supervision of the Conservator of Forests. Assam, who may report to the Provincial Government on any question affecting the management of the forests.

2. Lushai Hills. The list of reserved trees entered in page 789 (above) applies to the Lushai Hills.

3. The cutting, sawing, conversion, and removal of trees and timber and the collection, manufacture and removal of forest produce for purposes of export from the Lushia Hills are prohibited, except under a trade permit granted by the Superintendent, Lushia Hills, or any other Officer empowered in this behalf, or under a written order of the State Government. In the case of export to Bengal instead of a trade permit an entry pass' will be issued free of charge by an authorised officer of the Bengal Forest Department.

4. Trade permits shall be granted for timber, reserved or unreaserved, or other forest produce cut, collected, or removed for purposes of trade.

The Divisional Forest Officers of Cachar and Sylhet and anyone authorised by them shall be empowered to issue trade permits for the removal of forest produce from the Lushai Hills to the Cachar and Sylhet districts, respectively, to persons approved of by them and the Superintendent, Lushai Hills.

5. The royalties to be charged on all forest produce, removed from the Lushai Hills forests to the Sylhet and Cachar district under a trade permit are published separately. Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent, of decrease and 25 per cent, increase according to distance and difficulties distance of extraction.

6. Royalties at the rates prescribed separately shall be charged for forest produce removed from the Lushai Hills forest into Bengal. Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent, of decrease and 25 per cent, increase according to distances and difficulties of extraction.'

7. No reserved trees under 6 feet in girth except Nageswar (Messua ferrea) the girth limit of which is 5 feet, shall be felled.

8. All fees and royalties payable on account of any forest produce collected or removed under these rules shall be paid at the time of marking previous to removal, or at the first forest revenue station reached by the forest produce.

9. No forest produce shall be removed in transit pass any revenue station, unless provided with a pass in the form given in Appendix C. Such pass may be obtained from the officer-in-charge of the first revenue station reached by such forest produce.

10. The closing or obstruction of any river used for the transit of timber or forest produce, or the stoppage of navigation on the same is prohibited. The Superintendent, Lushai Hills, may order any person who has by his act or negligence caused such closure, obstruction or stoppage to remove the same within a time specified or may cause such obstruction to be cleared, and recover the cost of such clearance from the person by whose act or negligence it was caused, .

11. All persons trading in or conveying timber shall annually register their property marks at the revenue station, and shall pay a fee of Re. 1 for a certificate of registration for the fitst time, and eight annas for each registration thereafter.

12. India-rubber-yielding trees growing in the Lushai Hills maybe tapped only during the months of Decerriber, January, February and March. The roots of the trees and the lowest part of the stem within three feet from the surface of the ground may not be tapped, and no India-rubber trees may be felled, burnt or lopped. The incisions must not be less than two feet apart, and must not exceed one foot in length and four inches in breadth.

13. No person shall extract, collect, or remove India-rubber, being the produce of trees growing in the Lushai Hills, save under, and subject to the Government, or by the Superintendent, Lushai Hills, or any other officer empowered in this behalf. Such licence shall be in the form contained in Appendix (omitted) to these rules, and the amount of the fee for the same, which may from time to time be prescribed by the State Government, shall be printed on each licence.

14. No person shall purchase any India-rubber, being the produce of trees on any such land, save under, and subject to the conditions of an India-rubber-purchasing licence granted by the State Government or by the Superintendent, Lushai Hills, or any other officer empowered in this behalf. Such licence shall be in the form contained in Appendix (omitted) to these rules, and the amount of the fee for the same, which may, from time to time, be prescribed by the State Government, shall be printed on each licence.

15. No person shall remove wax or rhinoceros' horns for purposes of trade from forests in the Lushai Hills save under, and subject to, the conditions of purchasing licences granted by the Superintendent, Lushai Hills, or any other officer empowered

in this behalf. Such licences shall be in the form contained in Appendix D to these rules, and the amount of the fee for the same, which may from time to time be prescribed by the Local Government, shall be printed on each licence.

16. All breaches of the above rules shall be punishable under S. 188 of the Indian Penal Code.

17. The Aijal Reserve, whose boundaries are on record in the office of the Superintendent, Lushai Hills, is constituted by executive orders to preserve the amenities and conserve the water-supply of Aijal and its neighbourhood. Subject to these ends being kept in view, the control of timber and other forest produce rests entirely with the Superintendent, Lushai Hills, subject to the general control in questions of policy, of the Conservator of Forests.

18. In areas outside the Aijal Reserve all residents of the Lushai Hills District who pay house tax or land revenue may, without any permit, remove and utilise free of royalty such timber and other forest produce as they may require for their own use within the district ; but not for sale, trade, mortgage or gift or for use outside the district; provided that the quantity extracted at a time shall be limited except with the permission of the Superintendent in charge of forests to what each resident can himself carry. Timber and other forest produce extracted in excess of this quantity will be liable to payment of royalty at the discretion of the Superintendent in charge of forests.

19. The servants of the State are exempted from payment of royalty on firewood obtained by them from the neighbouring unclassed State forests for their own consumption

20. In the Lushai Hills the jurisdiction of Deputy Rangers and Foresters not in charge of ranges and of forest guards is limited to a radius of five miles from their headquarters.

CHAPTER 4

THE NAGA HILLS JHUM LAND REGULATION, 1946

(Regulation III of 1946)

Preamble. Whereas it is expedient to frame a Regulation in order to safeguard and regulate the rights of Nagas to jhum lands in Naga Hills District;

Now, therefore, the Governor of Assam, in exercise of the powers conferred by sub-S. (2) of S. 9 of the Government of India Act, 1935, is placed to make the following Regulation :

1. Title and application. (1) This Regulation shall be called the Naga Hills Jhum Land Regulation, 1846.

(2) It extends to the whole of the Naga Hills District.

(3) It shall come into force at once.

(4) Its provisions shall apply in supersession of all existing enactments and rules so far as the latter are inconsistent with, contrary to or repugnant to the provisions of this Regulation.

2. Definitions. In this Regulation—

(a) "Land Conservator" means and includes the Deputy Commissioner of the Naga Hills, any officer exercising the powers of a District Magistrate within the Naga Hills, any Sub-divisional Officer within the limits of his sub-division or any officer especially invested by the Governor of Assam with the powers of a Land Conservator under this Regulation.

(b) "Jhum land" means and includes all land which any member or members of a village or a community have a customary right to cultivate by means of shifting cultivation or to utilise by clearing jungle or grazing live stock; provided that such village or community is in a permanent location ; but does not include—

(i) any land which has been or may be terraced for the purpose of permanent or semi-permanent cultivation whether by means of irrigation or not, or

(ii) any land attached or appurtenant to a dwelling-house and used for the purpose of permanent cultivation, or

(iii) any land which, in the opinion of the Deputy Commissioner, is subject to permanent cultivation.

Explanation. (1) Any land which is otherwise jhum land according to above definition shall be deemed to be so notwithstanding the fact that part or whole thereof may have been planted with fruit trees, bamboos or tung or reserved for growing firewood.

(2) A village or community shall be held to be in a permanent location if it always remains within a specific area, although part or the whole of such village or community may migrate from time to time to different localities within that area.

(3) "Community" includes the residents of a village as a whole, the Clan, sub-Clan, phratry or kindred.

3. Distribution of work among Land Conservators. Where more than one Land Conservators exercise authority within the same area, the Deputy Commissioner may, subject to any order issued by the Governor of Assam, make such arrangements as he thinks fit for the distribution of work among such Land Conservators.

4. Accrual of customary rights. (1) A customary right to jhum land shall be deemed to be established in favour of, a village, or a community when such village or community has enjoyed the right to cultivate or utilise such jhum land for not less than 30 years.

(2) A customary right to jhum land shall be deemed to be established in favour of an individual cultivator :

(a) if he has inherited the land in accordance with a local custom ; or

(b) if he has purchased the land prior to the making of this Regulation and such purchase was not contrary to local custom ; or

(c) if he has purchased the land at any date subsequent to the making of this Regulation ; provided such purchase was not contrary to any local custom or any of the provisions of this Regulation ;

(d) if, being a resident of a permanent village, he has brought the land under cultivation, and the land has not been cultivated at any time within 30 years preceeding his bringing the same into cultivation :

Provided that such land is within cultivable reach of his own village.

5. Transfers. (1) Jhum land to which a community has a customary right may not be transferred to another community or to any individual except with the permission of the Land Conservator.

(2) *Jhum* land to which an individual belonging to a village or community has a customary right may be transferred to another member of the same village or community or to that village or community as a whole. It shall not be transferred to another village or community or to a member of another village or community except with the previous permission of the Land Conservator.

(3) Nothing in this section shall affect a transfer which is valid under any other provision of this Regulation.

6. Leases. (1) No *'jhum'* land shall be leased by anyone having a customary right thereto unless—

(a) the Land Conservator has approved of such lease on the ground that such lease benefits the village or the community, or

(b) the lessor is, by reason of age or other infirmity, unable to cultivate or utilise it, and the lessee is a member of the same village or community as the lessor.

(2) A lease under Cl. (b) above shall be determined on the death of the lessor or on the termination of his infirmity ; provided that the lessee shall be entitled'to tend and reap any crop standing on the leased land on the date of the termination of the lease.

7. Improper transfer and leases. *'Jhum'* land which is transferred or leased otherwise than in accordance with the provisions of this Regulation shall be deemed to have been forfeited and, subject to any customary right of inheritance, may be

transferred by the Land Conservator to any member or members of the village or community to which the transferor or lessor belongs or belonged.

8. Terraced cultivation. Any member of the village or community to which the person or persons having a customary right to any 'jhum' land belong may establish terraced cultivation within such jhum land with the permission of such person or persons or with the permission of the land conservator who may in granting such permission attach such conditions as he thinks fit.

9. Forest produce. Subject to any orders that may be made under this regulation, persons having customary rights to any 'jhum' land shall be entitled to forest produce from such land for their own use or the use of members of their own village or community, but shall not, without the permission of the land conservator, be entitled to sell or transfer otherwise such produce to any other person.

10. Taxation. (1) All customary rights in 'jhum' land as are now in existence shall subsist subject to the provissions of this regulation and any other law or regulation which may hereafter be enacted by competent authority.

(2) Such rights shall also be subject to the payment by the person entitled thereto of such rents, taxes or any other dues as may be lawfully imposed from time to time by competent authority.

(3) Where any such rents, taxes or other dues have not been paid by any person,'the Deputy Commissioner, Additional Deputy Commissioner or Sub-divisional Officer may suspend the rights of that person to all jhum' land and, if the default has subsisted for more than a year, may declare such right of that person to have been extinguished and may thereupon make such arrangements for the transfer of the fight as he thinks fit.

11. Acquisition for public purpose. The Government may acquire any jhum land required for a public purpose no formal acquisition proceedings shall be necessary but an opportunity shall be given to those having rights in the land to show cause against such acquisition and reasonable compensation shall be paid for all land acquired under this section.

Land so acquired shall, if relinquished by the Government at any time, be returned to the village community or individual from whom it was acquired on refund, if any, of such compensation to the Government as the latter may pecide.

12. Ejectment. The land conservator may at any time summarily eject without notice any person who has squatted without authority on any jhum land.

13. Prevention of erosion. (1) The land conservator may at any time make such general or special order for the reafforestation of jhum land as he thinks fit, as also for ensuring that strips of reasonable width within any jhum land may not be cultivated.

(2) Where it appears that undue erosion or diminuation of the supply of water required or likely to be required for irrigation is resulting or is likely to result from the excessive cutting of trees from any jhum land the land conservator may direct that a part or the whole of such jhum land shall be a protected forest, and no person shall thereafter cut any trees from such protected forest without the permission of the land conservator.

(3) Where it appears that undue erosion or diminution of the supply of Water required or likely to be required for irrigation is resulting or is likely to result from cultivation of any jhum land, the land conservator may direct that the jhum land shall not be cultivated by any person for a period not exceeding ten years.

(4) No order shall be made under sub-S. (2) or sub-S. (3), unless a reasonable opportunity has been given to those having customary rights to the land to prefer objections against such order and unless all objections so preferred have been considered and rejected as unreasonable or tenable.

(5) For the purpose of protecting a road or bridle path, the land conservator may direct that any land lying within 50 yards of the road or bridle path shall not be cultivated and may further direct that trees upon such land shall not be felled or cut.

(6) The land conservator may direct that for the purpose of preserving water supply, any particular area under jungle and previously un-jhumed shall remain uncultivated : provided that the existing rights of the community or the individual to collect forest produce shall not be interfered with.

14. Prevention of fire. The land conservator may make such general or special orders as he thinks fit to prevent risk of damage by fire to jhum land.

15. Erection of houses. The land conservator may by order prohibit the establishment of any new village or erection of any new residential houses on any jhum land :

Provided that no order shall be made under this section which would prevent persons having customary rights to the land from securing reasonable adequate accommodation for themselves and their families.

16. Powers of Tribal Council. Where a tribal council approved by the Governor in this behalf has been set up in any area, any or all of the powers granted to the had conservator under the provisions of this regulation may be vested at the discretion of the Governor in that tribal council in respect of such area and the land conservator shall not exercise any powers so vested.

17. Penalty for disobedience or violation of order or direction. Any person who intentionally disobeys or violates any order or direction passed by competent authority under any of the provisions of this regulation, shall, on conviction for such offence, be punished with imprisonment of either description for one month, or with a fine not exceeding five hundred rupees, or with both.

18. Appeal and revision. (a) Any person convicted for an offence under the last preceding section and sentenced to suffer any imprisonment or to pay a fine exceeding fifty rupees may appeal to the Governor whose decision shall be final.

(b) The Governor may call for and examine the record of any proceeding or trial under the provisions of this regulation and may set aside, modify or' alter any order or sentence passed by any subordinate authority.

APPENDICES

APPENDIX I

UNCLASSED STATE FORESTS

_____ DIVISION

Home Consumption Permit

Fee Rs. 6 (Six rupees)

Book No. ..... Permit No.....

Name .....

Residence.....

Forest Date of expiry of permit	Description of forest produce	Maximum number or quantity that can be removed	Remarks
	Firewood ...	100 maunds	
	Bamboo ...	200 in number	
	Cane ...	5 bundles	
	Thatching grass except from leased san grass mahal	200 „	
	Ekra or nal ...	10 „	
	Patidoi (unprepared) ...	20 of not more than 18 inches diameter each	
	Patidal ...	20 bundles	
	Fodder grass ...	No limit	

Date

Signature and designation of officer Issuing the permit

The 19

NOTICE

1. The produce extracted under this permit shall not be sold, bartered transferred by gift.

2. This permit is non-transferable except to members of the same house and shall not cover more than one person at a time in the forest except with the permission of the officer issuing the permit.

APPENDIX II

UNCLASSEO STATE FORESTS

Permit for Timber and other Forest Produce

Permit fee

_____Division

Permit No. .....

Book No. .....

Name .....

Residence .....

Forest	Date of expiry of grant	Description of timber or other forest produce	Number or quantity	Rate	Amount	Remarks
					Rs. a. p.	

The 19 } Signature and designation of the Issuing Officer

Conditions under which this permit is issued :

(1) This permit must be in the possession of the person removing forest produce under it and must be produced by such person whenever called upon to do so by a Forest Officer.

(2) Only trees marked with a Government hammer may be felled and converted. Timber must not be removed from the place where the tree is felled nor sold or otherwise disposed of till it has been marked with the Government sale hammer.

(3) All timber and other forest produce must be removed from the forest within the time granted in this permit.

(4) This permit must be returned to the nearest Forest Officer within one month of the date of its expiry.

(5) Breach of any of the above conditions will render this permit liable to be cancelled and the timber and other forest produce confiscated notwithstanding any other penalties incurred by the permit holder under the Assam Forest Regulation or rules made thereunder.

I understand and accept the above conditions.

Signature of the permit-holder

APPENDIX III

_____Division

Home Consamption Import Permit

Fee Rs. 2-8-0 (Rupees two annas eight only)

Book No. ..... Permit No.....

Name .....

Residence .....

Forest from which extracted	Date of epiry of the permit	Discription of forest produce	maximum numbr or quantity that can be removed	Remarks
1	2	3	4	5
		1. Firewood		
		2. Bamboos— *Nali* or Bojail Other kinds— Chikon, Dalu, Pecha and Muli	150 mds. 1,500 in number 200 "	
		3. Canes (in bundles of 75 pieces each)	5 bundles	
		4. Reeds of any kind	20 bundles (not more than 18 inches in girth each)	
		5. Khut (pole) used as fencing of paddy fields	500 in number (each not more than 10 feet in length or 10 mds. in total weight)	
		6. Patidals	20 bundles	
		7. "D" class post up to 1 foot in girth	20 in number	
		8. San grass or thatching grass	200 bundles	
		9. Chamia (for purlins)	4 in number	
		10. Fodder grass	Unlimited	

Dated ..... Officer issuing the permit

NOTICE

1. The forest produce extracted under this permit shall not be sold, bartered or transferred by gift.

2. This permit is non-transferable except to a member of the same house, and shal not allow of more than one person at a time electing the produce in the forest except with the permission of the officer issuing the permit.

3. The holder of this permit shall make his own arrangement with the Siem for extracting forest produce from his territory.

APPENDIX IV

Permit for grazing

(Words in italics apply to 'notified areas' only)

District..... Book No ..... Permit No.....

Name .....

Residence .....

Locality	Date of expiry	Description of animal over two years of age	Number of animal	Date of payment	Fees paid		Remarks
					1st kist	2nd kist	
1	2	3	4	5	6		7
					Rs. a. p.	Rs. a. p.	

1. Buffaloes
2. Cattle :
   (a) Cows
   (b) Castrated males
   (c) Uncastrated males other than breeding bulls
   (d) Breeding bulls
3. Elephants
4. Elephant calves up to the age of two years

The..... .... 19...

Signature and designation of Officer issuing permit.

1. The holder of this permit is entitled to graze the number of buffaloes, cattle and elephants entered in columns 3 and 4 of the permit in the locality entered in column 1.

2. He shall not move his bathan or khuti to a new site or his elephants from one grazing area to another without the permisson of the Deputy Commissioner or Sub-divisioaal Officer. The penalty for the infringement of this rule is a fine which may extend to one hundred rupees.

3. (i) A person wishing to graze buffaloes, cattle or elephants, in un-classed State forests shall apply for a permit before the 1st of July each year to the officer-in-charge of grazing, the Grazing Superintendent, or any other officer specially authorised by the Deputy Commissioner to receive such application, and shall declare the number of his buffaloes, cattle and elephants and the place or places where he desires to graze them. He shall pay to the officer issuing the permit two-thirds of the grazing fees at the time of issue. The balance of the fee shall be paid to the mauzadar or mohsirdar or other authorised officer not later than the 1st of December following. All permits expire on the 30th June.

(ii) In the 'notified areas' persons grazing cattle under this permit shall castrate three male oxen, other than those passed as suitable and necessary for breeding by an officer of the Agriculture Department not below the rank of Inspector, before they reach the age of two years. Persons disregarding this rule are liable to have their uncastrated males, other than breeding bulls, assessed at three times the ordinary rate. Bulls passed as suitable and necessary for breeding shall graze free. (Does not apply to buffaloes).

4. Any person who fails to apply in time for permits tor the full number of buffaloes, cattle or elephants in his charge which are liable to pay grazing fees, may be required to pay double the amount of fee due on any unreported animals omitted from his application.

5. If after the issue of a permit and before the 30th June following, a permit-holder becomes possessed of more buffaloes, cattle or elephants liable to grazing fees than are included in the permit, he shall apply to the officer, in-charge of grazing, the Grazing Superintendent or other authorised officer, within fifteen days for an additional permit, if the date on which he becomes possessed of such animals is before the 1st January, he shall be required to pay the fees for a full year at the time of issue of the permit ; if after the 1st January, he shall pay half the annual fees.

6. No fees shall be charged on buffaloes or cattle which are under two years old on the 1st July of the year for which a permit is issued; except that in the 'notified areas' male oxen not selected for breeding, which attain the age of two years during the year, shall, if uncastrated, be liable to assessment at any time throughout the year.

7. Katcha receipts should on no account be given by Mohsirdars, Such receipts will not be accepted as an acquittance of the liability of the graziers.

APPENDIX V

Rates of fees payable by the owner or possessor or by the head of a joint family who owns or has in its possession any cattle or buffaloes or elephants grazing in unclassed State forests

Kind of animal	Rates leviable in Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup and Goalpara and Sylhet and Cachar	Rates leviable in the Garo Hills
1	2	3
1. Buffaloes	Three rupees per head per annum	Six rupees per head per annum outside Tura town, and rupees three within Tura town.
2. Cattle	Six annas per head per annum	Twelve annas per head per annum. Cows, sheep and goats kept within Tura town arc exempted from taxation.
3. Elephants	Fifteen rupees per head per annum or one rupee and eight per head per mensem	Fifteen rupees per head per annum or one rupee and eight annas per head per mensem.
4. Elephant calves up to the age of two years	Half the rate for elephants	Half the rate for elephants.

(Modification in rates of fees payable is notified areas only)

1. Selected breeding bulls	Free	Free
2. Castrated males	Six annas per head per annum	Twelve annas per head per annum.
3. Uncastrated males (other than breeding bulls)	One rupee and two per head per annum	Two rupees and four annas per head per annum.

APPENDIX VI

Form of application for grazing permits

Date	Name of grazier, his father's name and residence	Situation of ba-than or khuti	Number and kind of animals in his ownership or charge	Remarks
1	2	3	4	5
			1. Buffaloes 2. Cattle 3. Elephants 4. Elephant calves up to the age of two years.	

I solemnly declare that the statement made above is true to my knowledge, that it conceals nothing and that no part of it is false.

Dated .....

Signature of applicant

APPENDIX VII

Form of application for grazing permits in 'notified areas' only

Date	Name of grazier, his father's name and residence	Situation of bathan or khuti	Number and kind of animals in his ownership or charge	Remarks
1	2	3	4	5
			1. Buffaloes 2. Cattle— (a) Cows (b) Castrated males (c) Uncastrated males other than breeding bulls (d) Breeding bulls 3. Elephants 4. Elephant calves up to the age of two years	

I solemnly declare that the statement made above is true to my knowledge, that it conceals nothing and that no part of it is false.

Dated ..... Signature of applicant

APPENDIX VII-A

Form of notice of summary assessment

The following animals belonging to..... .... were found without permit at .... on .... and are assessed to Rs .....

An appeal against this assessment may be lodged within 30 days to the Deputy Commissioner.

Name of person on whom notice served

Dated ..... Signature

APPENDIX VIII

Permit for grazing

_____ District

Book No. ..... Permit No. .....

Name .....

Residence .....

Location	Date of expiry permit	Description of animal	Number	Rate	Amount	Remarks
1	2	3	4	5	6	7

The.....19 . Tahsildar, Hakaluki

APPENDIX IX

Rates of fees leviable from professional graziers

Kind of animal 1	Rates leviable 2	Remarks 3
1. Buffalo	Three rupees per head per annum	
2. Other horned cattle i. e., bulls, bullocks and cows)	Six annas per bead per annum	
3. Elephant	Fifteen rupees per head per annum	
4. Elephant calf	Half the rate of elephant.	

APPENDIX X

Schedule showing rates of import duty on timber and other forest

Name of district	Description of forest produce	Rate
		Rs. a. p.
Cachar	(1) For every cubic foot timber in the rough of the following kinds :	0 4 0
	Jarul, Nageswar, Gundroi, Sam or Cham, Kurta, Rata. Poma, Joki, Tailo, Shundi, Karal, Jam, Ping	0 3 0
	All other kinds per cubic foot	0 1 0
	(2) For every cubic foot of con verted timber, the above rates with an addition of 25 per cent	.....
	(3) For every thousand bamboos	5 0 0
	(4) For each chima or rafter	0 2 0
	(5) Canes—	
	Shundi cane (Calamus guruba)	Three pies per 225 running feet or part of 225 running feet
	Jati cane (calamus tenuis)	Three pies per 150 running feet or part of 150 running feet.
	Gola cane (Dacmmonrops Jenkins sainus)	Three pies per 55 running feet or part of 55 running feet.
	(6) San or thatching grass when taken from forest land—	
	(a) if brought out on rafts, for every hundred cubic feet (rough outside measurement)	0 4 0
	(b) it otherwise removed for every hundred bundles	0 4 0
	(7) For every maund of charcoal for 9 cubic feet	0 2 0
	(8) For every maund of firewood	0 0 6
	(9) Agar	$12^{1}/_{2}$ per cent ad valorem rate to be fixed by the Deputy Commissioner and the Divisional Forest Officer in consultation.

Name of district	Description of forest produce	Rate	
Cachar *(concld.)*		Rs. a. p.	
	(10) Reeds (ekra or nal), when taken from forest land, per galla or bundle	0 6 0	
	(11) Leaves *(patti)* per thousand dals	0 10 0	
	(12) Bee's wax	12 1/2 per cent ad valorem	
	(13) Rubber	Rupees 17 per maund	
	(14) Root rubber	" 50 ditto	
	(15) Lac	" 2 ditto	
	(16) Dug-outs first class timber " second class timber " third-class timber	" 15 " 10 " 7	
Kamrup, Nowgong Darrang and Sib-sagar	(1) Timber in the log sal	6 annas per cubic foot.	
	(2) Ditto other reserved trees	4 annas ditto	
	(3) Ditto unreserved trees	1 anna ditto	
	(4) Sawn or squared timber	25 per cent in addition to above rates.	
	(5) Dug out sal	Rupees 10 each .	
	„ other reserved trees	" 6 "	
	„ unreserved trees	" 2 "	
	(6) For each unreserved pole or sapling	Anna 1 Rs. a. p.	
	(7) For 100 Kata bamboos	1 0 0	Half the rate will be levied in the Kamrup District
	(8) For 100 Jati bamboos	2 0 0	
	(b) For 100 Bhaluka bamboos	3 0 0	
	(10) For 100 bundles of cane of 10 pieces each	0 12 0	

Name of District	Description of forest produce	Rate	
Kamrup, Nowgong, Darrang and Sib-sagar *(concld.)*	(11) For every maund (9 cubic feet) of charcoal	2 anna	
	(12) San or thatching grass	For raft of 100 cubic feet four annas : per 100 bundles four annas.	
	(13) Reed Cekra or nal) per bundle	Six pies.	
	(14) Lac	12 $^{1}/_{2}$ per cent *ad volorem*	To be fixed by the Deputy Commissioner and Divisional Forest Offiicer in consultation.
	(15) Pipulee or wild pepper	Ditto	
	(16) Agar	Ditto	
	(17) Wild bee's wax	Ditto	
	(18) Fire wood	Six pies per maund	
	(19) Rubber	Rs. 17 „ „	
	(20) Root rubber	„ 53 „ „	

APPENDIX XI

Schedule showing rates of import duty on timber and other forest produce (*contd.*) Lakhimpur

1	2	3	4		5
Trees	Timber in log the per cubic foot	Sawn Timber except sleepers per cubic foot	Sleepers	Rate	Dug-out
1. Nahor, Jarul, Titasapa, Sissu	Rs. a. p. 0 3 0	Rs. a. p. 0 4 0	Narrow gauge below 1 cubic foot at 3 annas each, metre gauge 1$^{1}/_{2}$ cubic foot 5 annas each, broad gauge 12 annas each		Under 25 feet in length Rs. 4 each 25 feet to 35 feet Rs. 5 each, over 35 feet Rs. 6 each

1	2	3	4	5
2	Sam, Kathal, Gunserai, Poma, Korail, Gomari, Bola, Sonaru, Mirtenga	0 2 0 0 2 6	Narrow gauge below 1 cubic foot at annas 2-6 each, meter gauge 11/2 cubic foot annas 4 each, broad gauge 9 annas each	Under 25 feet in length Rs. 4 each, 25 feet to 35 feet Rs. 5 each, over 35 feet Rs. 6 each
3.	Uriam, Khakan	0 1 6 0 2 0	.....	.....
	Hollock, Makai	0 1 0 0 16	Narrow gauge below 1 cubic foot annas 1-6 each, metre gauge $1^{1}/_{2}$ cubic foot annas 2-6 each, broad gauge annas 6 each	Under 30 feet Re. 3 each, 30 feet to 45 feet Rs. 4-8 each, over 45 feet Rs. 6 each
4.	Paroli, Hingori, Gohora, Hilika Jamuk. Sapa, Saw, Sum, Otenga, Moj, Morhal	0 0 9 0 10	Narrow gauge below 1 cubic foot anna 1 each, metre gauge 1 1/2 cubic foot anna 1-6 each, broad gauge annas 3 each	Under 30 feet Re. 1 each, 30 feet to 45 feet Rs. 2 each over 45 feet Rs. 3 each.
5.	Hollong, Jutuli, Phuls opa, Simul, Bandar Dima, Bhelu, Roghu, Satiana, and other unre served timber not mentioned above	0 0 6 0 10	.....	Under 30 feet Re. 1 each, 30 feet to 45 feet Rs. 2 each, over 45 feet Rs. 3 each.
6.	Pine timber	0 2 0	.....	.....

No. 1	Description 2	Rate 3
7.	Poles or saplings below 2 feet girth of unreserved trees-except Simul, Roghu, Satiana, Bandar-dima, Hollock, Hollong, Jutuli, Gohora, Hilika Jamuk	Anna 1 each
8.	Rubber	Rupees 17 per maund for stem rubber Rs. 50 per maund for root rubber.
9.	Thatching grass	Rupee 1 per 1,000 bundles, .6 inches in diameter.
	Ekra and other reeds	Annas 12 per 100 bundles 18 inches in diameter.
	Toko and other leaves	Annas 10 per 1,000 dais.
10.	Bamboos, Bhaluka	Rupees 3 per 100.
	Jati	" 2 "
	Kako and other kinds	" 1 "
11.	Canes, Jati (Calamustenuis)	Pies 3 per 125 running feet or part thereof.'
	Other varieties	At 12 1/2 per cent ad valorem (Rate to be fixed by Divisional Forest Officer in consultation with Deputy Commissioner).
12.	Firewood	Pie 1 per cubic food stacked or Re. 1 per mensem for each person engaged in collection and removal, or Rs. 9 per annum for each person engaged in collection and removal.
	Charcoal	If manufactured in the forests annas 2 per maund.
13.	Bee's wax	$12^{1}/_{2}$ per cent *ad valorem*
14.	Lac	
15.	Agar	$12^{1}/_{2}$ per cent *ad valorem* (Value to be fixed by the Deputy Commissioner and Divisional Forest Officer in consultation).
16.	Elephants imported by the Raja of Numsung Hills	Rupees 200 per each female and tusker and Rs. 125 for each makhana.

APPENDIX XII

TRANSIT RULES

Certificate of origin required for private timber or other forest produce

Name, caste, residence and father's name of the owner of the land whence the forest pro-duce covered by this certificate was derived	Name of village or estate where the timber or other forest produce was cut	Description of timber or other forest produce	Amount of timber or other forest produce	Name, caste, father's name and residence of person in charge of timber or other forest produce	Destination to which the forest produce is to be conveyed	Remarks
1	2	3	4	5	6	7

I ... ... son of ... ... of village ... ...

thana ... . district ....

do hereby declare that the forest produce specified in this certificate was cut upon my private land and that no portion of the said forest produce is the property of the State or produce on State land.

Dated Owner or Agent

The ....

APPENDIX XIII

TRANSIT RULES

Transit Pass

.....Division

.....Revenue Station

Book No. Pass No.....

1. Name and residence of the person to whom this transit pass is granted.....
2. Number and date of permit or certificate of origin on which this transit pass is granted.
3. Kind of forest produce
4. Locality whence collected
5. Number of pieces, packages or bundles...
6. Measurements—cubic contents or weight
7. Marks—hammer or other
8. Rate
9. Amount paid..
10. Place from which to be transported
11. Destination
12. Route of transport
13. Dateo fissue
14. Date of expiry

Issuing Officer

Designation.....

Any person removing timber or other forest produce without a transit pass in this form in contravention of any rules made under S. 40 (2) Assam Forest Regulation, 1891 (VII of 1891), is liable to a fine which may extend to Rs. 500, or to imprisonment which may extend to six months or both.

Details in case of a boat load of timber,

APPENDIX XIV

TRANSIT RULES

List of Revenue Stations

Sadiya Frontier Tract. Sadiya, Murkong Sellek, Shaikhowaghat, Laimakuri, Pasighat.

Lakhimpur District. Dibrugarh, Dehingmukh, Boduti, Margherita, Jeypur, North Lakhimpur, Tinsukia, Digbot, Madarghat, Jokai, Makum, Rupai, Khowang, Dhakua Khana, Halkata, Mowmara, Bordubi, Guijan, Tingrai, Talap, Kakopathar, Tingkhong, Lekhapani.

Sibsagar District. Sibsagar, Salmora, Jamuguri, Dimapur, Barpathar, Golaghat, Numaligarh, Dhansirimukh, Bhojo, Mowriani, Jorhat, Suffrai, Naojan, Bokajan, Meleng, Kaziranga.

Nowgong District. Jamunamukh, Doboka, Kachua, (Barpanimukh), Dharamtul, Kharikhana, Jakhalabandha, Tetelisora, Bakulia, Rangapahar, Naogong, Lumding, Amtreng, Lengri, Kampur, Nelli, Nokhola, Silghat, Diphu, Palahguri, Dhansiri, Salona, Chapanala, Missa, Singimarhat.

Darrang District and Balipara Frontier Tract. Gohpur, Behali, Diplonga, Charduar, Tezpur, Orang, Odalguri, Paneri, Tangla, Kharupetia, Biswanath, Bengbari, Gabru, Dhekiajuli, Amaribari, Pabhoi, Mazbat, Nonai Kurua.

Kamrup District. Kulsi, Kukurmara, Nagarberra, Boko, Loharghat, Rani, Polasbari, Azara Khanapara, Jarihat, Gangrapara, Gauhati, Tambul-pur, Barpeta, Lokhara, Ranikhamar, Mataikha, Hahim, Hajo, Sonapur.

Goalpara District. Dhubri, Bilasipara, Tipkai, Sapatgram, Fakiragram, Kokrajhar, Bongaigaon, Haltugaon, Basugaon, Raimona, Barobadha, Deosiri, Lakhiganj, Kuklung, Panbari, Bijni, Runikhata.

Garo Hills District. Ganeshwari, Mankachar, Bagmara, Dalu, Mahendraganj, Fulbari, Nitaihatkhola, Maheshkhola, Dubapara, Goalpara, Kakripara, Fakirganj, Kacharipara, Garobadha, Porakhasia, Sisingpara, Chandubhui, Mahadeo, Dalgoma, Mornai, Balughat, Nakshi, Rangjuli, Damra.

Khasi and Jaintia Hills District. Jaliakhola, Burnihat, Nongpoh, Moolagui, Shillong, Attiabari.

Cachar District. Silchar, Soqai, Sealtek, Matijuri, Lakhipur, Kukicherra, Dholai, Moniarkhal, Diska, Udaiband,. Jatingamukh, Hilara, Bihara, Ghandranathpur, Damcherra, Bandarkhal, Detokcherra, Harrangajao, Mailangdisa, Jatinga, Haflong Hiils, Lower Haflong, Mahur, Daotuhaja, Maibang, Mufa, Langting, Hatikhali, Howaithangkhal, Karimganj, Chapghat, Ghandhai, Patharkandi, Putnicherra, Dullavcherra, Longai, Cheragi.

APPENDIX XV

TRANSIT RULES

Certificate of registration of property mark

.....Division

It is hereby certified that ..... son of ..... caste .... resident of ..... thana ..... .district has this day duly registered his property mark of the sketch shown below for the transport of forest produce within the district of.....

This certificate is to hold good up to...

Dated ..... Divisional Forest Officer

APPENDIX XVI

Licence to hunt and shoot granted under Rule 10
(Fee Rs. 20)

Licence No. ..... Date of issue ..... Date of expiry 31st May 19....

Name of licensee ..... Status.....

Address .....

Name of reserved forest or portion thereof, for which the license is issued and the boundaries .....

Date ..... Signature of Issuing Officer

The above licence is issued subject to Rr. 2, 3, 8, 9, 14, 21 and 22 of Notification No. 2594-G.J. of the 1st May, 1939.

Endorsement under Rule 11

This licence is endorsed under R. 11 subject to Rr. 2, 3, 8, 9, 10, 12, 14, 21 and 22 for the area and period .....

Date ..... Signature of Endorsing Officer

Endorsement under Rule 15

This licence is endorsed under R. 15 subject to Rr. 2, 3, 6, 8, 9, 10, 14, 16, 17, 21 and 22 for the area and period.....

Date ..... Signature of Endorsing Officer

Nilgiri wild goat or Nilgiri Ibex	Species of animals	From	Period	Return of animals shot
Serow or Himalayan Goat-antelope		To		
Goral		Tiger		
Nilgai or blue Bull		Tigress		
Four-horned antelope		Leopard or Panther		
Blackbuck		Wild cats (species to be given if known)		
Indian Gazelle or Chinkara		Lynx		
Barking-deer or Kakar		Hunting leopard or cheetah		
Kashmir Stag or Hangul		Hyaena		
Swamp Deer or Gond or Barasingha		Wolf		
Brow-antlered deer or Thamin Sambhar		Wild dog		
Cheetal or spot deer or Axis deer		Martens	Species of animals	
Hog-deer or para		Retel		
Musk-deer		Brown Bear		
Mouse-deer		Himalayan Black Bear		
Pangolin		Malayan Bear		
Crocodile (muggar)		Sloth Bear		
Gharial		Wild elephant		
Python		Rhinoceros (species to be given)		
Other (species to be given);		Gaur or Bison Gayal or Mithan Banting or Tsine		
Date	Signature of Forest Officer	Wild buffalo Urial or Shapu Bharal or Blue Sheep Ibex		
Signature		Markhor		
		Tahr		

APPENDIX XVII

Licence to fish granted under Rule 19

[Obverse)

Rs.

Fee — For one day 1

For one month 10

For two months 20

For one season 30

No. ....

Date of issue ....

Date of expiry ....

Name of licensee ... ... Status ... ...

Address ... ...

Name of river or part thereof or rivers, in which fishing is permitted :

Details :

Date ... ... Signature of Issuing Officer

(Reverse)

Conditions under which this licence is issued—

1. This licence is issued subject to the rules prescribed in Notification No. 2594-G.J., dated the 1st May, 1939.
2. The use of rod and line only is permitted under this licence.
3. This licence conveys no exclusive right to fish in the rivers specified above.
4. This licence must accompany the licensee and be produced on demand by any Forest Officer and must be returned to the Issuing Officer immediately on its expiry.
5. The killing of fish by explosive or poison and the netting of fish are prohibited but the netting of small fish for use as five or dead bait is not prohibited.
6. The licence does not entitle the holder to shoot or without the previous permission of the Divisional Forest Officer to carry firearms in any reserved forest.
7. The licence is not transferable.

APPENDIX XVIII

GARO HILLS—TRADE PERMIT

This permit is issued subject to the conditions noted on the reverse

Permit for timber and other produce

Forest Department, Assam ..... Division

Book No. বহি নং

Permit No. পাস নং

Name _____ নাম _____

Residence _____ বাসস্থান _____

Forest জঙ্গল	Date of Expiry of Grant মিয়াদ উত্তীর্ণের তারিখ।	Description of Timber or other produce কাষ্ঠ কিংবা অন্য প্রকার উৎপন্ন	Number or Quantity সংখ্যা বা পরিমাণ।	Rate দর	Amount টাকা।	Remarks মন্তব্য
1	2	3	4	5	6	7

The ..... 19 .... Division

GARO HILLS—TRADE PERMIT

(Reverse)

Conditions under which the permit is issued

(1) Only trees marked with the Government hammer may be felled and converted timber must not be removed from the place where the tree is felled nor sold or otherwise disposed of till it has been marked with the Government sale hammer.

(2) All timber must be removed from the forests within the time granted in the permit.

(3) This permit must be returned to the nearest Forest Officer within one month of the date of expiry.

(4) Breach of the above conditions will render the permit liable to cancellation and the timber liable to confiscation, notwithstanding any other penalties incurred by the permit-holder under the provisions of the Assam Forest Regulation.

I understand and accept the above conditions.

Signature of Permit-holder

Signature of Forest Officer

APPENDIX XIX

Forest Department, Assam, Garo Hills ..... Division

Garo HIlls, Gurkati Permit

Book No. Page No.

Name _____ নাম _____

Residence _____ বাসস্থান _____

Forest from which to be collected যে জঙ্গল হইতে সংগ্রহ করিতে পারিবে	Date of Expiry of Grant বিধায় উত্তীর্ণের তারিখ।	Description of Guarkati produce গুরকাটী বস্তুর বিবরণ	Number or Quantity সংখ্যা বা পরিমাণ।	Fee মাসুল।	Remarks মন্তব্য।
1	2	3	4	5	6
	30th Jume 19 ..... ৩০শে জুন ১৯ ।	thatching grass, bamboo, Canes, reeds, patti and unreserved poles below $1^1/_2$ feet girth খেড়, বাশ, বেত ইকড়া, পাতি ও ছোট ছোট ১ ফুট বেড়ের কম অরক্ষিত বৃক্ষ।	As much as can be carried by one man এক জনে যাহা বহন করিয়া লইয়া যাইতে পারে।		

Date .....

The .....19.....

Issuing Officer

APPENDIX XX

PROTECTED FORESTS

Revised list of areas reserved for the growth of forest in the District of Khasi and Jaintia Hills (British)

Consecutive No.	Daloiship or Elaka in which situated	Name of Forest	Boundaries	Approximate area in square miles	Reference to Topo-graphical sheet	Remarks
1	2	3	4	5	6	7
			KHASI HILLS			
1.	Saisohpen	Mawpun-Ka Ryntiang	Ka North—From Mr. Hudson's compound east-ward along the Hudson road down to the junction of that road with the path to Mr. Shodwell's Bungalow (683 yards) East—Thence down the Hudson road up to the junction of that road with the Nongthymmai path (1,083 yards) South—Thence a straight line running west-ward to the boundary pillar of the Cherra station on the left bank of the Wah-Khashor and thence up" the Wah-Khashor stream to a point 72 yards below bridge No. 12 on the Cherra-Tharia Road (1,586 yards)	3/10		

Consecutive No.	Daloiship or Elaka in which situated	Name of Forest	Boundaries	Approximate area in square miles	Reference to Topo-graphical sheet	Remarks
1	2	3	4	5	6	7
2.	Laitkroh	Laitkroh	West—Thence a line running eastward to a point on the Pomsohmen stream 486 yards below bridge No. 11 on the Cherra-Tharia Road ; thence up the Pamsohmen stream to this bridge No. 11 ; thence 66 yards along the Cherra-Theria Road to the starting point at Mr. Hudson's compound North—Lyngleng East—Phud Thymme-Morsha, Waisain and Wei-Phniaw in Wah-Umtyngngar and Lum Lakud South— Khlieh-Umlakud West— Phud-Lakud, Wah-Myrthah and Phud Lyngleng	3/4	Topographical sheet No. 16 (Scale 1 mile equal to 1 inch)	
3.	Mawsmai	Kyrnah-Ka-Diar	North—Um-Rupei East—Laitiampoonjee orchards and Khasi track leading to Sohbarpoonjee South—Path of Lyngkper West—Lyngkper Protected torest	14	Topographical sheet No. 16 (Scale 1 mile equal to 1 inch)	

4.	Nonglang	Nongkynnah	North—Wah-Pring and Wah-Pordiangrei East—Um-Pordingrei and Um-Miangiong South—Wah-Ritham West—Wah-Pring	3	Topographical sheet No. 11 (Scale 1 mile equal to 1 inch)	
5.	Laitlyngkot	Laitlyngkot (Ka-Mun)	North—Wahsohphoh, Wah-Kyllang East—Phud Kermasi and Phud Wah-Khmar South—Phud Wah-Kseh, Khlieh-Umtyrkhew and Ktien-Mun West—Umnup	$2^1/_4$	Topographical sheet No. 16 (Scale 1 mile equal to 1 inch)	
6.	Jyrngam	Umlaru-Rangmasi	North and East—The foot of Umlaru hill including Emkha hill. South—The foot of Umlaru hill and Rangmasi hill up to the Umtyrsungat Balapara West—From the Um-Tyrsung at Balapara village up to the slope due north to the large stone Rangmasi on the path between Nonglang and Athiabari. Then along the path to Maipara between the hills Mochupahar and Umlaru. Then down the northern slope of Umlaru hill to Maipara village.			
			JAINTIA HILLS			
1.	Jowai	Mawdymmai	The woods skirting the Shillong Road between Mile Posts 9 and 10 from Jowai. North—Wahlum Kyrpad.	3	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch)	

Consecutive No.	Daloiship or Elaka in which situated	Name of Forest	Boundaries	Approximate area in square miles	Reference to Topo-graphical sheet	Remarks
1	2	3	4	5	6	7
2.	Jowai	Mooraliang	East—Lum Wahlanang and wahsabanong also Shillong Road South—Wah-Demser. West—Wah-lumKyrpad and Hali of Ki Jong Shullai and Hali of U Bud Passah. The woods called Mooraliang on the road to Nongtalang. North—Boundary line from the well-known upright Memorial Stone called Maw-sumer on the road from Jarain to Nongtalang a line due east to the river Umlompung. East—The river Umlompung from the above junction point to the junction of the stream Umplet. South—The Umplet from its junction with the Umlompung to its source and thence a straight line to the well-known hill Khlieh Umdot. West—The Nongtalang Road.	48	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	

3.	Jowai	Mynkrem	The wood near the station of Jowai North—From Salahah to LumKorsiw then to Wah Pynmai Rymban. East—From Wah Pynmai Rymban to Wah-Muiong then to Lum Pyntyllun-Dieng with its ranges of hills sloping down the Myntdu river. South—Khlaw (Forest) of Ka Ronjit. West—Mawsna and Kseh Langdoh then to Wah Umiongkhoi to Salahah.	$4^{1}/_{2}$ 1/6	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch) Topographical sheet No. 21 (Scale 1 mile equal to 1 inch)	
4.	Nongjngi	Massiang and Umblanghoo	The woods standing on the banks of the Massing and Umlanghoo, a little beyond the village of Takhnanig. North—Lum Tharymbai. East—Wah Myntang. South—Lum lurim Blai. West—Takhniang village.			
5.	Nartiang	Umbah	The forest is very near to the Inspection Bungalow. North—Umbah Road. East—Lum Lowai. South—Kesh Pyrthad West—Umbah Road	1/37		
6.	Nartian	Larnai	Part of the woods near the village of Larnai North—Tumkrih		Topographical sheet No. 21 (Scale 1 mile equal to 1 inch)	

Consecutive No.	Daloiship or Elaka in which situated	Name of Forest	Boundaries	Approximate area in square miles	Reference to Topo-graphical sheet	Remarks
1	2	3	4	5	6	7
			East—Lum Laprit South—Sohphoh West—Um Mynri			
7.	Nangbah	Mukhla	The forest is near the village North—Wah Myntang East—Wah Myntang and Umpangsnam South—Lumkseh Iongraj Mukhla West—Krem Khla	.06	Topographical sheet No. 21 (Scale 1 mile equal to 1 inch).	
8.	Shangpung	Shandien	The wood close to stream Rympiah and near the village of Mawthlong North-Wah Rumpiah East—Wah Ranot and Mawshongkruh South—Lum-ksing-Pymblang West—Lum Slain	1/2	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	
9.	Raliang	Raliang	The forest is very close to Raliang village North—Sainkhmabian East—Hali U Horin Sushiang South—Lakhma Lyngdoh West—Lynti Shillong	1/40		

10.	Mynso	Myntang	The woods on the bank of Myntang near the bridge over the stream North—Myntang river East— Wah Thailang and Myntang South—Wah Thailiong West—Pynkaikhalih and U Rial Myntan	1/2	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	
11.	Shillong	Myntang Umlyang	The forest is near to the Shillong Myntang village North—Khlieh Khiat East—Lumsarangang South—Lumshakariat and Lum Syngngang West—Khlihiougthad	1/4	Topographical sheet No. 21 (Scale 1 mile equal to 1 inch).	
12.	Sutnga	Urnshyngiar	The woods about the Umshyngiar for about 3 miles up and down the stream from Ryiar Khyllaw and near to Inspection Bungalow North—Wai Khyrwi East—Pdenglajoh and Kseh of Soron Bareh South—Unshyngiar West—Motypep	1/4	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	
13.	Rymbai	Ladakhar Umsalongnar	The woods standing on the banks of the Umladakhar and Umsalongnar up to the point where the latter stream empties itself into the Dingshablai stream near the village of that name	1	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	

Consecutive No.	Daloiship or Elaka in which situate	Name of Forest	Boundaries	Approximate area in square miles	Reference to Topograpnical sheet	Remarks
1	2	3	4	5	6	7
14.	Lakadong	Tisang Forest Borghat	North—Wah Salongnar East—Pynmai Tyngka and Saibaniah Soush—Wah Suwe U Bri West—Umladakhar The woods on the Banks of Tisang Stream North—Khlaw (forest) Korit East—Priang Tisang South—Dong Ryngah West—Wah Pomblang	1/3	Topographical sheet No. 23 (Scale 2 mile equal to 1 inch).	
15.	Lakadong	Rowai	The woods on the banks of the Rowai river North—Mawkang East—Umsik South—Khalaprang West—Umkasang	.035	Topographical sheet No. 23 (Scale 2 mile equal to 1 inch).	
16.	Satpater	Tarangblang	The forest is about a mile distant from Tarangblang village	1/3	....	

			North—Dalakromg East—Umtapalang South—U Heh Passah Zamindar's forest. West— Ditto			
17.	Satpater	Syndai Ummanor	The forest is near the Inspection Bungalow and close to Jaintiapur road North—Umsanah. East—Khlo Pohkyrnuh. South—Sopkhyrwait and Inspection Bungalow. West—Jaintiapur road.	4/5	Topographical sheet No. 23 (Scale 2 mile equal to 1 inch).	
18.	Nongtalang	Nongtalang	The woods about the limestone that crop upon the road from Jarain to Nongtalang. North—Jewphlang. East—Nongpyndang. South—Shymboh and Shnongkor. West—Um-Tyrnat and Sohkha road.	1/4	Topographical sheet No. 23 (Scale 2 mile equal to 1 inch)	
19.	Amwi	Markein	The woods title below Jarain Markein stream. North—Jarain. East—Lum Markein South—Amrykeng. West—Khliehriat Mongot.	1/2	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	

Consecutive No.	Daloiship or Elaka in which situated	Name of Forest	Boundaries	Approximate area in square miles	Reference to Topographical sheet	Remarks
1	2	3	4	5	6	7
20.	Amwi	Mynkjai and Duar Blai	The woods near the Mynkjai river. North—The forest area terminate in Lumsarpot. East—From Sarpot down the course first of the Umlo then of the Mynkjai river till it empties itself into the river Wah Shapatar. The boundary pillar is a little distance from Myntory river. South—Wah Shapatar and Lum Phlang. West—From the stone pillar (the proposed site of which has been pointed out to Daloi Amwi near a conspicuous tree). From this pillar to another pillar to be erected on the Jaintiapur Road on the top of the accent after the road crosses the Mynkjai and then from this pillar to a pillar to be erected at Khlieh Riat-tillah (Khliehriat-Thyllah)	$3^{1}/_{2}$	Topographical sheet No. 22 (Scale 1 mile equal to 1 inch).	

21.	Nongkhlih	Jogor Singh	Jogor Singh woods North—Wah Liteng East—Blai South—Wah Lynju West—Riat Lapathai	1/4	Topographical sheet No. 26 (Scale 2 mile equal to 1 inch).
22.	Bhoi	Umshlom	North—Umshlom stream East—A line from where the path from Jrikop to Nellie Bazar first crosses the Umarlad in Umshlom, via, Diengjri on Lum Shongbowli South—Umarlad West—Umarlad till it meets Umshlom on the North West		

APPENDIX XXI

KHASI AND JAINTIA HILLS—TRADE PERMIT

FOREST DEPARTMENT, ASSAM .....DIVISION

Permit for timber and other forest produce

Permit No.

Book No. .....

Name .....

Residence .....

Forest	Date of Expiry of the Permit	Description of Timber or other pro-duce	Number or Quantity	Rate of Royallty	Amount	Remarks

Signature and designation of the Officer granting the permit

Date of issue ....

The ... ... 19 ....

[Reverse]

Conditions under which this permit is issued :

(1) Only trees marked with Government hammer may be felled and converted timber must not be removed from the place where the tree is felled nor sold or otherwise disposed of till it has been marked with Government sale hammer.

(2) All timber must be removed from the forests within the time granted in the permit.

(3) This permit must be returned to the nearest Forest Officer within one month of the date of expiry.

(4) Breach of any of the above conditions will render the permit liable to be cancelled and the timber confiscated notwithstanding any other penalties incurred by the permit-holder under the Assam Forest Regulation.

I understand and accept the above conditions.

APPENDIX XXII

Transit Pass

KHASI AND JAINTIA HILLS

FOREST DEPARTMENT, ASSAM

..... Division

Pass No..... Book No.....

Transit Pass

Permission is hereby granted to.. ....

of... .... for the removal of the following forest

produce from... .... to .... by ....

1. Locality whence collected.. ....
2. Number and date of permit or certificate of origin on which the pass is granted

Kind of produce	Number of pieces, packages or bundles	Measurements cubic contents or weight	Hammer or other marks	Rate	Amount paid
				Rs. a. p.	Rs. a. p.

.....STATION

Issuing Officer

Date of issue.....

.....Designation.

Date of expiry.....

[*Reverse*]

Any person removing timber or other forest produce without a transit pass in this from in contravention of any rules made under S. 40 (2), Assam Forest Regulation VII of 1891, is liable to a fine of Rs. 500 or to imprisonment for six months or to both.

APPENDIX XXIII

Certificate of origin for limestone exported from the District of Khasi and Jaintia Hills

1. Name of quarry from which the limestone has been extracted
2. Name and residence of the owner of the quarry
3. Name of the consignee
4. Name and residence of the person in charge of limestone in transit
5. Destination of the consignment
6. Quantity of limestone in maunds of 112 lb.

I, son of... ...of village... ...thana ... district ....do hereby declare that the limestone specified in this certificate is the produce of my own/principal private quarry and that no portion of the said limestone is the produce of any Government quarry or is the property of the State.

Date..... Owner/ Agent

The.....

APPENDIX XXIV

Challan for limestone exported from the District of Khasi and Jaintia Hill.

1. Name of the quarry from which the limestone is extracted
2. Name of owner of the limestone in transit
3. Name of the person in charge of the limestone
4. Destination of the consignment and name of the consignee
5. Registered number, maundage and measurements of the boat

Date of issue..... Officer issuing the challan

APPENDIX XXV

KHASI AND JAINTIA HILLS

Form of certificate of registration of boats used in carrying limestone (in duplicate)

Certified that... ...son of... ...caste..... inhabitant of .... in ....thana.... ..... district, has this day registered boat No... ... ...of which the carrying capacity is.... maunds of 112 lb. and the measurements as follows :

Depth Length Breadth

Station from which issued... .....

Date of issue.....

Date up to which registration will hold good .....

Registration number { Registration Depot letter..... Registration number..... Ear mark.....

Issuing Officer

APPENDIX XXVI

Transit pass for forest produce from Lushai Hills

Forest Department, Assam

.....Division

Pass for timber and other forest produce measured and checked at.....

	No.	Date	Name and residence of owner of consignee	Place of Destination	Locality where felled or cut	Description of Timber	Number of logs or pieces	Cubic contents	Rate	Tax paid
								Rs. a. p.	Rs. a. p.	Rs. a. p.
	1	2	3	4	5	6	7	8	9	10

APPENDIX XXVII

Licence to purchase Wax/Rhinoceros' horns from forests in the Lushai Hills

Fee Rs. 3 (in the case of wax) Fee Rs. 10 (in the case of rhinoceros' horns)

(Obverse)

No. of Book..... No. of License.....

Subject to the provisions of Rr. 15 and 16 of the Rules for the management of forests in the Lushai Hills, this licence to purchase wax/rhinoceros' horns has been granted for one year from..... .....19 ..... to ..... 19.....both days inclusive, under the conditions specified on the reverse.

To .....

Of .....

Circle .....

District.....

Date .....

The .....19..... Signature and designation of the officer granting the licence

[Reverse]

The conditions under which this licence is granted are —

(i) That the licence is not transferable ;

(ii) That the licence shall always be in the personal possession of the licensee when purchasing wax/rhinoceros' horns.

(iii) That the licence shall be returned either to the Superintendent, Lushai Hills, or to the officer by whom it was issued, within one week of or before the date on which the period for which it was issued expires.

Breach of any of the conditions under which the licence is granted or of any of the provisions of the rules under which it was issued, will render the licence liable to forfeiture and the holder thereof to the punishment provided in the rules for the management of forests in the Lushai Hills.

APPENDIX XXVIII

Licence for catching wild elephants by Kheddah Shikar or Kheddah and Mela Shikar combined

To

Under the Elephants' Preservation Act, 1879 (VI of 1879), I hereby grant you this licence to capture wild elephants in the district of..... under the following conditions;

(1) That this licence is subject to the provisions of the Elephants' Preservation Act,1879 (VI of 1879), and the rules made thereunder.

(2) That this licence is limited to the area described below, viz.,

(3) That it is valid for the period from the 1st October 19 ... to the 15th March 19 .

(4) That you shall capture elephants by Kheddah and Mela Shikar up to the total number prescribed for the mahal which is limited to ... .

This limit applies to all elephants retained including casualties and elephants released under paragraph 15, but not to elephants shot under paragraph 12 and releases made under paragraph 13.

(5) That subject to each stockade being adequately manned with experienced workers and strictly maintained as laid down in paragraph (9) you may erect as many stockades as are considered necessary by you within the area described in paragraph (2) the number and location of which must be reported to the forest officer in charge of the operation. Building of stockades should as far as possible be completed before ... ... after which the number of stockades may not be increased without the approval of the Forest Officer in-charge of the operation.

(6) That you shall not engage (1) any elephant in the hunting operations unless it is actually owned by a person permitted to hunt ; (2) any person either directly or benami whose name is in the black-list maintained by the Conservator of Forests, Assam.

(7) That you shall bring to the depot fixed for the time being by the Deputy Commissioner all elephants caught as soon as possible after capture.

(8) That you shall inform the nearest depot officer and/or the officer in-charge of the operation as soon as elephants have been caught in a stockade.

(9) That you shall maintain for each stockade six good Koonkies the height of which must be over 8 feet at such a distance that the work of removing elephants from stockades can begin within 36 hours after capture, and you shall not attempt to catch elephants in any stockades unless at least six such Koonkies are in readiness and available and you will also maintain not less than three such Koonkies at each depot to which such captures will be brought and will increase this number as necessary under paragraph (16) of this licence.

(10) That for Mela Shikar the maximum number of Koonkies permissible will be ... ...

(11) That you shall provide fodder and water for elephants not removed from stockades within 24 hours and shal maintain wooden troughs at each stockade for the purpose of supplying water.

(12) That in cases where dangerous male elephants are caught in a stockade and their death is necessary for the safety of other elephants in the stockade such animals may be shot by you in the absence of the Forest Officer, provided you have a sufficiently powerful rifle to do so. In such eases a report is to be made within 4 days to the Deputy Commissioner and the Forest Officer in-charge of the operation and the tusk will remain the property of Government.

(13) That you shall release without injury within 96 hours of capture,—

(i) all elephants not removed from stockades ;

(ii) All females bearing distinct signs of pregnancy and those with suckling calves under one year old ;

(iii) All suckling calves if caught alone without their mothers ; and

(v) All old and sickly elephants which in your opinion, cannot be expected to survive training.

(14) That in Mela Shikar you shall not capture females bearing distinct signs of pregnancy and those with suckling calves under one year old, or any suckling calves without their mothers or old and sickly elephants which cannot be expected to survive training.

(15) That the Deputy Commissioner and any officer specially authorised by him in consultation' with the Conservator of Forest in this behalf may release or destroy or put under medical treatment at your expense any captured elephant suffering from lack of fodder or of water, or by reason of mutilation, starvation or other ill-treatment.

(16) That you shall have the training of the elephants commenced within 24 hours of their arrival at the depot, shall see that adequate supplies of fodder and water are given to them during training and shall ensure that the training is humanly conducted.

(17) That you shall report at once to the Deputy Commissioner and the Forest Officer in charge of the operation each case of an elephant dying or being killed during or after capture or during the attempt to capture, or during or after training. That you shall similarly report to the Forest Officer in-charge of the operation the escape of any captured elephant after removal from a stockade in the case of Khedda Shikar and after it has been brought into a depot in the case of Mela Shikar,

(18) That before the issue of this licence you shall deposit a sum of Rs. 500 (Rupees five hundred) only into the Treasury which will be considered as a security against any or all of the conditions of this licence. This security money will be returned to you at the full expiry of this licence after deduction of any outstandings or fines imposed under the terms of this licence and not theretofore paid by you.

(19) That you shall pay royalty in respect of every elephant captured, dying or killed in the attempt to capture or during or after captured, or released, or destroyed, under the provisions of paragraph (15) above at the following rates :

	Rs. Each
Tusker	
Female	
Makhnas	

No royalty will be payable for elephants released under paragraph (13) or taken over by Government under paragraph (22) of this licence.

(20) That the royalty due as in paragraph (19) above shall be paid by you to the Treasury at .... or forest office at... ... ... within 14 days of their death or arrival at the depot.

(21) That you shall remove all the elephants from the depot as soon as they are sufficiently trained for which transit passes must be obtained from the Forest Officer in charge of the operation or an officer authorised by him, on production by you of the Treasury or Forest Department Receipt, or of the Post Office Money Order Coupon showing the amount of royalty

paid for such elephant. All captured elephants remain State property until a transit pass is obtained for them.

(22) That should the Government decide to take over for Goverment purposes any elephant captured by you such elephant shall be chosen by an officer deputed for the purpose within 24 hours of its being brought to the depot, except in the case of a previously trained elephant when the period of pre-emption shall extend to one week, and you shall, thence forward, be responsible for its upkeep and training ; you shall hand it over to Government in good condition and trained sufficiently to carry a man without being tied to a Koonki and to fetch its own fodder, after which you shall be paid the price as previously agreed upon by you and the Conservator of Forests, after deducting the royalty payable on it by you.

(23) That you shall despatch on the first day of each month to the Deputy Commissioner through the Officer in charge of the operation a written report in the form prescribed by the Conservator of Forests, Assam.

(24) That you shall not sell, assign or sub-let your rights or any part of them and shall not admit partners without first obtaining the Duputy Commissioner's written permission.

(25) That the manager appointed by you for conducting the operation shall be invested by you with (1) full power and discretion for carrying out on the spot the orders and instructions of the Forest Officer in charge of the operation; and (2) for control over all his staff and employees during the operation. Any case of a breach of rules or misconduct committed by any of your employees which is contrary to the spirit of the rules for elephant hunting shall at once be reported by the said manager to the Forest Officer in charge of the operation for which action will be taken as is deemed necessary.

(26) That you shall submit to the Forest Officer in charge of the operation a list of all partners and employees and shall see that each carry on their persons the Trade Permit issued free by the Forest Officer in charge of the operation for production on demand by any Revenue, Police or Forest Officer.

(27) That neither you nor your partners, servants, workmen or agents shall fell any tree declared reserved under the Assam Forest Regulation for the erection of a stockade or for any other purpose, save after permission and on payment of the prescribed royalty for such tree, or set fire to any jungle, or cause injury or annoyance to any jungle tribes or cultivators residing within the area under this license, but that you, your servants and agents shall be permitted to fell sufficient unreserved trees and remove sufficient cane and bamboos for the erection of temporary shelters in the mahal or at the depot and, in the case of Kheddah Shikar mahals or stockades.

(28) That you and your partners, if any permitted, shall be responsible for all breaches of the conditions of this licence committed by you, your partners, if any, your agents, employees orlservants and for each such breach of condition you and your partners may be lined Rs. 500 by the Deputy Commissioner or an officer authorised by him and this licence may, at the discretion of the Deputy Commissioner also be cancelled and all the elephants captured by you forfeited to State. Appeals against such order of cancellation and forfeiture shall lie to the Commissioner and the State Government.

(29) That nothing in this licence shall be deemed to exempt you, your partners, if any, your servants, agents, and employees from the consequences of breach of any

law under the Prevention of Cruelty to Animals Act, 1890, the Wild Birds and Animals Protection Act, 1912, the Assam Forest Regulation, 1891, or any other law in force in the area under this licence and this licence may, at the discretion of the Deputy Commissioner be cancelled for breach of any of the above laws or of any Opium or Excise law by you or your partners, if any, in addition to any other penalty inflicted.

(30) That nothing in this licence shall be deemed to prohibit the Conservator of Forests from undertaking and carrying on any operations deemed by him to be necessary on silvicultural grounds in the area under this licence, and no claim by you for damages shall lie for any act done in pursuance of such operations.

(31) That should any disagreement or doubt arise in respect of the interpretation of any term or condition of this licence, the point shall be referred to the State Government whose decision shall be final.

(32) That all sums due to Government by you on account of royalty on elephants under paragraph (19) of this licence, or fine imposed under this licence, if not paid on demand by you or your partners, if any, shall be realised from you or your partners, if any, or your or their heirs or assigns, as arrears of land revenue.

(33) That you shall not object to the destruction by shooting of wild elephants under the Executive Orders for the destruction of mature male wild elephants by approved sportsmen in the niaha! area within half a mile from tea garden property or cultivation.

(34) That you shall, if so directed by the Deputy Commissioner or any officer authorised by him in this behalf, attempt to catch or drive any elephants damaging tea garden property or village cultivation.

Dated the 19

(Seal and signature of the Deputy Commissioner)

I accept the above licence with all its terms and conditions, which I do understand.

Dated.....

The 19 . Signature of the Licensee

Witness: 1. ...

Witness: 2. ...

APPENDIX XXIX

Licence for catching wild elephants by Mela or Gajali Shikar

To... ... ...

son of ... ...

Resident of ... ... in the

district of ....

Under the Elephant Preservation Act, 1879, I hereby grant you this licence to capture wild elephants in the district .... under the following conditions :

(1) That this licence is subject to the provisions of the Elephant Preservation Act, 1879, and the rules made thereunder.

(2) That the licence is limited to the area described below, *viz*.,—

....

(3) That it is valid for the period from the.....................to the......................

(4) That you shall capture elephants by anchored mela shikar method at fixed anchorage points as directed by the Divisional Forest Officer, to which your elephants will return by sunset every day and will remain at such point for the whole night until the following morning.

(5) That you shall not engage any hired elephant in the operation.

(6) That you shall bring to the depot as fixed for the time being by the Deputy Commissioner all elephants caught as soon as possible after capture.

(7) That you or your employees shall not carry guns in course of mela or gajali shikar operations.

(8) That you shall not engage either directly or 'benami' persons whose names are in the black-list maintained by the Conservator of Forests, Assam.

(9) That the Deputy Commissioner and any officer specially authorised by him in consultation with the Conservator of Forests in this behalf may release or destroy or put under medical treatment at your expense any captured elephant suffering from lack of fodder or of water, or by reason of mutilation, starvation or other ill-treatment.

(10) That you shall not capture females bearing distinct signs of pregnancy and those with suckling calves under one year old, or any suckling calves without their mothers or old and sickly elephants which cannot be expected to survive training.

(11) That you shall have the training of the elephants commenced within 24 hours of their arrival at the depot, shall see that adequate supplies of fodder and water are given to them during training and shall ensure that the training is humanely conducted.

(12) That you shall report at once to the Deputy Commissioner and the Forest Depot Officer each case of an elephant dying or being killed during or after capture, or during the attempt to capture, or during or after training and that you shall similarly report to the Forest Depot Officer the escape of any captured elephant after it has been brought into a depot.

(12a) That before the issue of this licence you shall deposit a sum of Rs. 500 (Rupees five hundred) only into the teasury which will be considered as a security against any or all of the conditions of this licence. This security money will be returned to you at the full expiry of this licence after deduction of any outstandings or fines imposed under the terms of this licence and not theretofore paid by you.

Note. Clause (12a) should be struck out in cases where a licence is issued to an individual.

(13) That you shall pay royalty in respect of every elephant captured, dying or killed in the attempt to capture, or during or after capture, or released, or destroyed under the provisions of paragraph (9) above at the following rates :

	Rs. Each
Tusker	
Female	
Makhna	

No royalty will be payable for elephants taken over by Government under paragraph (16) of this licence.

(14) That the royalty due as in paragraph (13) above shall be paid by you to the Treasury at.....or Forest Office at ..... within 14 days of their death, or arrival at the depot.

(15) That you shall remove all elephants from the depot as soon as they are sufficiently trained for which transit passes must be obtained from the Divisional Forest Officer of the district or an officer authorised by him, on production by you of the Treasury or Forest Department Receipt, or of the Post Office Money Order Coupon showing the amount of royalty paid for such elephant. All captured elephants remain State property until a transit pass is obtained for them.

(16) That should the Government decide to take over for Government purposes any elephant captured by you such elephant shall be chosen by an officer

deputed for the purpose within 24 hours of its being brought to the depot, except in the case of a previously trained elephant when the period of pre-emption shall extend to one week, and you shall, thenceforward be responsible for its upkeep and training; you shall hand it over to Government in good condition and trained sufficiently to carry a man without being tied to a koonki and to fetch its own fodder, after which you shall be paid the price as previously agreed upon by you and the Deputy Commissioner after deducting the royalty payable on it by you.

(17) That you shall despatch on the day, of each monlh to the Deputy Commissioner through the Divisional Forest Officer, a written report in form prescribed by the Conservator of Forests, Assam.

(18) That you shall not sell, assign, or sub-let your rights or any part of them and shall not admit partners without first obtaining the Deputy Commissioner's written permission.

(19) That you shall submit to the Divisional Forest Officer a list of all partners and employees and shall see that they each carry on their person the Trade Permit issued free by the Divisional Forest Officer for production on demand by any Revenue, Police or Forest Officer.

(20) That neither you nor your partners, servants, workmen or agents shall fell any tree declared reserved under the Assam Forest Regulations for any purpose, save after permission and on payment of the prescribed royalty for such tree, or set fire to any jungle or cause injury or annoyance to any jungle tribes or cultivators residing within the area under this license, but that you, your servants and agents, shall be permitted to fell sufficient unreserved trees and remove sufficient cane and bamboos for the erection of temporary shelters in the mahal or at the depot.

(21) That you and your partners, if any permitted, shall be responsible for all breaches of the conditions of this license committed by you, your partners, if any, your agents, employees or servants and for each such breach of conditions you and your partners may be fined Rs. 500 by the Deputy Commissioner and this licence may, at the discretion of the Deputy Commissioner, also be cancelled and all the elephants captured by you forfeited to State. Appeals against such order of cancellation and forfeiture shall lie to the Commissioner and the State Government.

(22) That nothing in this license shall be deemed to exempt you, your partners, if any, your servants, agents and employees from the consequences of breach of any law under the Prevention of Cruelty, to Animals Act, 1890 (XI of 1890), the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), The Assam Forest Regulations, 1891 (VII of 1891), or any other law in force in the area under this licence and this licence may, at the discretion of the Deputy Commissioner be cancelled for breach of any of the above laws

or of any Opium or Excise law by you or your partners, if any, in addition to any other penalty inflicted.

(23) That nothing in this licence shall be deemed to prohibit the Conservator of Forests from undertaking and carrying on any operation deemed by him to be necessary on silvicultural grounds in the area under this licence, and no claim by you for damages shall lie for any act done in pursuance of such operations.

(24) That should any disagreement or doubt arise in respect of the interpretation of any term or condition of this licence, the point shall be referred to the State Government whose decision shall be final.

(25) That all sums due to Government by you on account of royalty on elephants under Cl. 13 of this licence, or fine imposed under this licence, if not paid on demand by you or your partners, if any, shall be realised from you or your partners, if any, or your or their heirs or assigns, as arrears of land revenue.

(26) That you shall not object to the destruction by shooting of wild elephants under the Elephant Control Scheme in the mahal area within half a mile from tea garden property or cultivation.

(27) That you shall, if so directed by the Deputy Commissioner or any officer authorised by him in this behalf, attempt to catch or drive any elephant damaging tea garden property, village cultivation or forest plantations.

The 19 . (Seal and signature of Deputy Commissioner)

I accept the above licence with all its terms and conditions which I understand.

Dated.....

The 19 . Signature of the licensee

Witness : 1 .....

Witness : 2 .....

APPENDIX XXX

Form of licence to kill mature male wild elephants under Section 6 of the Elephants Preservation Act, 1879

Licence No..... for the District of.....

Mr ..... of ..... is hereby permitted to kill mature male wild elephants within the area specified in Schedule A hereto attached in the proportion of one tusker (or Ganesh) to one 'makhna' under the following conditions :

1. This licence is subject to the provisions of the Elephants Preservation Act, 1879.
2. Mature male wild elephants may be shot only in areas where crops or property are liable to be destroyed or human life endangered, or in areas other than the above were found full grown and solitary.
3. Shooting over 'poongs' or salt-licks is strictly prohibited.
4. Male wild elephants may not be shot when accompanying a herd unless the particular herd has been damaging crops or property within the last twenty-four hours.
5. Wounded elephants must be followed up as far as possible, but not into a Game Sanctuary without the previous permission of the officer-in-charge.
6. Full details of all elephants killed must be reported in writing without delay to the nearest Forest Office and carcasses shown to a Forest Officer deputed for this purpose.
7. Full information must be given in writing without delay to the nearest Forest Office of all wounded elephants that have escaped.
8. The licensee shall be in the possession of a weapon of sufficient bore and power to kill rather than only wounded elephants.
9. The particulars relating to the killing of an elephant under this licence shall be entered by the licensee in Schedule C hereto attached and the licence shall without delay be sent to the nearest Forest Office for endorsement.
10. 'Provided the conditions of this licence are otherwise fulfilled the licensee may keep the tusks of one tusker (or Ganesh) for each 'makhna' shot under this licence within 18 months of the killing of the tusker (or Ganesh). With the previous permission of the Conservator of Forests, a 'makhna' shot under a similar licence in a district outside the area covered by this licence, may count against a tusker (or Ganesh) shot under this licence.
11. (a) The tusks of any elephant shot under this licence shall be taken to the nearest Forest Office or such Forest Office as the Divisional Forest Officer may direct and shall not be removed there from except under cover of a

Transit Pass, which will be issued immedi¬ately if the destruction of a makhna has already been recorded.

(b) Otherwise the tusks shall remain the property of the State, until a makhna shall have been killed in accordance with Cl. 10.

(c) Small tusks of makhnas killed under this licence may be retained by the licensees as trophies, free of royalty.

12. Tusks which have been deposited under Cl. 11 (a) and (b) will be disposed of by the State at the expiry of eighteen months from the date of the killing of the tusker (or Ganesh), unless a corresponding makhna shall have been destroyed within that period :

Provided that a licensee may be allowed to purchase the tusks on payment to the Divisional Forest Officer of the full market value of the tusks calculated at the rates fixed by the Conservator of Forests from time to time on condition that in the event of a makhna being killed within the prescribed period of eighteen months the full market price paid by the licensee will be refunded to him.

13. This licence expires on the 30th day of June, 19..... but is subject to summary cancellation at any time.

Application for renewal of this licence for the periods of twelve months or less ending on the 30th June shall be made to the Deputy Commissioner through the Divisional Forest Officer not later than one month before the expiry of the licence or its renewal.

The Deputy Commissioner ..... District reserves to himself absolutely the right to refuse the renewal of this licence without assigning reasons and to cancel it at any time, in which case the rights of the licensee to any tusks shall cease from the date of the expiry or cancellation of this licence and the tusks shall become the property of the State.

Seal and signature of
Deputy Commissioner
..... District

I accept the above licence with all its terms and conditions which I understand.

Licensee

[Note. This licence does not refer to elephants killed after proclamation by the Deputy Commissioner].

SCHEDULE A

Area within which this licence shall be valid

SCHEDULE B

Renewals—

Period

From— To—

Signature of Deputy Commissioner

SCHEDULE C

Details of elephants killed

TUSKERS (or Ganesh) MAKHNAS

No.	Date	Locality	Weiht of tusks	Signature of Forest Officer	No.	Date	Locality	Signature of Forest Officer	Disposal of tusks

APPENDIX XXXI

List of forest leases and contracts which are free of stamp duty

[Under S 9, Cl. (a) of Indian Stamp Act, 1899 (II of 1899)]

40. Agreement of security bond required to be executed under the rules to regulate the trainining and appointments in the Subordinate Forest Service by a student and his surety previous to his entry into a Forest School or College in British India.

41. Instrument in the nature of a conveyance by the State of standingtrees or any other forest produce in a State forest and also the following instruments :

In Madras, Bengal, Bihar and Orissa, Central Provinces and Assam

(i) Contract for the collection of minor produce, barks etc. ;

(ii) Contract for felling and removing tree ;

(iii) Contract for the collection, removal and disposal of stock in coupes

subject to obligation to coppice and clear the area ;

(iv) Contract for the purchase of timber or firewood to be felled or cut departmentally;

(v) Contract of the usufruct of trees and topes ;

(vi) Contract for the felling or cutting and purchase of timber or firewood ;

(vii) Kancha or grazing lease ;

(viii) Agreement for felling and conversion of timber ;

(ix) Agreement for right to collect seigniorage on minor produce brought for sale by hill tribes ;

(x) Agreement for cultivation under the taungya system in reserved or protected forests ;

(xi) Agreement for hunting, shooting or fishing in reserved or protected forests.

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RULEs

RULES HAVING THE FORCE OF LAW AND EXECUTIVE ORDERS RELATING TO FORESTS



RULES HAVING THE FORCE OF LAW AND EXECUTIVE ORDERS RELATING TO FORESTS

CHAPTER I

Control, duties and responsibilities of Forest Officers

1. Relation of Forest Officers to District Officers. (i) The Chief Forest Officer in each district shall be the assistant to the Deputy Commissioner of that district as regards forest matters, retaining at the same time his subordination to the Conservator of Forests, who is the head of department ; all operations in the unclassed State forests shall be placed under his control, as well as those in the reserved forests ; and all correspondence on general and administrative subjects connected with forest management between him and the conservator shall pass through the Deputy Commissioner.

(ii) For the present, Forest Officers will be appointed as follows :

The Officer-in-charge of the Garo Hills forests will be subordinate to the Deputy Commissioner of the Garo Hills.

His jurisdiction for forest administrative purposes will also extend to that portion of the Goalpara District which is situated on the south bank of the Brahmaputra and, so far as that area is concerned, he will be subordinate to the Deputy Commissioner, Goalpara.

The officer-in-charge of the Goalpara Forests will be subordinate to the Deputy Commissioner of Goalpara.

The officer-in-charge of the Kamrup Forests, the Jirang Forests on the northern skirts of the Khasi Hills District and Kurua forests to the south-west corner of the Darrang District will be subordinate to the Deputy Commissioners of Kamrup, the Khasi and Jaintia Hills and Darrang, respectively.

His jurisdiction for forest administrative purposes will also extend to the portion of the Monas river from the Bhutan boundary to a line joining the south-eastern corner of the Bijni reserve and the south-western corner of the North Kamrup Game Sanctuary and so far as that area is concerned, he will be subordinate to the Deputy Commissioner, Goalpara.

The officer-in-charge of the darrang forests will be subordinate to the Deputy Commissioner of Darrang.

The officer-in-charge of the Nowgong forests will be subordinate to the Deputy Commissioner of Nowgong.

His jurisdiction for forest administrative purposes will also extend to the western portion of the Sibsagar District, namely the area under Bakulia beat, the Duer Dekhani Mauza and the western half of the west Rengma Mauza and the northern portion of the North Cachar Hills ; and so far as those areas are concerned, he will

be subordinate to the Deputy Commissioners, Sibsagar and Cachar respectively.

The officer-in-charge of the Sibsagar and Desai Valley forests will be subordinate to the Deputy Commissioners of Sibsagar and Naga Hills.

The officer-in-charge of the Lakhimpur forests will be subordinate to the Deputy Commissioner of Lakhimpur.

The officer-in-charge of the Cachar forests will be subordinate to the Deputy Commissioner of Cachar.

(iii) All orders will be conveyed from and references made to the Conservator of Forests on the following principles :

(a) all correspondence on subjects mentioned in the annexed schedule shall be carried on direct between the Conservator and the Divisional Forest Officer, and *vice versa ;*

(b) all correspondence on subjects not mentioned in the annexed schedule shall pass under flying docket addressed from the conservator through the district officer to the Divisional Forest Officer, and *vice versa.*

(iv) Ordinarily, the Deputy Commissioner, in the case of correspondence forwarded through him, will, after perusual, simply record his signature under the word "forwarded" in the flying docket. He may, however, when he deems it necessary, record his remarks on any communication addressed to the conservator by his departmental subordinates ; and he may return to the Conservator for reconsideration any communication addressed by the latter to the Forest Divisional Officer, communicating instructions or orders, recording the grounds on which he solicits such reconsideration.

(v) In the event of the Deputy Commissioner and the Conservator differing on any matter in connection with correspondence passing through the Deputy Commissioner's office, should the difference not be removed by mutual references, the point, which the correspondence out of which it arose, should be submitted to the Commissioner. Should the conservator in any case be dissatisfied with the Commissioner decision, he may refer the case to the State Government.

(vi) Proposals of importance for the formation of new forests or affecting the use of forests and waste lands by the surrounding population shall be addressed by the Conservator, after he has consulted the district officers, to the Commissioner, for submission to Government.

(vii) The Conservator is to be the controlling authority in all matters of patronage in the subordinate branches, and in all matters of departmental discipline.

(viii) The responsibility of the Conservator will remain unimpaired. He should be kept regularly informed of all orders issued on forest matters within his circle by Deputy Commissioners, Commissioners and the Government; he should be made acquainted with all correspondence which passes between Deputy Commissioners and Forest Officers, and, as a rule, he will be consulted on all forest matters which come before Government.

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SCHEDULE

[*See* Rule (ii) (a)]

List of subjects in respect of which correspondence may be carried on direct between Conservator and Divisional Forest Officer

Subject on which direct correspondence with Conservator takes place. All subjects of a purely departmental or professional nature having no bearing on the surrouning population and Civil Administration, and with which the District Officer may *prima facie,* be supposed to have no concern, such as—

(1) Divisional accounts and subjects relating to the expenditure and receipts of the division.

(2) Subordinate forest depot and office establishments and subjects relating to the leave, pay, pensions, allowances, conduct, occupation, promotion, journeying, distribution, increase, decrease and transfers of the same.

(3) Valuation surveys, sowings and plantings, felling, extraction, conveyance, custody, deposit and disposal of forest produce and sylvicultural operations of all kinds.

(4) Departmental cattle (elephants, etc.), stores, tools and plant, office records, books and maps, stationery, printing exhibitions and specimens, statistics of all sorts, furniture, tents and camp equipage.

CHAPTER 2

ORDERS REGARDING FOREST SETTLEMENTS AND NOTIFICATION OF BOUNDARIES

All areas proposed for reservation should be inspected by the Deputy Commissioner of the district who should record his opinion as to whether there is *prima facie* case for reservation : Information under the following heads should ordinarily be given when any forest area is proposed to be reserved.

(1) Situation and area.
(2) Boundaries.
(3) Description of soil.
(4) Description of forest.
(5) Timber depots.
(6) Timber markets.
(7) Lines of export.
(8) List of villages or private lands within the proposed area.
(9) Right of surrounding population.
(10) Maps.
(11) Working plans.

Instructions for Forest Settlement Officers in Assam. Detailed instructions for Forest Settlment Officers in Assam will be found in the Provincial Government's Circular No. 14-R, dated the 20th March, 1897, which must be carefully studied and followed. They are produced below :

(i) The procedure to be observed in the constitution of reserved forests is prescribed in Chapter II of the Assam Forest Regulation, VII of 891. It is the duty of the Forest Settlement Officer to make himself thoroughly acquainted with the law contained in that Chapter. The following instructions are intended to indicate and draw attention to the leading points which concern a Forest Settlement Officer. They are not intended to relieve the Forest Settlement Officer in the duty of studying the Regulation itself.

(ii) Sections 6 and 7. After the publication of a notification under S. 5 of the Regulation, and the appointment of a Forest Settlement Officer, the first step to be taken by the Forest Settlement Officer is the publication of a proclamation specifying the situation and limits of the proposed forest setting forth the substance of S. 7 of the Regulation, which bars the accrual of forest rights in the proposed reserve from the date on which the proclamation is published, and prohibits building, the clearing of land for cultivation and the cutting of timber within the specified area except under certain conditions ; explaining the effects of the reservation of the forest; and requiring persons claiming the right to cultivate by *jhuming* or any other right in or over the proposed reserve to specify by a fixed date, either in writing or verbally, the nature of their right or claims. A period of at least three months from the date of the publication of the proclamation must be allowed for the presentation of claims. In order to facilitate the preparation and publication of the proclamation required by S. 6 skeleton forms are sent to the Forert Settlement Officer. A copy of the form is appended to these Instructions. All that the Forest Settlement Officer has to do is to have the blanks in the forms filled in, to sign the proclamations, and to publish them. The proclamations should ordinarily be in Assamese or in Bengali, but if in any special case proclamations an any other language are required, they can be obtained on application to the Secretariat.

(iii) Section 7. It should be noted that the issue of the proclamation under S. 6 does not prevent the exercise of rights already enjoyed and in existence at the time of issue of proclamation, except rights of building, clearing land for ordinary cultivation, or cutting timber for the purpose of trade or manufacture. The rights thus excepted even though claimed by people living in or near the proposed reserve, must not be exercised except with the written permission of the Forest Settlement Officer. But any existing rights other than those specially, excepted may be exercised without such permission. For example, a person living in or near the proposed reserve may not, without written permission from the Forest Settlement Officer, build a new house or clear land for ordinary cultivation in the area specified in the proclamation. But he may if he has been in the habit of doing so, extract bamboos for domestic use and not for sale, and subject to local rules and practice, he may clear land for *jhum* cultivation, if he has been in the habit of practising such cultivation within the specified area. These examples do not exhaust the list of acts which may and may not be done after the issue of the proclamation. They are merely examples illustrating the law.

(iv) Section 6. The manner in which the proclamation is to be published is prescribed in S. 6. Copies of it should be posted in the court-houses, at the headquarters of each town-ship in which any portion of the proposed reserve is

situated and in conspicuous places in every town or village or near the proposed reserve. Copies should also be sent for distribution to the headmen of the circles and villages in the neighbourhood. The Forest Settlement Officer should not merely publish the proclamation. He should personally explain its meaning to the local village officials and, if possible, to the villagers concerned. The action taken by the Forest Settlement Officers in the matter of publishing and explaining the proclamation should be recorded in his proceedings.

(v) Section 8. As soon as practicable after the issue of the proclamation prescribed in S. 6 of the Regulation, the Forest Settlement Officer should visit ihe proposed reserve. If a Forest Officer has been appointed under S. 5 to assist the Forest Settlement Officer, both officers should visit the reserve together. The following general instructions relating to the enquir. into rights and claims should be carefully followed. It should be clearly understood that the enquiry is to be made by the Forest Settlement Officer, and not by the Forest Officer who may be appointed to assist him. The full responsibility for the enquiry and for the orders passed rests with the Forest Settlement Officer, and he alone should sign the records of evidence or statements which may be taken down and any order which may be passed or reports which may be submitted. The Forest Settlement Officer (with the Forest Officer if any) should inspect in as much as possible of the proposed reserve and should afford the people likely to be affected by the proposed reservation full opportunity of putting forward their claims on the spot. He should remain for some time in or near the proposed reserve for this purpose.

(vi) The Forest Settlement Officer is bound by law to take down in writing any settlements of claims in respect *of jhum* cultivation, or to rights of other kinds made under S. 6, and to enquire into all such claims. It is essential that the record of the enquiry should be full and complete. Any evidence tendered in support of such claims should be recorded in the same manner as evidence is recorded in a civil proceeding, but witnesses should not be put on oath the solemn affirmation. The Forest Officer (if any) should be allowed to question the witnesses, to produce any evidence bearing on any claim, and to state any objection he may wish to make. Any such objection must be recorded by the Forest Settlement Officer. The enquiry should not be confined to merely recording evidence produced by the claimants or by the Forest Officer. The Forest Settlement Officer should himself call for and examine any persons whom he may think likely to have knowledge of the facts. Under S. 9 he has power to summon witnesses and to require the production of documents, besides the power to enter, by himself or any officer authorised by him for the purpose, upon any land and, to survey, demarcate, and make a map of the same. It is his duty to ascertain the facts, and he is bound to enquire not only into claims put forward by the people, but also into the existence of any right of practice, though no formal claim may have been presented. In short, it is the business of the Forest Settlement Officer to ascertain by full and careful enquiry the actual state of things, the manner in which the reservation, if carried out, will affect the people in the neighbourhood, and the rights and privileges, if any, to which they are entitled. He has no power to confer by entry in the record any privileges which have never been enjoyed, merely because he thinks it expedient to grant them. But he is bound to express fully in reporting his operations, his opinion

and advice as to any such privileges which he may think it advisable to confer in the interests of the people.

(vii) The classes of claims with which the Forest Settlement Officer has to deal, and the manner in which they are to be dealt with, are described in Ss. 10, 11, 12, 13 and 14.

(a) Claims relating to the practice of jhum cultivation—S. 10. Any claim of this kind should, after enquiry, be dealt with as provided in S. 10. Special attention is directed to the requirements of this section which are somewhat complicated. It is for the Forest Settlement Officer to record a statement on consideration of the evidence, setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Provincial Government, together with his opinion whether the practice should be permitted or prohibited wholly or in part. If he considers that the persons making the claim can, without inconvenience, find sufficient land within easy reach of their village outside the proposed reserve, the continued practice *of jhum* cultivation within it should not be recommended, except under conditions accepted by the Forest Officer. If it considered necessary to allow *jhum* cultivation in the proposed reserve the Forest Settlement Officer may deal with the matter in one or two ways. He may, with the previous sanction of the State Government, either alter the limits of the proposed reserve, so as to exclude from it land sufficient for the needs of the persons claiming the right, or permit *jhum* cultivation in certain parts of the reserve, subject to such rules and conditions, as he may, with such previous sanction, prescribe. In fixing conditions and making rules under this section for the sanction of Government, the Forest Settlement Officer should take into consideration the views of the Forest Settlement Officer, if any, who is assisting him. It should be borne in mind that an order cannot be passed permitting the practice *of jhum* cultivation in the whole of the proposed reserve, and that an order cannot be passed, permitting the practice of *j'hum* cultivation in any part of the reserve as finally constituted, except under conditions previously sanctioned by the Governor. Finally, any permission granted under this section by the State Government to practise *jhum* cultivation, is in all cases a privilege subject to control, restriction, and abolition by the State Government, and is not a right.

(b) Claims to rights of way—S. 12. The Forest Settlement Officer must after enquiry pass an order specifying the particulars of any claim of this kind, and admitting or rejecting it wholly or in part.

Claims of this class will seldom present any features of special difficulty.

(c) Claims to right to water-courses or to use of water—S. 12. In this case, also an order must be passed specifying the particulars of the claim and admitting or rejecting it wholly or in part. The action to be taken in the case of claims of this class will seldom involve any difficulty.

Claims to right of pasture—Ss. 12 and 13. As in other cases, an order must be passed specifying the particulars of each claim of this kind and admitting or

rejecting it wholly or in part. Where a claim of this class is admitted, the provisions of Ss.13 and 14 must also be observed. The order may either provide for the exercise of the right by excluding sufficient land from proposed reserve or may continue the right of pasture within the reserve, or may commute the right by a money payment or, if the claimant agrees, by the grant of land or in such other manner as seems suitable. This is a case in which under S.12 (2), the position and area (which may be approximately stated) of the land over which the right is to be exercised, should be recorded. The area may be the whole or any part of the reserve. In continuing a right of pasture under this section, the Forest Settlement Officer must record a provision that the right is subject to such rules as the Governor may prescribe. Special attention is directed to S. 13 (2), by which it is laid down that an order passed continuing a right of pasture shall, as far as practicable, include a statement of the number and description of the cattle and the local limits within which, and the reason during which, they are permitted to graze. A right under this section may be admitted to a class of people (as a people of a Specified village) or to perons specified by name. Any other particulars necessary to define the extent to which a right of this kind is continued, and the mode in which it may be exercised must also be recorded, as well as the extent, if any, to which the benefit of the right may be leased, sold or bartered.

(e) Claims to rights to forest produce—Section 12. The general rule that an order must be passed specifying the particulars of a claim of this kind and admitting or rejecting it in whole or in part, applies in this as in other cases. The provisions of S. 13 also apply to claims of this class. As in the previous case, if the claim is admitted the order may exclude from the reserve sufficient land for the purpose of satisfying the claim. If this is not done, the right claimed must either be continued to the claimant, subject to any rules which the Governor may prescribe, or be commuted for a money payment, or, if the claimant agrees, by the grant of land, or in such other manner as seems suitable. Whether the claim is met by the exclusion of land from the proposed reserve, or by continuing the right within the reserve, or by commuting it under S. 14, it is necessary that the order should state whether the forest produce referred to may be sold or bartered, or whether it is only for the use of the persons exercising the right. If the continuance of the right within the reserve is permitted, the order must specify, as far as practicable the quantity of timber or other forest produce may be taken. Any other particulars necessary to define the extent to which a right of this kind is continued, and the mode in which it may be exercised, must also be recorded, as well as thtf extent, if any, to wnich it may be sold or bartered. The exercise of a right to forest produce may be permitted in the whole or any part of the reserve, and the right may be admitted to a class of people, *e. g.,* the people of a specified village or to persons specified by name.

(f) Other claims not included in the above classes—Section 11. Section 11 prescribes the method of dealing with claims not included in the preceding classes. In this, as in other cases, the Forest Settlement Officer is required to pass an order specifying the particulars of each claim and admitting or rejecting it wholly or in part. In cases in which a claim of this cjass is admitted, the Forest Settlement Officer must either arrange with the claimant for the surrender of the right or exclude the land in respect of which the right is claimed from the limits of the proposed reserve,

or acquire the land under the Land Acquisition Act. It is not necessary to give a detailed description of the procedure under the Land Acquisition Act as modified by this section. Recourse to this procedure will seldom be necessary.

(g) It is not frequently desirable to allow villagers to enjoy the use of paths, of pasturage, of minor forest produce and other easements to which they have been accustomed. Such grants should, however, only be shown as rights in those cases in which there are reasonable grounds for holding that such rights are legally established. In all other cases they should be shown as concessions.

A right-of-way, a right to pasturage, to the use of minor forest produce or to other easements can only be legally acquired against the State by grant of covenant or by uninterrupted use under claim of right for a period of 60 years *[vide* S. 26, Act IX of 1908].

(viii) **Section 20.** When any claim is preferred, the Forest Settlement Officer should consider under which of the above classes it falls, and should then proceed to investigate and pass orders on it in accordance with the above instructions. He should explain that any order issued by him is subject to the Governor's sanction, and this should be clearly stated in the order. A translation of every order passed on any claim should be furnished without delay to the person or persons affected by the order, to enable him to appeal if he wishes to do so. Attention is called to S. 16 of the Regulation which requires the Forest : ettlement Officer to receive and forward to the appellate authority any petitions of appeal against his orders. Whenever an order on a claim is passed, the Forest Settlement Officer should inform the person or persons concerned that they are at liberty to appeal within three months, and that they may lodge their appeals with him.

(ix) After completing the enquiry and passing orders on all claims presented to him the Forest Settlement Officer shall forward his proceedings to the Officer appointed to hear appeals from his orders. The proceedings shall include a copy of the notification issued under S. 5 and of the proclamation issued under S. 6, a record of the manner in which the proclamation was published, and of the steps taken to explain it the record of all evidence taken in the course of the enquiry, of all orders passed by the Forest Settlement Officer, and of any objections made under S. 8 by the Forest Officer (if any) assisting in the enquiry, and a full report summarising the proceedings and containing the recommendations of the Forest Settlement Officer concerning the constitution of the proposed reserve, the manner in which claims have been disposed of, and the privilege, if any which should, in the Forest Settlement Officer's opinion, be granted, whether any have been claimed or not. The Forest Officer (if any) assisting in the enquiry should see the draft of the report, and may record in writing any remarks he may wish to make and any such remarks should be filed with and form part of the proceedings. The report should distinctly state whether the Forest Officer agrees or disagrees with the Forest Settlement Officer either generally or on any specified point, but it shall not be signed by the Forest Officer. A statement of the limits of the reserve as finally recommended, and statements in the prescribed forms of any rights claimed in respect of the proposed reserve., should be attached to the proceedings.

The Forms A, B and C, in which the statements of claims should be recorded, are appended to these instructions.

(x) (a) A map of the area proposed to be reserved should be prepared by the Forest Officer for the approval of the Forest Settlement Officer and should be signed by both officers when it is finally passed by them. The boundaries of the reserve originally proposed should be outlined with a dotted red line and the area finally recommended with a dotted green line. Other existing reserves in the neighbourhood should have their boundaries outlined with a continuous green line. Areas excluded from the proposed reserve but within its boundaries should be surrounded with a dotted green line and the areas in which *jhum* cultivation is permitted should be coloured with a green wash. Paths and roads over which rights-of-way are reserved for the public should be indicated by brown broken line. The map must contain, legibly written, the names of all rivers, villages, ridges, etc. without exception mentioned in the statement of boundaries, and as far as possible of all those mentioned in the proceedings of the Forest Settlement Officer.

(a) The map should be prepared on the scale of 2 inches equal to 1 mile. Where this is too small a scale to illustrate the intricacies of certain portions of the boundary, these portions should be dealt with on a separate plan, or as an inset to the main plan.

(b) Where Survey of India maps of scales not smaller than 1 inch equal to 1 mile exist, use should be made of these. The Forest Officer should ascertain from the Provincial Survey office whether maps on the one-inch scale, if any, exist of the area in which the imposed reserve falls, and where such maps exist the officer-in-charge of the Assam Traverse Party and Drawing Office should be requested to supply paragraph enlargements to the 2-inch scale of the particular area with which it is repuired to deal. The Forest Officers should then supplement and correct these enlargements on the ground as may be found necessary for his purpose.

(d) In order to attain uniformity in the spelling of names of and in reserved forest so that forest maps and notifications may as far as possible agree, the following rules should be observed :

1. The spelling of proper names may be taken from the Survey of India Publications, where such are forthcoming. The orthography of these maps is reliable.

In the case of reserved forests which have neither been mapped nor notified, Conservator of Forests concerned should send the draft notification to Survey Superintendent concerned to obtain the correct spelling of names.

2. For reserved forest that have been notified but not mapped the Survey will enter the correct spelling in all their maps and will notify the Conservator concerned of corrections to names which appeared in the notification ; an amended notification will be issued if the errors are numerous and serious.

(xi) When the appeals, if any, preferred against the Forest Settlement Officer's orders have been disposed of, and the statements of rights and privileges completed, if necessary, in accordance, with the result of such appeals, the proceedings of the Forest Settlement Officer, with the proceedings if any, held by the appellate authority, should be submitted for the Governor's orders by the Commissioner, if the forest is situated in the Assam Valley districts, otherwise by the Deputy Commissioner, through the Conservator of Forests.

PROCLAMATION

[Under Section 6 of the Assam Forest Regulation VII of 1891]

1. The Governor, in a Notification No. R. , of having proposed to constitute the following area a reserved forest, notice is hereby given to all whom it may concern that this area is situated and bounded as follows :

Name of proposed reserved forest

situated in the.....district.....sub-division ..... pargana/mauza, bounded approximately as follows :

North—

East—

South—

West—

2. From this date no right can be acquired in or over this land except from Government or from some person or community previously possessing such right. This area cannot be built on, planted or cleared for cultivation or any other purpose, nor can trees be cut, except on the written permission of the Forest Settlement Officer ; provided that persons who have been constantly *jhuming* on such arrea, may continue to *jhum* pending further orders.

3. The Governor has appointed.....to be Forest Settlement Officer to enquire into all rights possessed or claimed, by any person, or village in or over such area in or over any forest produce of such area, and any person claiming in that area—

the privilege to *jhum,*

the right to use roads or paths for men or cattle,

the right to use water or water courses,

the right to graze cattle,

the right to cut or use timber or other forest produce,

the right to do any other acts,

shall appear before the said Forest Settlement Officer within ... ... months from this date, and have their claims recorded or shall forward to him,such claims in writing.

(4) Persons omitting to present their claims within this period incur the risk of losing any right they may possess, and any rights not recorded by the Forest Settlement Officer within this period will be extinguished, on the issue of the notification which it is proposed to issue constituting the area reserved forest.

(5) The settlement now being made will regulate for the future all questions of right to the land or produce.

Persons interested are reminded that, if and after this area is made a reserved forest, no acts can be performed by them, except in accordance with recorded rights or privileges or on the written permission of an officer of the State.

Dated the ..... Forest Settlement Officer

STATEMENT A

Regarding claims to practise jhum cultivation in the proposed reserve dealt with under S. 10 of the Assam Forest Regulation, VII of 1891

	1	No. of claim	
	2	Name and descriptionof claimant	
	3	No. in claimant's village of	Houses
	4		People
	5		*Jhum* cultivators
	6	Particulars of claim and of any local rule or order under which the practice is allowed or regulated	
	7	Opinion of Forest Settlement Officer whether practice should be permitted or prohibited wholly or in part	
	8	Order of Provincial Government on entry in column 7	
	9	Provision made for the exercise of *Jhum* cultivation under Cl. (a) or Cl. (b) of S. 10 (3) of Regulation	
	10	Order of Provincial Government on entry in column 9	
	11	Date of final order of Forest Settlement Officer	
	12	Date of appeal, if any	
	13	Order passed on appeal and date thereof	

STATEMENT B

Relating to claims to rights other than (a) a right-of-way, (b) a right to a water course and to use of water, and (c) a right of pasture or to forest produce in the proposed reserve dealt with under S. 11 of the Assam Forest Regulation, VII of 1891

No. of claim	Name and description of claimant	No. of claimant's village of		Particulars of claim	Order admitting or rejecting the claim wholly or in part	Manner in which claim has been disposed of under S. 11 (1), (2) and (3)	Date of order of Forest Settlement Officer	Date of appeal, if any	Order passed on appeal and date thereof
		Houses	People						
1	2	3	4	5	6	7	8	9	10

STATEMENT C

Relating to claims to right-of-way, water courses, pasture and forest produce in the proposed reserve dealt with under Ss. 12, 13, or 14 of the Assam Forest Regulation, VII of 1891

	1	No of claim													
	2	Name and description of claimant													
	3	No. in claitmant's village of	Houses												
	4		People												
	5		*Jhum* cultivators												
	6	Ordinary cultivators													
	7	Cattle													
	8	Particulars of claim													
	9	Order admitting or rejecting the claim wholly or in part													
	10	Designations, position, and area of land or buildings for the beneficial enjoyment whereof the claim is admitted													
	11	Particulars defining the nature, incidents and extent of the right to pasture or to forest produce													
	12	Provisions made for the exercise of the right to pasture or forest to produce under Cl. (a) or Cl. (b) of S. 13(1) of Regulation or for commutation of such right under S. 14.													
	13	Date of order by Forest Settlement Officer													
	14	Date of appeal, if any													
	15	Order passed on appeal and date thereof													

Rights of the State in land or produce. The granting of a concession is very different thing from the admission of a right and the permission which is sometimes granted to *raiyats* to continue to collect firewood or graze cattle in, or to use a path through, a forest after reservation, in cases where they are shown to have a special claim to consideration, is granted as a matter of grace, and not of legal obligation. Should any "rights" be found to exist by a Forest Settlement Officer in the case of future proposals to constitute forest reserves, the special attention of the Government should be drawn to the finding. For the present, it is sufficient to say that no private or public rights in land, or the produce thereof, are recognised by the State as existing in Assam other than those specially declared to exist by S. 6 of the Assam Land and Revenue Regulation of 1886 ; nor is there any reasonable probability of such rights ever being claimed. Even assuming the bare possibility of any person hereafter claiming some sort of right in land, or in the produce of land "at the disposal of the State," the view that such a possibility, which, no doubt, is entirely removed in the case of a reserved forest, reduces the actual status of the State in such land below that which it holds in reserved forests, is one the Governor cannot accept ; this explains why he has thought it necessary to give a legal basis to the action of the Forest Department in levying special rates of royalty in reserved forests.

1. Limit of temporary privilege. The maximum limit of the period for which temporary privileges may be granted in reserved forests is fixed at ten years. Forest Officer should obtain notice of the dates of Forest Settlement Officers' inquiries into rights and privileges in areas proposed as reserves, and bring to the Conservator's notice facts which might prove detrimental to forest conservancy, or matters which may not be sufficiently understood by the Settlement Officer.

Article 58 of the Forest Department Code lays down values not to be exceeded, except with the sanction of the Central Government.

2. Amended description of boundaries. Cases arise in which it may be desirable to publish, by means of a fresh notification, amended descriptions of the boundaries of forest reserves already notified under S. 1 of the Assam Forest Regulation or under other forest enactments. It has been ascertainedthat there is no legal objection to this course, if the fresh notification merely provides for the substitution of a more exact and definite description of the boundaries for that which was originally notified and which, though purporting to describe the boundaries as they existed at the time, has subsequently become incorrect or proved to be open to misconstruction. The appended form of notification is considered suitable for such cases, and may be employed whenever necessary.

The procedure permitted in the foregoing paragraph must not be held to extend to any such alteration of the boundaries on the ground as would involve either the inclusion of new areas or the exclusion of any lands which have been declared by the previous notification to be reserved forests. Such changes require either a new settlement of the additions it is proposed to make or, in the case of disforestation, the previous sanction of the Central Government.

NOTIFICATION

With reference to Notification No.....dated the.....under section.....of the Assam Forest Regulation (VII of 1891), at page.....of

the official Gazette of the ....., declaring the.....forests to be a reserved forest..... is pleased to direct that the following amended and more accurate description of the boundaries of the said forest be substituted for the description contained in the said notification.

3. Disforesting of forest areas. A draft notification in the form appended to this rule must, subject to such minor modifications as local circumstance may render expedient or necessary, accompany every application to the Central Government for sanction to disforest.

In all such applications it should be stated whether or not the local revenue and forest authorities agree to the disforestation proposed; and in the event of any objection to such disforestation being urged, its nature should be recorded for the information of the Government of India.

The advisability of submitting with the application a map illustrating the proposals made should be considered in each case by the State Government concerned.

DRAFT NOTIFICATION

The Governor (with the previous sanction of the President) is hereby pleased to declare, under the provisions of section..... of.....that the area specified below, which in Notification No. ..... dated the, ... was declared to be reserved forest under section ..... of that.....shall cease to be reserved forest, with effect from the

SPECIFICATION OF LAND DISFORESTED

Name of reserve or portion of reserve disforested	District	Pargana	Mauza	Area in acres
1	2	3	4	5

Boundaries

Brief description

Reasons for disforestation

The Central Government will be constrained to return, for correction any application to sanction exclusions from reserved forests, where the description of boundaries is inaccurate or not sufficiently detailed or precise.

4. Provincial Government may disforest an area up to ten square miles. Under the authority vested in him by S. 28 of the Assam Forest Regulation (VII of 1891), as amended by the Assam Forest (Amendment) Regulation, III of 1912, the President has ruled that the Governor of Assam may, without reference to the Government of India, sanction disforestations from reserved forests in territories in which the Assam Forest Regulation is in force when the area involved does not exceed ten square miles in each case.

5. Settlements made previous to the introduction of the Forest Act, VII of 1878. The rights of the State and private persons to or, over any land or forest produce in forests declared reserved or protected under S. 34 of the Indian Forest Act, VII of 1878, and notified in Notifications Nos. 5 and 6, dated the 17th October, 1878, previous to such declaration, were inquired into, settled, and recorded in a manner which the Governor deemed sufficient.

CHAPTER 3

Section I—General provisions

1. Definitions. In these rules, unless there is anything repugnant in the subject or context—

(a) "Special cultivation" means cultivation which involves, either owing to the nature of the crop or owing to the process of cultivation, a much larger expenditure of capital per acre than is incurred by most of the cultivators in the State. "Ordinary cultivation" means cultivation other than special cultivation.

(b) "Waste land" means land at the disposal of the Government, which the Government has not disposed of by lease, grant or otherwise, and which is not included in a forest reserve, or in a forest proposed to be reserved under S. 5 of the Assam Forest Regulation, VII of 1891, or in a protected forest constituted under the rules made under the said Regulation, and has not been allotted as a grazing ground under rules framed under S. 18 of the Assam Land and Revenue Regulation.

(c) An annual lease means a lease granted for one year only and confers no right in the soil beyond a right of *user* for the year for which it is given. It confers no right of inheritance beyond the year of issue. It confers no right of transfer or of sub-letting and shall be liable to cancellation for any transfer or sub-letting even during the year of issue :

Provided that the State Government may waive their right to cancel an annual lease and may allow its renewal automatically till such time as the State Government may direct in those cases in which the land is morgaged to Government or to a State-sponsored co-operative society.

(d) A periodic lease, except in the case of town land, means a lease granted for a period longer than one year, and in the case of town land, a lease for a period longer than three years. Subject to and so far as is consistent with any restrictions, conditions, and limitations contained therein, a periodic lease, the term of which is not less than ten years, conveys to the lessee the rights of a land holder as defined in the Assam Land and Revenue Regulation.

(e) The "terminal year of a local area" means the year up to which the rates of land-revenue shall, according to the orders passed by the State Government at the last settlement of that local area, remain in force.

(f) "Settlement" in these rules means the leasing of land at the disposal of the Government and includes the operations of survey classification and report, preliminary to such leasing.

(g) "Cost of survey" includes cost incurred by the Deputy Commissioner for the pay of the survey or and of the establishment.

(h) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not.

(i) "Tree" includes palms, bamboos, stumps, brush-wood and canes.

2. Powers of Deputy Commissioners. The disposal of waste land required for ordinary or special cultivation or for building purposes will vest in the Deputy Commissioner who will dispose of such land by grant, lease or otherwise in the manner and subject to the conditions set forth in the rules following ; provided that the Deputy Commissioner may expressly reserve any such land from settlement :

Provided that no land in any unclassed State forest containing trees declared as reserved trees under S. 32 of the Assam Forest Regulation 1891, shall be settled except with the previous approval of the State Government.

Note. For orders regarding the disposal of land left by settlement-holder dying without heirs, *see* paragraph 84-A of the Assam Executive Manual.

3. Delegation of powers of Deputy Commissioners. The Deputy Commissioner may, by general or special order, delegate to any Revenue Officer within the district all or any of the powers conferred by these rules including the power to receive application for land provided that—

(i) no officer of lower status than a Sub-Deputy Collector shall pass final orders to issue a periodic lease or to grant settlement of land ; and provided that Sub-Deputy Collectors may not exercise such powers if the land in question exceed 12 bighas or such other area as may be prescribed by the State Government by general or special order from time to time ;

(ii) delegation of powers under Rr. 18 (1) and (2) may be made only to a Sub-divisional Officer.

All orders passed by a subordinate officer under the provisions of this rule shall be subject to revision by the Deputy Commissioner.

Explanation. For the purpose of this rule, the words "Sub-divisional Officer" shall include Sub-divisional Officer of Sadar Sub-division also.

4. **Settlement Officer.** When a Settlement Officer has been appointed under S. 133 of the Assam Land and Revenue Regulation for any local area or class of estates, he shall exercise the powers of a Deputy Commissioner as conferred by these rules ; provided that he shall not settle any land which has been expressly reserved by the Deputy Commissioner from settlement ;

Provided further that the Deputy Commissioner shall continue to exercise the Dowers under R. 8.

5. Applications for Land. Application for leases of waste land shall be in writing and shall be presented to the Deputy Commissioner or to such other officer as may be empowered by the Deputy Commissioner under R. 3. They shall be made in such form as the State Government may from time to time direct.

[Vide Forms Nos. 125 and 126].

Note. Deputy Commissioners should indent for a sufficient number of these forms for sale by the Revenue Nazir—(a) to the public and (b) to the stamp vendors for retail sale to the public.

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15. Settlement of occupied lands not included in any lease. No person shall have any right to settlement merely because he is in occupation of land not included in any lease granted by the State Government either to himself or to any other person.

16. Prohibition to enter into land until issue of lease. Lease shall be issued on written application only, and no person shall, enter into possession of waste land in any area until a lease has been issued to him or otherwise a written permission by Deputy Commissioner has been granted to him, pending issue of such lease, to enter into possession.

17. Liability to pay revenue. If the occupant to whom settlement is offered accepts it, he shall be liable for the revenue assessed on the land from the commencement of the year in which he first occupied it. If the occupant refuses the settlement offered to him, settlement may be offered to any other person from the commencement of the year succeeding that in which the occupation was discovered and the actual occupant, notwithstanding his refusal to accept settlement, shall, from the commencement of the year in which he first occupied the land, be held liable for the revenue assessed on it.

17-A. The Deputy Commissioner may at any time on application or of his own motion, assess increment or grant reduction in the revenue in proportion to the charge in area of the lease as a result of gain by alluvion or by dereliction of a river, or loss by diluvion, during the currency of the settlement :

Provided that no such revision of the revenue and area of the lease shall be made until the parties concerned had been given reasonable opportunity of being heard.

18. Ejectment. (1) Subject as hereinafter provided, the Deputy Commissioner may eject any person from land over which no person has acquired the rights of a proprietor, landholder, or settlement-holder.

(2) When such person has entered into possession of land that has previously been reserved for roads or roadside lands or for the grazing of village cattle or for other public purposes, or has entered into possession of land from which he has been excluded by general or special orders and when, further, there is no *bonafide* claim of right involved, he may be ejected or ordered to vacate the land forthwith, and the Deputy Commissioner may sell, confiscate or destroy any crop raised, or any building or other construction erected, without authority on the land.

(3) (a) In all other cases ejectment shall be preceded by publication of a notice in the manner prescribed below requiring the occupant generally to vacate the land specified in the notice within 15 days of the date of publication of the notice on the land concerned or in a prominent place in the vicinity thereof, and to remove any buildings, houses, fences or crops, etc., which may have been raised on such land; provided that the Deputy Commissioner may give time to any particular occupant to harvest the crops, if any, growing on such land. Any buildings, houses, fences, crops, etc., which have not been removed in accordance with such notice shall be confiscated to the Government.

(b) The notice referred to in Cl. (a) of sub-R. (3) above shall be published by affixing a copy thereof in the Notice Board of the Office of the Deputy Commissioner or the Sub-divisional Officer, as the case may be, and also in the Notice Board of the Office of the Sub-Deputy Collector within whose jurisdiction the land is situated. A notice shall also be published by affixing a copy thereof on the land concerned or in a prominent place in the vicinity thereof.

(4) Any person or persons required by notice to vacate under the last preceding sub-rule the land which the person or persons occupy, shall comply with the requisition within the time prescribed in the notice, running from the date of its service.

(5) Any person or persons intentionally disobeying an order or requisition to vacate under sub-R. (2) or (3) shall be liable to a penalty which may extend to two hundred rupees, and, in case such disobedience is continued to a further penalty which may extend to fifty rupees for each day during which such breach continues.

(5-a) Any person who having been once evicted under sub-R. (2) or sub-R. (3) from any land encroaches on any land over which no person has acquired the right of a proprietor, land holder, or settlement holder, shall on conviction before a Magistrate, be liable to imprisonment which may extend to six months or fine which may extend to one thousand rupees or with both.

(6) Nothing in sub-R. (3) of this rule shall apply to any person who has refused an offer of settlement in respect of the land of which he is in possession.

19. Land revenue and minimum assessment. The land-revenue payable on account of any lease shall be determined by such general orders regarding the assessment of land revenue as may have been issued by the State Government when confirming the last settlement of the local area or class of estates in question. Where no such general orders exist, the special orders of the State Government shall be taken :

Provided that the minimum assessment of an estate shall be one rupee.

20. Fraction in assessment. In fixing the total demand on an estate fractions of a paisa shall not be taken into account. Any fractions of paisa less than half paisa shall be neglected; half a paisa or more shall be counted as a whole paisa if the assessment of an estate amounts to one hundred rupees or more, any fraction of a rupee less than fifty paise shall be omitted and fifty paise or more shall be treated as one rupee.

21. Royalty on timber. The following provisions shall apply to cases of all leases for ordinary cultivation :

(a) No royalty shall be payable on any forest produce except timbersold, bartered, mortgaged, given or otherwise transferred or removed for transfer. The timber sold, bartered, mortgaged, given or otherwise transferred or removed for transfer shall be liable to the full royalty under the rules relating to unclassed State forests.

(b) Before a lease is granted the applicant may (and shall if, for special reasons to be recorded, the Deputy Commissioner so require) clear his liability for royalty upon all timber afterwards sold, bartered, mortgaged, given or otherwise transferred or removed for transfer by the pre-payment of a sum representing the full royalty on all trees which are likely to be sold, bartered, mortgaged, given or otherwise transferred or removed for transfer. The sum to be so paid shall be estimated by the Deputy Commissioner either on the basis of rate per *bigha,* or in such other manner as may be fair and equitable. The estimate of the Deputy Commissioner shall be final. The pre-payment shall be made either in one instalment or in such series of instalments as the Deputy Commissioner may, by general or special order, determine.

(c) At any time during the pendency of a lease the lessee may in the manner set forth in Cl. (b) clear his liability in respect of all trees still standing on the land.

(d) Notwithstanding anything contained in the preceding clauses, trees which were planted, or began to grow, on the land during the pendency of a lease shall be exempted from all payments of royalty even if sold, bartered, mortgaged, given or otherwise transferred or removed for transfer. When land has been settled continuously for twenty years, all trees standing thereon shall be presumed to have been planted, to have begun to grow, during the pendency of the lease.

(e) If no trees other than trees exempted under Cl. (d) are standing upon the land of a lessee, he may at any time apply to the Deputy Commissioner for an endorsement to this effect upon his lease, and the Deputy Commissioner, after ascertaining that allegation is correct, shall make such endorsement free of charge.

(f) Subject to the payment of such royalty, if any, as is due under Cls. (a), (b) or (c) of this rule, the holder of a periodic or annual *patta* shall be entitle to cut down or sell any tree standing on the land covered by his lease ; provided that the holder of an annual *patta* shall not be entitled to cut down or lop branches from trees of such classes and within such areas as may be notified in this behalf by the State Government.

Note 1. The words "notified in this behalf by the State Government" in R. 21 (f) refer only to notifications issued from time to time under this rule and not to other notifications issued by the State Government.

Note 2. Leases for land settled with persons carrying on special cultivation for allotment to the labour force under their control for ordinary cultivation shall for the purpose of timber valuation be governed by Rr. 37 to 39.

22.Refund of value of timber or resignation of a grant. In any case in which settlement holder has paid royalty for timber standing on his estate he may, in case he hereafter resigns the whole or any portion of his estate, be granted a refund of the value of the timber of trees standing thereon subject to the following provisions :

(i) Where the area resigned is a compact area of 250 acres or upwards the settlement-holder shall be entitled to a refund, in respect of all unused timber, of the royalty paid at the time of settlement.

(ii) Where the area resigned is not a compact area of 250 acres, refund of the royalty paid at the time of settlement in respect of all unused timber may be made at the discretion of the Commissioner.

(iii) Where a settlement-holder resigns land on which valuable trees have been planted subsequent to settlement, a fair valuation of the trees standing on the land may be paid to the settlement-holder at the discretion of the State Government.

(iv) When a refund is claimed under Cl. (i) or (ii) it shall be for the settlement-holder to prove the amount of royalty paid at the time of settlement in respect of the area resigned. The Deputy Commissioner shall cause a Forest Officer to estimate what proportion the value of the standing trees bears to the value of the trees at the time of settlement, and the amount of the refund shall bear the same proportion to the amount of royalty paid at the time at settlement ; provided that the Commissioner may at his discretion authorise a Forest Officer to assess the timber at its present market value in situ, in cases where it is not possible to prove the amount of royalty paid in respect of the area resigned.

23. Road-side land. (1) Nothing in these rules shall entitle any persons to obtain a lease in respect of land within 35 feet from the foot of the slope of a public road. Any person occupying or encroaching on such land shall be liable to ejectment under R. 18 of these rules.

Explanation. The expression "public road" includes any road maintained by the State Government or by a local board, and any other road declared by the Deputy Commissioner to be a public road for the purpose of this rule.

(2) Except under the general or special orders of the State Government, no new periodic lease shall be issued in respect of land within one chain (66 feet) of the 35 feet reservation alongside roads maintained by the State Government.

Note. This rule applies to existing and not to projected roads. It is, however, open to the Public Works Department to apply to the Deputy Commissioner to utilise his powers under R. 2 so as to reserve from settlement otherwise than on annual lease land lying within 126 feet from the centre line of a projected road.

Section II.

Special provisions relating to applications for special cultivation

29. The following additional rules shall apply only to applications for waste land for special cultivation.

30. Applications to be in writing. Leases for special cultivation will be issued on written application only.

31. Lands which may not be leased under this section. (1) Ordinarily, waste land of the following description shall not be leased under this section without the special sanction of the State Government :

(a) Land in forests reserved, or proposed to be reserved, under S. 5 of the Assam Forest Regulation VIE of 1891, and land in unclassed forests containing trees declared as reserved trees under S. 32 of the Assam Forest Regulation, 1891.

(b) Land specially valuable for grazing or for the supply of fuel and other forest produce.

(c) Land known or supposed to contain valuable minerals.

(d) land claimed by wild tribes, or over which the inhabitants of neighbouring villages claim special privileges

(2) The Deputy Commissioner shall refer all applications received for special cultivation to the Divisional Forest Officer for report on (1) (a) and (b) above.

Note. When examining an application referred to him under this rule, a Forest Officer should consider whether the timber on the land or any part of it can be advantageously disposed of under R. 39.

32. Land applied for to be compact. If the area applied for exceeds 50 acres, it must be compact and such as might be enclosed within a ring fence. If the land touches a public road or navigable river, the length of the road or river, frontage must not exceed one-half the depth of the area applied for; but if for any special reasons the State Government see fit to relax this restriction, they may do so.

37. Valuation of timber. The Deputy Commissioner, shall, as soon as possible after an application has been filed under this section and admitted by him, cause a Forest Officer to make an estimate of the full royalty valuation of the trees on the land applied for.

The Forest Officer shall submit his valuation, if the royalty at full rates would not exceed Rs. 1,000 to the Deputy Commissioner, and the Deputy Commissioner, if he does not approve of it, may refer the matter, to the Conservator, whose decision shall, subject to the orders of the State Government, be final. If the royalty at full rates would exceed Rs. 1,000, the Forest Officer shall before sending his valuation to the Deputy Commissioner, submit it for confirmation to the Conservator, who may reduce it up to a maximum of 50 per cent, if he considers that it is too high, having regard to the in accessibility of the timber to a market or to any other consideration. Should the Conservator consider that a larger reduction is called for than 50 per cent on the Forest Officer's valuation, he will report the case to the State Government for sanction to such reduction. If the applicant is dissatisfied with the valuation fixed by the Conservator, he may appeal to the State Government.

38. In special cases, payment of the value of timber on the land may be postponed for such time and under such conditions as the State Government may decide.

39. Prior disposal of timber. Nothing in these rules shall prevent the Deputy Commissioner from disposing of the timber or any part of it on the land applied for before settlement is completed. Any such disposal of the timber shall be arranged as soon as possible after the receipt of the report of the Divisional Forest Officer under R. 31 (2), and a definite period not exceeding two years shall be fixed within which the timber disposed of shall be removed. If and when timber is so disposed of by the Deputy Commissioner the valuation of the remaining timber shall be made as soon as possible; provided also that the lessee shall be given the right of entering for the purpose of commencing cultivation, previous to such valuation being completed, if he so desires.

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45. Right of a lessee. Subject to the special conditions laid down, a lease for special cultivation shall confer a permanent, heritable and transfer able right. The term of the lease shall be 15 years after which the holder shall be entitled to settlement on a periodic *khiraj* lease for special cultivation at the rates then current in the district.

46. Reservations between adjoining grants. In the case of all leases of land exceeding 50 acres and not exceeding 600 acres granted under these rules, the Deputy Commissioner shall reserve from settlement—

(a) any land which in his opinion is required for public passage, and

(b) a strip of land at least 10- feet wide between the grant and adjoining grants (if any).

In the case of leases of land exceeding 600 acres, the Deputy Commissioner shall, in addition, divide the land into convenient blocks and reserve similar strips between each pair of adjoining blocks.

If in any particular instance the Deputy Commissioner is unable to follow this rule, he shall report the departure together with his reasons to the Commissioner, who may pass such orders as he thinks fit:

Provided that if at any time it appears to the Commissioner that the continuance of any reservation made under this rule, excepting those over which the public have acquired a right-of-way, is unnecessary, he may cancel such reservation and settle the land over which the reservation was made in such manner either by exchange with land already settled, or otherwise, as may appear to him desirable.

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CHAPTER 4

Privileges and concessions

1. Concessions granted in Mangaldai Sub-division. As a special case, the grant of khaira trees in unclassed State forests to the Cacharis of the 12 mauzas named below in Mangaldai sub-division is authorised on home consumption permits on payment of the nominal royalty of 4 annas per tree.

1. Kalaigaon
2. Chinakona
3. Majikuchi
4. Sekhar
5. Dakuk
6. Harisinga
7. Ambagaon
8. Barsilajhar
9. Orang
10. Silpota
11. Northern part of Balgaon Mauza
12. Northern part of Samabari Mauza.

2. North Lakhimpur. The Sub-divisional Officer of North Lakhimpur may exercise his discretion, and permit the felling of uriam trees free of royalty in localities where land for *jhuming* is comparatively scarce, and where real hardship is being caused by people having to choose inferior land on account of the better soil having uriam trees on it ; but this discretion should be exercised by him on the distinct understanding that whenever the people wish to remove the timber or any portion of it for sale, they must pay the full royalty on each tree, as otherwise the concession would rapidly degenerate into the regular felling of the Uriam trees for the purpose of trade.

3. Sylhet. Royalty should not be levied on bamboos cut down by the dao-taxpayers in course of cultivation in addition to the dao-tax levied on them.

4. Gauhati. Mikirs are exempted from the payment of any tax for collecting firewood for sale in the Gauhati town when, in the opinion of the District Officer, the sale merely earns for them a bare livelihood.

5. In North Cachar. Members of all Hill tribes of the North Cachar Hills Sub-division are exempted from the payment of royalty on firewood brought by them for sale from the unclassed State forests in the North Cachar Hills to the Station of Haflong as well as outside bazars within the Sub-division when, in the opinion of the District Officer, the sale merely earns for them a bare livelihood, subject to the condition that throughout the area affected both by this new concession and by the existing concession the Sub-divisional Officer does his utmost to induce the villages from which the firewood is produced for sale to adopt permanent in place of shifting cultivation wherever it is possible and reports progress in five years ; and that if it is found that at any Bazar a regular trade in fuel is started and fuel is exported, the concession will be withdrawn from that area.

6. Shooting in reserved forests, Naga Hills District. As special case, the grant of licences free of charge to the raiyats of Barpathar for the purpose of shooting in the neighbouring Government reserved forest is authorised.

7. In Hill areas Deputy Commissioners are empowered to exempt, in consultation with the Divisional Forest Officers, specified kinds of minor forest produces and articles manufactured as a home industry from such produce from payment of royalty and from all restrictions as regards sale in particular markets or areas. The area covered by the order and in market or markets at which the produce may be sold should be clearly specified.

8. I. (a) As special concession and without prejudice to the rights of the State over unclassed State forests, tax paying residents and tribesmen, and all servants of the State and pensioners living in the Sadiya Frontier Tract may extract for their own domestic use only from unclassed State forests in the Sadiya Frontier Tract unreserved timber, either green or dead, firewood, bamboos, cane thatching grass, ekra, nal, patidal, patidoi, fodder, grass, stones, gravel and sand without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter or gift, and the quantity extracted at a time shall be limited, except with the permission of the Political Officer, to what the concessionaire himself can carry, or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Political Officers.

(b) All servants of the State and pensioners living in the Sadiya Frontier Tract may remove and utilise free of royalty such timber as the Divisional Forest Officer considers necessary for the construction of their dwelling houses and for their personal use, but not for sale, trade of gift.

II. (a) The Political Officer is authorised to gtant permits free of royalty to tribes men of the district to cut and remove dugouts from trees of reserved species, for domestic purposes from unclassed State forests in the Sadiya Frontier Tract.

(b) A similar concession may be granted under the authority of the Political Officer to other residents of the Sadiya Frontier Tract, where in his opinion special circumstances warrant it.

III. The felling of trees of all reserved species permitted in *jhums* cleared by tribesmen for cultivation.

IV. Tribesmen may fell, remove and utilise free of royalty timber of all species and other forest produce, such as Toko leaves, cane etc., for house building and domestic use from unclassed Stale forests in the Sadiya Frontier Tract, but not for sale, trade, barter or gift.

V. Tribesmen of the Sadiya Frontier Tract are exempted from the payment of royalty on small quantities of firewood collected from unclassed State forests, and on salved drift timber offered for sale in the bazars of the district, when in the opinion of the Political Officer, the sale merely earns them a bare livelihood.

The powers exercised under these rules by the Political Officer may be exercised by the Assistant Political Officer, Pasigaat, in respect to tribesmen of the sub-division.

A return showing the number of species of reserved trees granted free for dugouts under Rules II (a) and II (b) will be submitted annually at the close of the financial year to the Divisional Forest Officer for incorporation in his Forms.

VI. The Civil Hospital at Sadiya is exempted as a special case from payment of royalty on firewood obtained from the neighbouring unclassed State forests for consumption within the hospital.

9. Jorhat and its vicinity. The pattadars of Jorhat and its vicinity, i.e., within a radius of five miles from the Municipal Area of Jorhat Town in the District of Sibsagar only exempted from necessity of obtaining certificate of origin to cover firewood removed from their patta lands. Beyond a radius of 5 miles this exemption does not hold good.

10. (I) Without prejudice to the rights of the State over the reserved forests, tribesmen including the settlers of such Daffla villages in the Balipara Frontier Tract as are specially authorised by passes issued by the Political Officer each year, are allowed as a special concession revocable at the will of the Governor of Assam, to extract from the reserved forests in the Balipara Frontier Tract excluding the Sonai-Rupai Game Sanctuary, without payment of royalty, trees of reserved species for making into dugouts, poles of unreserved timber, either green or dead, firewood, bamboos cane, thatching grass, ekra nal, geregua patidal, patidoi, fodder grass, stones gravel and sand if such forest produce is not procurable in the unclassed State forests, for their own house-building and domestic use only and care for sale also, when in the opinion of the Political Officer, the sale merely earns them a bare livelihood; provided that no forest produce except cane extracted under this rule, shall be sold, bartered, mortgaged, given or otherwise transferred or removed for transfer and the quantity extracted at a time shall be limited, except with the permission of the Political Officer, to what the concessionaire can himself carry or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Political Officer.

(II) As a special concession and without prejudice to the rights of the State over unclassed State forests, all servant of the State and pensioners living in Balipara

Frontier Tract may extract for their own house-building and domestic use only from unclassed State forests in Balipara Frontier tract unreserved timber either green or dead, firewood, geregua, and other minor forest produce as mentioned in R. (I) (a) without payment of royalty; provided that forest produce extracted under this rule shall not be transferred by sale, barter or gift and the quantity extracted as a time shall be limited except with the permission of the Political Officer or what the concessionaire himself can carry or where the ordinary means of extraction is by boat or other means of conveyance to such corresponding limit as may be fixed by the Political Officer.

(III) The Civil Hospital at Charduar is exempted as a special case from payment of royalty on firewood obtained from neighbouring unclassed State forests for consumption within the hospital and also for use in the Public Health Department Incinerator at Charduar its control.

(IV) A return showing the number of species of reserved trees granted free for dugouts under R. 10 will be submitted annually at the close of the financial year to the Divisional Forest Officer for incorporation in his forms.

11. Rules as approved by His Excellency the Governor for granting concession regarding removal of timber, certain other forest produce, etc,, from the forests in the Tirap Frontier Tract.

1.(a) As a special concession and without prejudice to the rights of the State over unclassed State forests, tribesmen, tax-paying residents, Government servants and pensioners living in the Tirap Frontier Tract may extract for their own house building and their own domestic use only timber of any species, firewood, bamboos, cane, thatching grass, *toko* leaves, *ekra, nal, patidoi, patidal,* fodder gross, stones, gravel and sand without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter, or gift, and the quantity extracted at a time shall be limited, except with the permission of the political officer, to what concessionaire himself can carry or where the ordinary means of extraction is by boat or other means of conveyance to such corresponding limit as may be fixed by the political officer, and subject to the limitation contained in paragraph 1 (b),

(b) The concessions to tax-paying residents, Government servants and pensioners is limited to those whose monthly incomes are Rs. 30 or less.

2.(a) The political officer is authorised to grant permits free of royalty to tribesmen of the district to cut and remove dugouts from trees of reserved species for domestic purposes from unciassed State forests in the Tirap Frontier Tract.

(b) A similar concession may be granted under the authority of the political officer to other residents of the Tirap Frontier Tract where in his opinion special circumstances warrant it.

The fellings of trees of all reserved species is permitted in *jhums* cleared by tribesmen for cultivation.

Tribesmen in Tirap Frontier Tract are exempted from the payment of royalty on small quantities of firewood collected from unciassed State forests and on salved drift timber offered for sale in the bazar of the district, when, in the opinion of the political officer, the sale merely earns them a bare livelihood.

A return showing the number and species of reserved trees granted free for dugouts under Rr. 2 (a) and 2 (b) will be submitted annually at the close of the financial year to the Divisional Forest Officer, for incorporation in his forms.

12. Rules as approved by his excellency the Governor for granting concessions regarding removal of timber, certain other forest produce, dugouts and firewood from forests in the Naga Hills.

I. (a) As a special concession and without prejudice to the rights of the State over unclassed State forests, tribesmen living in the Naga Hills may extract for their own domestic use only from the unclassed State forests in the Naga Hills unreserved timber, either green or dead, firewood, bamboos, cane, thatching grass, *ekra, jilly,* wormwood, fodder grass, stones, gravel and sand without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter or gift and the quantity extracted at a time shall be limited, except with the permission of the Deputy Commissioner, to what the concessionaire himself can carry, or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Deputy Commissioner.

(b) Tribesmen of the Naga Hills are exempted from the payment of royalty on small quantities of firewood collected from the unclassed State forests in the Naga Hills for sale to the residents of the district, when, in the opinion of the Deputy Commissioner, the sale merely earns for them a bare livelihood.

II. The Deputy Commissioner is authorised to grant permits free of royalty to tribesmen of the district to cut and remove dugouts from trees of reserved species for domestic purposes from unclassed State forests in the Naga Hills.

III. The felling of trees of all reserved species is permitted in *jhum* cleared by tribes men for cultivation.

Tribesmen may fell, remove and utilise free of royalty timber of all species and other forest produce, such as *toko* leaves, cane etc, for house building and domestic use from unclassed State forests in the Naga Hills, but not for sale, trade barter or gift.

V. The powers exercised under these rules by the Deputy Commissioner may be exercised by the Sub-divisional Officer, Mokokchung, in respect to tribesmen of the sub-division.

VI. The Civil Hospital at Kohima is exempted as a special case from payment of royalty on firewood obtained from the neighbouring unclassed State forest for consumption within the hospital.

A return showing the number of species of reserved trees granted fee for dugouts under R. 11 will be submitted annually at the close of the financial year by the Deputy Commissioner, Naga Hills, to the Divisional Forest Officer, Sibsagar division, for incorporation in his forms.

CHAPTER 5

[Under S. 6 of the Elephant Preservation Act, 1879 (VI of 1879)]

ELEPHANT HUNTING RULES

1. A licence to catch wild elephants in any mahal or sub-division of a mahal which will be opened for kheddah shikar, with or without mela shikar and in which elephant catching opeiations by the forest department will not be undertaken, shall be granted to a selected manager by the Deputy Commissioner within whose jurisdiction the mahal is situated, in consultation with the Commissioner and the Conservator of Forests.

2. Licences to catch wild elephants in any mahal, in which hunting will be by mela shikar only shall be granted by the Deputy Commissioner to individual owners or employers of koonkies after publication of notice in such manner as he shall think fit inviting applications for such licences and after consultation with the Commissioner and the Conservator of Forests.

3. All licences shall be in the form prescribed in Appendix A or to the like effect.

4. The licensee shall pay royalty on all elephants captured (excepting those released under Cl. 13 of the licence from dying or killed) in the attempt to capture, or during or after capture at such rates as may be laid down from time to time by the Provincial Government.

5. Only such persons shall be licenced to manage kheddah shikar mahals as can be trusted to work personally in their mahals and not merely through agents, and who have shown their capacity not only for catching but also for training and looking after elephants mercifully.

6. A licence shall remain in force for one hunting season only.

7. Hunting operations shall not begin before 1st October and shall close not later than 15th March, but the Deputy Commissioner may permit the building of stock-ades from any date after 11th August. During April, May and early June mela shikar on a small scale, called Gajali Shikar, may be permitted under R. 2 above in suitable areas when considered desirable.

Explanation. In this rule term “Hunting operations” means all operations prior to and including actual capture.

8. The Deputy Commissioner in consultation with the Divisional Forest Officer and the licensee shall, from time to time, fix the depots to which all captured elephants shall be sent. A subordinate forest officer shall ordinarily be placed in charge of each depot or group of depots.

9. The Deputy Commissioner and any officer specially authorised by the Commissioner in consultation with the Conservator of Forest in this behalf may release or destroy or put under medical treatment at the expense of the license any

captured elephant suffering from lack of fodder or of water, or by reason of mutilation, starvation or other ill-treatment.

10. The licensee shall not carry any guns during mela shikar and not more than guns per stockade at any other time.

11. The Deputy Commissioner not later than the time of issuing the licence shall inform the licensee what silvicultural and other operations by the Forest Department are likely to be undertaken in the mahal so far as the Conservator can then see.

12. Rules 2, 5, 6, 8 and 11 above shall not apply in the case of elephant catching operations undertaken by the Forest Department of the Provincial Government.

NOTES

These rules were framed *vide* Notification No. 4 392 R, dated 14th November, 1930.

Executive Orders REGARDING the Elephant Hunting Rules

1. The maintenance of a stock of wild elephants suitable for any elephant hunting area shall be ensured by regulating the length for the intervals of rest or by limiting the number of stockades, the hunting season or the number of koonkies to be employed, but not ordinarily by limiting the number of elephants that may be caught during the season.

2. The Deputy Commissioner in consultation with the Divisional Forest Officer shall report by the 1 st of February in each year to the Commissioner as to the necessity for elephant hunting operations in his district during the following season, indicating the areas where such operations should be under taken, and the Commissioner after consulting the Conservator of Forests shall report by 1st of May in each year for the sanction of the Provincial Government what areas should be-opened, what method of capture should be allowed and what royalty should be charged for each elephant caught.

3. The Conservator of Forests, after consulting the Commissioner, will sumbit by 1st of June in each year for the sanction of the State Government a list of any areas in which it is desired to conduct elephant hunting operations by the Forest Department. After sanction the Deputy Commissioner concerned shall issue a licence under the Elephant Preservation Act, 1897, in the name of the officer-in-charge of such operation in the following form". No royalty shall be payable in the case of elephants caught in operations by the Forest Department :

"I hereby grant to .... this licence to capture wild elephants within the area described below in the district of ..... subject to the provisions of the Elephant Preservation Act, 1879 (VI of 1879) and the rules made thereunder:

Boundaries
North
East
South
West

Dated ..... Deputy Commissioner."

4. When it is decided by the State that khedda shikar area should be opened for a second season, the Deputy Commissioner in consultation with the Conservator of Forests may renew the licence of a manager who has worked satisfactorily during the previous season.

5. The Deputy Commissioner in whose district it is decided to open a mahal should a range that necessary licences to catch elephants and carry arms are issued to the mahaldar well ahead of the date of opening of the mahal as the success of the operations frequently depends upon the prompt receipt of these licences. Depot officers also should avoid delay in issuing transit passes when demanded by the purchasers of elephants after payment of the royalty due to the State as any delay in this matter may prevent the profitable disposal of the elephants by the traders.

6. When issuing licences Deputy Commissioners should inform Mahaladars that male elephants that are too big for the koonkies to tackle may be destroyed as soon as they are caught in a stockade. The mahaldar must report such occurrences immediately to the Depot Officer, and in the case of tuskers should deliver the tusks, which remain the property of the State at the nearest forest office.

No royalty will be paid on elephants thus destroyed.

7. Rewards to finders of elephant tusk. (1) In order to make the production of tusks more attractive to finders and to prevent smuggling and loss of revenue, the finder of a tusk will be given a reward in a single and final payment up to 30 per cent, of the estimated sale value of the ivory. To enable Divisional Forest Officers to estimate the value of ivory for the purpose of the payment, a scale of value shall be fixed by the Conservator of Forests, for each district or group of districts, from time to time corresponding to the fluctuations in value according to size, weight, etc., of the ivory. The Divisional Forest Officers should obtain sanction of the Conservator of Forests to the payment of reward for the full amount of 30 per cent, of the value. This rule will not apply to the Garo Hills where the Deputy Commissioner has full discretion in the matter of granting rewards to the finders of elephant tusks.

(2) The Conservator of Forests has been authorised to sanction the payment of rewards for the production of elephant tusks in the Naga Hills District up to 50 per cent, of the value.

NOTES

The executive orders regarding the Elephant Hunting Rules were framed *vide* Government letter No. 1989-R, dated the 27th June, 1931.

8. Executive orders. (1) Licences in the form approved by the State for the destruction of mature male wild elephants may be issued by Deputy Commissioners, free of any charge or fee, to approved sportsmen who have had previous shikar experience with big game in areas where crops or property are liable to be destroyed or human life endangered by these animals.

(2) Licences should generally be made valid until the following June 30, and in any case, for not more than 12 months.

(3) The Divisional Forest Officer should usually be consulted regarding the persons who can be safely entrusted with licences and no license-holder, to whom he has objection, should be authorised to enter any reserved forest.

(4) A licence should not be renewed in the case of any holder who, it is found, fails to kill most of the elephants at which he fires, who when requested to do so does not assist as much as might reasonably be expected in the destruction of dangerous wild elephants in the vicinity of his home, who is suspected of breaking game and other laws, who fails to observe S. 74 of the Assam Forest Regulation, or who, for any other reason, becomes con sidered an unsuitable person to remain a licence-holder.

9. A court-fee of twelve annas should be strictly insisted upon by all Deputy Commissioners on each application for a licence to catch wild elephants.

NOTES

These executive orders were added by Memo No. FOR-334/2205-08-R, dated the 25th July, 1935.

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CHAPTER 6

MISCELLANEOUS RULES

(B) Royalties from quarries

Supply of forest produce to other Government Departments

In Central Government Circular No. 2-F, dated the 24th January, 1889, it was decided that the revenue realised from quarries and minor mineral products in Government forests and lands, which are under the management of Forest Department, should be credited to “Forests” ; but where such forests and lands are not under the management of that department, to “Land Revenue (Miscellaneous).”

The question whether, under these rulings, the Forest Department is entitled to charge royalty to another department of Government upon minerals taken from the forest area, has more than once come before the Central Government: but, though it has usually been decided, on these individual references, that the Forest Department was entitled to levy a royalty on all materials supplied to other departments, no definite general ruling on the subject has yet been laid down. The Central Government now consider it desirable to issue formal orders in the matter for general guidance, in order to secure uniformity of procedure and to prevent the possibility of misunderstanding.

They consider that a distinction may properly be drawn between vegetable products which strictly appertain to a forest as such, and animal products which depend for their existence, either directly or indirectly upon the presence of the forest, on the one hand, mineral products, the existence of which is independent of the fact that the land is a forest, on the other. They consider, also, that it is undesirable to extend to contractors working for a Government department, any privileges which the department itself may enjoy when operating directly by its own establishment.

They direct therefore that the Forest Department shall charge other Government Departments for all vegetable or animal products extracted from a forest area, in the same manner in which it charges the public ; and that it shall similarly charge contractors for all mineral products extracted by them, whether on behalf of a Government department or not. If a Government department extracts mineral products for sale, they also will be charged for. But the Forest Department will not charge other Government departments for mineral products extracted from a forest area by the direct agency of the department concerned under its own supervision and without the intervention of contractors or middlemen, for its own use, and not for disposal to the public or other departments. For such products the Forest Department will take no credit in the Public (Treasury) Accounts of Government. But for statistical purposes the value of these products should be shown in the returns furnished by the Forest Department, just as the value of timber and other forest produce removed by free grantees or right-holders is already shown.

The ruling that certain forest products shall not be charged for if directly extracted by other Government departments for their own use, in no way confers upon such departments any right of entry upon or of working in the areas under the charge of the Forest Department. That department retains its full powers of control; and, subject to the orders of superior authority, will continue to fix and limit the localities where such extraction may take place, and to impose any conditions which it may consider necessary for the safety of its forests and the convenience of its own work.

The above rulings will apply, *mutatis mutandis* to every class of forest or waste land at the disposal of the State independently of the agency by which such land may be administered.

(B) Construction of roads

Construction of roads through reserved forests by tea **planters**

The Conservator of Forests is authorised to permit the construction of roads through reserved forest by tea planters when such roads are likely to prove of advantage to the Forest Department on the following conditions :

(i) That the breadth and alignment of the road be approved by the Divisional Forest Officer.

(ii) That timber growing on the proposed alignment of the road may be utilised free of charge for the purpose of constructing bridges and that, if necessary, additional timber may be granted from the reserves for this purpose.

(iii) That the road will remain reserved forest, and no rights of any kind whatever in the land covered by the load will be conferred on the planter constructing it.

(C) Encampment in forests

Troops in reserved forests

With a view to prevent complaints of damage being done in Government reserved forests on the passage through such forest of troops and camp followers of any regiment or detachment, it has been arranged with the military authorities that at least two weeks' notice of the date of marching and the route to be followed shall, except in cases of sudden emergency, be given by the Officers Commanding to the Divisional Forest Officer, with a view to enable the latter to depute a forest guard or other official to accompany the troops, and to point out to them which trees and saplings or other forest produce may be cut and which may not be cut. No permission will, however, be needed to collect dead firewood.

It should be understood that no clearances whatsoever should be made in Government reserved forests, and that the places of encampment should be restricted to the grounds provided for that purpose.

(D) Rewards

Rewards may be granted to any Officer in tne public service who is not a Gazetted Officer, and to informers, as follows :

(i) When a sum of money has been accepted by way of compensation under S. 62 of the Assam Forest Regulation, the Conservator of Forests may award any portion of such sum not exceeding one hundred rupees ; or a Divisional Forest Officer, specially empowered by the Conservator in his behalf may, in the like circumstances, similarly award any portion of such sum not exceeding 20 rupees.

(ii) When a person has been convicted by a Magistrate of an offence under the Assam Forest Regulation, the Deputy Commissioners at head quarters and in sub-divisions the Sub-divisional Officer, may, on the application of the Divisional Forest Officer, award a sum which is not in excess of the amount recommended by such Forest Officer and of the proceeds of any fine or confiscation, or both ordered by the convicting court. The Divisional Forest Officer should submit his recommendation to the Deputy Commissioner or the Sub-divisional Officer, as the case may be, through the trying Magistrate, who will add such remarks as he thinks necessary. In the case of prosecution instituted by the police the recommendations for rewards should be submitted by the prosecuting officer through the trying Magistrate, the Superintendent of Police and the Divisional Forest Officer being informed of the action taken in order to give them an opportunity of amending the recommendations of the prosecuting officer if necessary.

If no fine or confiscation has been ordered by the convicting court, or if the proceeds thereof are in the opinion of the Deputy Commissioner or the Sub-divisional Officer, as the case may be, insufficient for the purpose,

the Deputy Commissioner may, on the application of the Divisional Forest Officer, grant a reward not exceeding the amount recommended by such Forest Officer, to be paid out of the funds at the disposal of such Forest Officer ; provided that a Divisional Forest Officer or prosecuting officer shall not recommend the payment of a reward under this rule in excess of Rs. 20. If they consider that a large reward should be given, they should refer the matter to the Conservator who is authorised to recommend a reward exceeding Rs. 100.

(iii) In cases other than those mentioned in Cls (i) and (ii) the Divisional Forest Officer may grant a reward not exceeding twenty rupees and the Conservator may grant such rewards in excess of twenty rupees : provided that no reward exceeding two hundred rupees shall be granted under this rule in any one case ; provided also that no reward shall be granted under the foregoing rules to any Forest Officer unless be has displayed unusual ability, diligence, courage or acumen or endured exceptional hardship or risk.

Note. (1) Deputy Conservators of Forest and Extra Deputy Conservators of Forests have been authorised by the Conservators of Forest to grant rewards.

(2) This rule is applicable for the purpose of granting rewards to finders of rhino horns.

Conservators of Forests are authorised to sanction the grant of a reward not exceeding Rs. 100 to any person who gives reliable information regarding the commission of a forest offence : provided that he is not concerned by any way in the commission of this offence.

(E) Duties of Mauzadars' in unclassed State Forests

In the Assam Valley Districts tahsildars and mauzadars will be in immediate charge of, and responsible for the management, and due observance of rules relating to unclassed State forests within their jurisdiction under the order of the Divisional Forest Officer. All breaches of the rules relating to such forests must be reported by them to the Divisional Forest Officer. They are also responsible for making rules issued under the Forest Regulation known to all persons concerned throughout their respective jurisdictions. They are further bound to prevent the felling and removal from the unclassed State forests in their charge of wood or other forest produce, except where such felling and removal is authorised by the rules in force relating to such forests.

In the Surma Valley unclassed State forests will be in the immediate charge of subordinate officers of the Forest Department under the orders of Divisional Forest Officer. The tahsildars of the Surma Valley will have no concern with such forests.

The system of managing unclassed State forests in force in the Assam. Valley districts, is extended to the Jaintia parganas of Sylhet. The subordinate officers of the Forest Department will continue to take part in the management of unclassed State forests in Jaintia as they do in the Assam

Valley, issuing permits, controlling fellings, and enquiring into breaches of the forest rules. The tahsildars in Jaintia will be responsible for the observance of the rules relating to unclassed State forests in their respective jurisdictions under the Divisional Forest Officer ; they will be required to report any breaches of the rules which may come to their notice, and will be empowered to issue trade and home consumption permits.

Instructions to mauzadars in matters concerning raiyats must bear the Divisional Forest Officer's signature and vernacular translations must be carefully scrutinised to avoid errors.

The Conservator of Forests is authorised to import coolies for the use of the Forest Department whenever it appears advantageous to do so.

(F) Sale of Forest Mahals and Coupes

(1) In selling forest mahals in unclassed State forests due regard should be paid to the requirement of local villagers who need forest produce for any home industries that may be carried on. In such cases either smaller mahals should be formed so that they can be taken up by the local people or a certain area of the forest land should be reserved so that the necessary forest produce for the home industries can be extracted under the ordinary permit system.

(2) When formation of a new forest mahal is proposed, it should be carefully considered how such mahal may affect the use of forests and of waste lands in it by the surrounding population and the Deputy Commissioner must be consulted before new mahals are formed. The list of the mahals to be sold in each district should be carefully examined by the Deputy Commissioner in consultation with the Divisional Forest Officer and all mahals that are likely to bring in very little revenue and the retention of which in the sale list cannot be supported by any special reason from a departmental point of view, should be struck off the list. This should, however, be done without prejudice to the right of the State to reconstitute these mahals should circumstances justify such action in the future.

(3) Forest Officers, when disposing of timber, should consider and make such arrangements as are possible to supply on reasonable terms the domestic needs of the surrounding population and in order to encourage local people to work in the forest as traders, the size of the coupes should be reduced, where this is practicable.

(4) The sale notice of a forest mahal or coupe should be in the vernacular and should state the name of the mahal or coupe, its approximate area and other particulars necessary for its identification, the term and price for which it was sold on the last occasion, the term for which it will now be sold and the date, place and conditions of the sale. The notice should be published at least a month before the date of sale at all range offices within the locality covered by the mahal, at the local thana, sub-registry office, circle office, at the Kutchery of the Deputy Commissioner or Sub-divisional Officer and in the bazars in the neighbourhood of the mahal. The Divisional Forest Officer should consult the Deputy Commissioner or the Sub-divisonal Officer concerned as to the particular places where the sale notices should be published

and the latter officers will give any necessary assistance in the publication of the notice.

(G) Appointment of Honorary Forest Officers

Selected Indian and Europeon gentlemen, living in the vicinity of Game Sanctuary or Forest Reserves, may be appointed Honorary Forest Officers under S. 3 (1) of the Assam Forest Regulation by the Conservator of Forests, Assam ; provided that they are in a position to render assistance in the protection of forest and the preservation of wild life ; and provided that the Deputy Commissioners and the Political Officers concerned have no objection. Such appointments, a list of which will be submitted every three years for approval of the Provincial Government, will be renewable after every three years and in each case will be limited as regards jurisdiction to the particular areas where the assistance of Honorary Forest Officers is required. All Honorary Forest Officers will be assistants to the Divisional Forest Officers in the areas for which they are appointed, but without jurisdiction over the divisional staff. They will exercise powers, in whole or in part, as shall be determined in each case by the Conservator depending on whether the appointment is for the general protection of the forests or only for the preservation of wild life, under Ss. 49, 49-A, 60 and 61 of the Assam Forest Regulation. They will become liable under S. 58 (1), and will be bound to take appropriate action under S. 74.

NOTES

The words “every three years” and “after every three years”, were substituted for “annually” and “each year” *vide* Government letter No. FOR 351/58/132, dated 21st September, 1967.

RULEs

THE ASSAM SETTLEMENT OF FOREST COUPES AND MAHALS BY TENDER SYSTEM RULES, 1967



THE ASSAM SETTLEMENT OF FOREST COUPES AND MAHALS BY TENDER SYSTEM RULES, 1967

1. Title and application of the rules. (1) These rules shall be called the Assam Settlement of Forest Coupes and Mahals by Tender System Rules, 1967.

(1) They shall come into force at once.

(2) They shall extend to all areas to which the Assam Forest Regulation, 1891 applies.

2. **Definitions.** In these rules, unless there is anything repugnant in the subject or context—

(a) "Conservator" means "Conservator of Forests" and includes "Chief Conservator of Forests" also ;

(b) "Coupe" means a compact area wherein a number of trees are permarked for sale by auction or tender and for removal within specified period ;

(c) "Mahal" means a defined area wherefrom certain types of forest produce are sold on condition of their removal within a specified period.

NOTES

It was held in *Bilash Ram Baishya* v. *Divisional Forest Officer* [1976 ALR **145],** that the seized timbers cannot come within the meaning of "Coupe". For considering the question whether the seized timbers advertised for sale were forest produce or mahal it is necessary to look to the definition of 'forest produce' as defined in sub-Ss. (3) and (4) of of S. 3 of the Assam Forest Regulation. Their Lordships also considered the definition of the word 'Mahal', which means an area wherefrom certain types of forest produce are sold on condition of their removal within, a specified period. That being the position, the seized timbers, as advertised in the sale-notice in question may be said to be a 'Mahal' and as such, the sale of the seized timbers in question, as stated in the sale-notice, may be said to be a sale under the Assam Settlement of Forest Coupes and Mahals by Auction System Rules, 1967. In *Mona Goshain* v. *State of Assam* [(1983) 1 GLR 147], the word 'coupe' has been defined as a compact area where **a** number of trees are permarked for sale. The trees which have felled and permarked no longer remain the part and parcel of the coupe.

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3. Notice for tender. A notice calling for tender for settlement of a coupe or a mahal shall be published in the official Gazette not less than 15 days before the last date fixed for submission of tender.

4. Particulars to be included in the notice. The notice shall state—

(i) the name of the coupe or the mahal;

(ii) the particulars necessary for its identification ;

(iii) the period for which it is proposed to be settled ;

(iv) the last date and time for submission of tender ;

(v) the officer to whom and the manner in which the tender is to be submitted ;

(vi) the place at which the tender is to be submitted ;

(vii) the earnest money that will have to be paid ;

(viii) in the case of Royalty-cum-Monopoly Sale, the minimum stipulated quantity should be quoted ;

(ix) any other particulars deemed necessary by the authority calling for tender.

5. Earnest money. (1) Before submission of any tender, the tenderer shall deposit, in the treasury or in any branch of an approved Scheduled Bank, an earnest money (as fixed by tne Conservator) by bank draft/treasury challan for each coupe or mahal pledged to the officer calling for tender.

(2) The earnest money shall be reduced by 50 per cent in case the tenderer belongs to any of the scheduled castes, scheduled tribes, or the backward classes recognised by the State Government.

6. Tender and its enclosures. (1) There shall be a separate tender for each coupe or mahal with the requisite court fee affixed to it.

(2) Each tender shall be in the tender form prescribed in Schedule A below and the tenderer shall state in the tender his full name and address and his father's name (or husband's name if the tenderer is a woman) and full address, with post office and telegraph office.

(3) The tenderer shall also state in the tender the maximum outright price or the monopoly fee per rupee of royalty, as the case may be, which is prepared to pay for each coupe or mahal, and shall also make a declaration as follows :

> "I agree that i will not withdraw the tender offered by me during the time that will be required for intimation of acceptance of the tender for coupe/mahal being given to me; nor will I withdraw it afterwards, should my tender be accepted. If I withdraw the tender, then I am liable to pay the whole sum of the tender or such amount on account of deficiency as in the opinion of the Conservator of Forests, Assam may be considered necessary to make good the whole of the loss and damages that may be suffered by Government in consequence thereof, and I shall pay the same, and if I fail to pay it, then it will be recovered from me as arrear of land revenue."

(4) The tender shall be accompanied by the following documents, namely :

(i) A copy of the treasury challan or a bank draft evidencing deposit of the prescribed earnest money ;

(ii) An up-to-date income tax clearance certificate ;

(iii) If a tender is submitted on behalf of a Co-operative Society, or a firm or a joint stock company, then in addition to the requirement of (i) and (ii) above,—the original or certified copy of the registration certificate of the society or the firm or the company given by the respective Registrar in Assam, and the copy of the resolution authorising the person who signs the tender to manage the business of such society, firm or company on its behalf, and to undertake the liabilities as a tenderer on behalf of the society, firm and company and information regarding authorised, subscribed and paid-up capital of the concern ;

(iv) If the tender is submitted by a person belonging to any of the Scheduled Castes, Scheduled Tribes or other Backward Classes then in addition to the requirements of (i) to (iii) above, the original or certified copy of the certificate in support of his claim to belong to such community from the Deputy Commissioner of the District or the Sub-Divisional Officer of the sub-division within whose territorial jurisdiction the tenderer permanently resides ;

(v) Documents evidencing financial soundness of the tenderer :

Provided that such documentary evidence shall not be necessary in case of a tenderer who has been registered under any rule prescribed by the State Government for registration of forest contractors, but in such case he shall furnish the particulars of his registration.

NOTES

It was held in *Khoi Singha* v. *State of Assam* [(1983) 1 GLR 410], that this rule is optional and not mandatory. In *Muffasin Ali Barbhuiyan* v. *State of Assam* [AIR 1971 A and N 171 (DB)] it was held that this rule is directory.

After lengthy discussions it was also observed that whatever label may be given to the nature of settlement, namely ‘privilege’ or ‘licence’ or ‘so called right’, but it is a proceeding for enforcement of certain rights to the qualified persons who are entitled to get it and the validity of settlement, if arbitrary and capricious, can be questioned by any person. The discretion to grant largess by the Government is subject to two restrictions. First, the award must pass the test of reasonableness and public interest. Ordinarily all Governmental actions, whether done under the authority of law or in exercise of executive power without making law, failing to satisfy the tests of reasonableness and public interest are invalid. Secondly, while selecting the recipients, the Government is not at liberty, like a private individual, to pick and choose, as it likes. The Governmental action must be objective and impersonal, consistent and responsible. The validity of its action is liable to be tested on the touchstone of the principles of reasonableness, relevancy and the doctrine of equality judicially involved as a rule of Administrative Law running parallel with the doctrine of equality enshrined in Art. 14. Clause (v) mandates production of documents evidencing their financial puisance. Other Cls. (ii) and (iv) speak about production of ‘certificates’, whereas Cl. (v) mandates production of ‘documents’. Hence there is clear distinction between ‘certificate’ and ‘document’.

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7. Any other conditions not inconsistent with the rules. The authority calling for tender may call for any other particulars from the intending tenderer with a view to identify the tenderer or to eliciting information about his financial soundness.

8. Procedure for dealing with the tenders. (1) After the scrutiny of the tenders, the order for acceptance of any tender shall be passed by the respective competent authorities whose competency shall be according to the delegation of financial powers under the Assam Delegation of Financial Powers Rules, 1960.

(2) Where, according to the limit of financial power under the Delegation of Financial Powers Rules, 1960, the officer receiving the tenders is not competent to pass order of acceptance of tender, he shall forward the tender papers with his comments to his next higher authority for necessary action.

9. Appeal and review. (1) An appeal shall lie, within 15 days from the date of issue of the order of acceptance of tender as follows :

(a) against the order passed by the Divisional Forest Officer—to the Conservator whose order in appeal shall be final ;

(b) against the order passed by the Conservator—to the Governor of Assam, whose order in appeal shall be final.

(2) A petition shall lie to the Governor for review of his original order within 15 days from the date of issue of such order but no petition for review of appellate order of Governor shall lie.

(3) The appeal or the review petition, as the case may be, shall be in triplicate, two copies of which shall be submitted to the appellate or reviewing authority and one copy shall be simultaneously sent by the appellant or the petitioner to the Divisional Forest Officer direct. Only on the principal copy need be affixed the requisite court fee.

NOTES

As held in *Maneshwar Basumatary* v. *Niranjan Bachak* [1976 ALR -94], an appeal has been provided under the rules and has to be disposed of with the minimum requirements of a judicial approach. In support thereof, the decisions of the Supreme Court in *Shivji Nathubhai* v. *The Union of India,* [AIR 1958 SC 248] and in *State of Assam* v. *Hari Singh* [AIR 1969 SC 29] were referred to and in the last one cited, it was observed :

> "It is therefore clear that the duty of an authority invested with power to decide a question to act judicially need not arise from express enactment, it may result from necessary implication of the statute."

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10. No obligation to accept highest or any tender. There shall be no obligation on the part of the competent authority to accept the highest or **any** tender or to assign any reason for rejecting any tender.

11. Preference and concession in settlement with tenderers belonging to scheduled castes, scheduled tribes, or other backward classes. (1) Subject **to** suitability

and ability of the tenderer to perform the work satisfactorily, preference and concession in settlement of a coupe or mahal shall be admissible in the following manner to a person belonging to any of the scheduled castes, scheduled tribes, or other backward classes recognised by the State Government, provided the recognised highest offer for the coupe or the mahal does not exceed Rs. 50,000 :

(a) If the offer from a member of the above mentioned categories of persons is not below $92^{1}/_{2}$ per cent of the recognised highest offer, the coupe or the mahal shall be settled with such person at his own offer.

(b) Even if the offer from a member of the afore-mentioned categories of persons is below $92^{1}/_{2}$ per cent of the recognised highest offer, the coupe or the mahal may at the discretion of the competent authority be settled with such person at an amount $7^{1}/_{2}$ per cent less than the recognised highest offer.

(2) The preference and the concession shall also be admissible in the following manne to a co-operative society, provided not less than 80 per cent of the members thereof are persons belonging to scheduled castes, scheduled tribes or other backward classes and provided the recognised highest offer for the coupe or the mahal does not exceed Rs.1 lakh:

(a) If the offer from the above mentioned co-operative society is not below 90 per cent of the recognised highest offer, the coupe or the mahal shall be settle with such co-operative society at its own offer ;

(b) Even if the offer from the co-operative society is below 90 per cent of the recognised highest offer, the coupe or the mahal may at the discretion of the competent authority, be settled with such co operative society at an amount 10 per cent less than the recognised highest offer ;

(c) As between individual members of the categories mentioned in sub-R. (1) above and a co-operative society mentioned in this sub-rule, the co-operative society shall be given preference over the individuals.

(3) No preferential treatment and concession as metioned in (1) and (2) above shall be admissible when the recognised highest offer for the coupe or the mahal exceeds Rs. 50,000 or Rs. 1 lakh, as the case may be.

NOTES

This rule was substituted, *vide* Notification No. FOR 329/65/46, dated the 25th September, 1967, in exercise of the powers conferred by Ss. 33, 34 and 72 (e) of the Assam Forest Regulation, and the substituted rule read as follows :

"11. Preference and concession in settlement with tenderers belonging to scheduled castes, scheduled tribes, or other backward classes. (1) Subject to suitability and ability of the tenderer to perform the work satisfactorily, preference and concession in settlement of a coupe or mahal shall be admissible in the following manner to a person belonging to any of the scheduled castes, scheduled tribes, or other backward classes recognised by the State Government, provided the recognised highest offer for the coupe or the mahal does not exceed Rs. 35,000 :

(a) If the offer from a member of the above mentioned categories of persons is within 7-1/2 per cent of the recognised highest offer, the coupe or the mahal shall be settled with such person at an amount 7-1/2 per cent less than the recognised highest offer.

(b) Even if the offer from a member of the aforementioned categories of persons is not within 7-1/2 per cent the recognised highest offer, the coupe or the mahal may at the discretion of the competent authority be settled with such person at an amount 7-1/2 per cent less than the recognised highest offer.

(2) (a) The preference and the concession mentioned in sub-R. (1) above shall also be admissible to a co-operative society, provided not less than 80 per cent of the members thereof or persons belonged to scheduled castes, scheduled tribes or other backward classes ;

(b) As between individual members of the categories mentioned in sub-R. (1) above and a co-operative society, formed in the manner of (a) above, the co-operative society shall be given preference over the individuals.

(3) No preferential treatment and concession as mentioned in (1) and (2) above shall be admissible when the recognized highest offer for the coupe or the mahal exceeds Rs. 35,000".

12. No joint settlement. No coupe or mahal shall be settled jointly with more than one person except in the case of a co-operative society or a firm or a joint stock company duly registered in the office of the appropriate Registering Authority in Assam.

13. Option to refuse settlement with a defaulter. The authority com petent to make settlement shall have the discretion to refuse settlement with a tenderer who, though otherwise suitable, is a defaulter in respect of any forest revenue in any forest division in Assam.

14. Security deposit. (1) The tenderer whose tender has been accepted shall, within 15 days of the issue of the final order of acceptance, make a security deposit in the manner directed by the authority competent to make settlement.

(2) The amount of such security shall be at the following rate namely :

(i) 10 per cent on the first Rs. 2,000 of the amount at which the coupe or the mahal is settled, subject to a minimum of Rs. 100.

(ii) 5 per cent on the amount in excess of the first Rs. 2,000, subject to a minimum of Rs. 200.

(3) In case of a tenderer belonging to any of the scheduled castes/ scheduled tribes or other backward classes, the amount of security deposit mentioned in sub-R. (2) above shall be reduced by 50 per cent.

(4) The authority competent to make settlement may, in its discretion call for additional security which together with the ordinary security mentioned in sub-Rr. (2) and (3) above shall not exceed 25 per cent of the total value at which the coupe or the mahal is settled.

15. Instalments. The amount at which the coupe or the mahal is settled shall be paid is in the following manner :

(1) Where it is settled for one year, in four equal instalments at interval of not more than 2 months each, the first instalment falling due on the same day on which the security deposit is required to be made.

(2) Where it is settled for less than one year, in two equal instalments the first instalment falling due on the same day on which the security deposit is required to be made and the second instalment not less than 2 months before the expiration of the period of settlement.

(3) Where it is settled for more than one year, the total amount payable for each year shall be paid in four equal instalments at interval of not more than 2 months each, the first instalment of the first year falling due on the same day on which the security deposit is required to be made and the first instalment in succeeding year falling due at the beginning of each year.

16. Agreement. An agreement of settlement shall be executed within one week of the payment of the security money as mentioned in R. 14, by the tenderer whose tender has been accepted by the competent authority.

17. Cancellation and resale for failure to pay security and instalments and to execute agreement. If the tenderer whose tender has been accepted fails to pay on due dates the security mentioned in R. 14 or to pay the instalments mentioned in R. 15, or to execute the agreement mentioned in R. 16, the settlement of the coupe or the mahal shall be liable to be cancelled and the coupe or the mahal may be resettled for the remaining part of the settlement period at the risk of such tenderer as regards the loss to Government and if the proceeds on re-settlement are less than the value at which it was originally settled, the difference shall be realisable from him ; and further, the earnest money and the security money if already deposited, shall be liable to be forfeited.

NOTES

As held in *Bilash Ram Baishya* v. *Divisional Forest Officer* [1976 ALR 145], for dues under this rule, the Divisional rorest Officer may request the Deputy Commissioner of the district for realisation of the dues as provided under Chapter V of the Assam Land and Revenue Regulation read with R. 16 of the Settlement Rules. But the Divisional Forest Officer Goalpara cannot make any request for initiation of proceedings to the Baki jai Officer or Collector Kamrup under Chapter V of the Regulation.

This rule is applicable only when in fact and in reality a coupe or mahal is re-sold and then the difference between re-sale value at which it was originally settled is realisable as due. As held in *Bejiram Ingti* v. *State of Assam* i(l981) 1 GLR 222], there is no provision to treat such arrears as dues under the Rules.

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18. Mode of realisation of amount. Any amount due under these rules shall be re coverable as arrears of land revenue.

19. Power of attorney. No power of attorney or mortgage deed or any encumbrance shall be recognised in respect of the coupe or the mahal except when executed with previous permission in writing from the authority competent to make the settlement.

20. Right of withdrawal of any coupe or mahal. The authority competent to make settlement shall have the right to withdraw any coupe or mahal from settlement at any time before issue of final order of acceptance of tender.

NOTES

Under this rule both the Government in the Forest Department and the authority competent to accept the tender shall have the right to withdraw. It is being recognised that settlement is a very drastic power, comprehensively affecting the rights of citizens which demands fair administrative procedure. Natural justice is demanded in case of revocation, suspension of leases or settlements already granted ; and the same principle has been applied to initial leases or settlements as well. It is being recognised that settlement is a drastic power, greatly affecting the rights of the citizens, and that this demands administrative procedure. It is the duty of the authorities concerned to observe natural justice in the context.

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21. Extension of the period of settlement. (1) No extension of the period of settlement shall ordinarily be admissible.

(2) In case, however, there is delay in passing final order of settlement by more than 2 months beyond the date from which the period of settlement is to commence, the Divisional Forest Officer within whose jurisdiction the Coupe or mahal is situated may give extension by so much time as has been lost beyond the aforementioned 2 months : provided such delay was not caused by any lapses on the part of the tenderer himself.

(3) Where, under exceptional circumstances, any extension beyond the time mentioned in sub-R. (2) obove is found to be justified, such extension may be given on the following conditions :

(i) extension may be given only in respect of coupe and not in respect of mahal ;

(ii) extension under this sub-rule together with any extension given under sub-R. (2) shall not exceed one year ;

(iii) extension under this sub-rule may be given only by the authority which passed the final order of acceptance of tender ;

(iv) an extension fee for any extension given under this sub-rule shall be payable at progressive rates, namely :

(a) for the first 6 months under such extension —1 per cent, of the total value at which the coupe is settled ;

(b) beyond the first 6 months—2 per cent, of such total value.

NOTES

Sub-rule (1) confers discretion in the Government to grant extension of coupes or mahals in ‘exceptional cases’. The nature and power of the State Government is purely discretionary.

However, the exercise of the power should not be arbitrary. As held in *Daya Ram Basumatary* v. *The State of Assam* [(1982)1 GLR 334J, some tincture of judicial discretion is necessary in making such an order.

As held in *Sureshwar Mazumdar* v. *State of Assam* [(198?) 1 GLR 399], a bare perusal of sub-R. (3) of R. 21 shows that it is only applicable in case where exceptional circumstances exist and not otherwise. It is equally incumbent on the part of the person concerned to invoke sub-R. (3) to show existence of any exceptional circumstances for which extension of period is sought for. If he fails to do so it is not obligatory on the part of the authority concerned to allow such a prayer even if as a matter of course one claims the existence of any such exceptional circumstances. In *Jagannath Choudhary State of Assam* [(1985) 1 GLR 496] also their Lordships observed that extension may be granted only in exceptional cases and one of the relevant conditions is that extension may be granted on payment of proportionate value or extension fee, as determined by the competent authority to grant extension. Their Lordships considered the words 'on payment" to be significant. According to Black's Law Dictionary, the expression 'payment' means— "the fulfilment of a promise or the performance of an agreement, discharge of an obligation or debt and part-Payment, if accepted .....Payment is delivery of money or its equivalent in either specific property or services....."

22. The settlement of a coupe or a mahal under these Rules shall be without prejudice to the working of other forest produce or catching of elephants inside the coupe or the mahal by other coupe holders or mahaldars during the same period.

SCHEDULE 'A'

TENDER FORM

To

..... [here state the designation and address of the officer to whom the tender is to be submitted].

I hereby submit my tender as follows :

1. Full name and address of the tenderer .....
   ..... (In Block letters)
   Post Office .....
   Telegraph office .....
2. Name of the father or the husband of the tenderer...
   Address .....
   Post Office .....
   Telegraph office .....
3. Previous experience, if any...
4. The name and description of the coupe/mahal for which the tender is given
5. The outright price offered by the tenderer for the coupe/mahal...

Or

The monopoly fee per rupee of royalty offered by the tenderer for the coupe/mahal...

6. Declaration :

"I agree that I will not withdraw the tender offered by me above during the time that will be required for intimation of acceptance of the above tender for coupe/ mahal being given to me ; nor will I withdraw it afterwards, should my tender be accepted. If I withdraw the tender, then I am liable to pay the whole sum of the tender or such amount on account of deficiency as in the opinion of the Conservator of Forests, Assam may be considered necessary to make good the whole of the loss and damages that may be suffered by Government, in consequence thereof, and I shall pay the same, and if I fail to pay it, then it will be recovered from me as arrears of land revenue.

Signature of the tenderer"
Dated.....

Enclosures :

(a) Treasury Challan No. ..... dated ..... or pledged bank draft of the approved Schedule Bank ..... dated .....
as evidence of deposit of earnest money.

(b) Income-tax clearance certificate dated .....

(c) Documents in evidence of the financial soundness of the tenderer...

(d) In case of Co-operative Society or Firm, or Joint Stock Company :

(i) Original or certified copy of the Registration Certificate from the Registrar concerned in Assam.

(ii) The certified copy of the resolution authorising the person who signs the tender to manage the business of such Society, Firm or Company and to undertake the liabilities as a tenderer on behalf of the Society, Firm or Company concerned.

(iii) Statement regarding authorised, subscribed and paid-up capital.

(d) In case of a tenderer belonging to any of the Scheduled Castes/ Scheduled Tribes or other Backward Classes, the original or certified copy in support of his claim to belong to such community from the Deputy Commissioner or Sub-divisional Officer..... dated .....

Note. The tenderer is advised to strike out those portions of the form which do not apply to his tender.

RULEs

THE MEGHALAYA TREE (PRESERVATION) RULES, 1976



The 20th August, 1976

No.MFG.23/2/72-76: - In exercise of powers conferred by Section II of the Meghalaya Tree (Preservation) Rules, 1976, the Government of Meghalaya is hereby make the following rules namely: -

THE MEGHALAYA TREES (PRESERVATION) RULES, 1976.

1. **Short title, extent and commencement:** - (1) These rules may be called the Meghalaya Tree (Preservation) Rules, 1976.

   (2) They shall extend to the areas where the Rules is in force.

   (3) They shall come into force, with effect from the date of their publication in the Official gazette.

2. **Definitions** : - In these rules unless the context otherwise requires: -

   (1) Conservator of Forests - means the Conservator of Forests, Meghalaya.
   (2) Divisional Forest Officer - means the Divisional Forest Officer, Khasi Hills Division.
   (3) Form - means the form appended to these rules.
   (4) Rules - means the Meghalaya Tree (Preservation) Rules, 1976
   (5) words and expressions used but not defined in these rules but defined in the Rules shall have the meaning respectively assigned to them respectively in the Rules.

3. **Application: Application how to be made** :- (1) An application for permission to fell a tree or trees shall be made to the Divisional Forest Officer in Form No. 1.

   (2) The application shall be submitted in duplicate and a court Fee stamp of Rupees three and paise thirty shall be affixed to one copy thereof.

   Application to be acknowledged:- (3) On receipt of an application referred to in sub-rule (1) duly stamped with proper fee the Divisional Forest Officer shall issue a written acknowledgement in Form No. II.

   (4) The Divisional Forest Officer shall maintain a register if receipt and disposal of the applications in Form No. III.

4. **Grant of or refusal of permission** - (1) On receipt of an application referred to under Rule above, the Divisional Forest Officer may cause such enquiry as he deems fit and call for a report from such forest officer not below the rank of forester within 7 (seven) days from the date of receipt of such application.

   (2) The enquiry referred to under sub-rule (1) above shall be completed within 10 (ten) days from the date of order and a detailed report thereof submitted to the Divisional Forest Officer, in Form No. IV.

   (3) In case the Divisional Forest Officer is not satisfied with the report referred to the sub-rule (2) above, he may cause a second enquiry before passing any order on the application.

   (4) The Divisional Forest Officer on receipt of the report referred to under sub-rule (2) and /or (3) above shall accord such permission to fell the tree or trees or shall reject the application.

   (5) Permission for felling the tree or trees shall be communicated to the applicant in

Form No. V.

(6) Rejection of the application shall be communicated to the applicant in Form No. VI stating the reasons therefore,

5. Appeal: - (1) Any person aggrieved by the order of the Divisional Forest Officer refusing permission under sub-rule (4) and (6) of Rule 4 may prefer an appeal to the conservator of Forests within 30 (thirty) days from the date of receipt of such order by the applicant.

(2) The appeal petition shall be submitted in duplicate and a court fee stamp of Rs. 11 only shall to be affixed on one submitted copy thereof and the same submitted directly to the Conservator of Forests.

(3) The duplicate copy of the appeal petition shall be submitted through the Divisional Forest Officer who shall forward the same to the Conservator of Forests with his comments within 7 (seven) days from the date of receipt thereof.

(4) The appeal petition shall contain a copy of the order of the Divisional Forest Officer against which the appeal is preferred.

(5) On receipt of the appeal petition submitted through the Divisional Forest Officer, the Conservator of Forests may call for such aggrieved party and record his statement before passing orders.

6. Seizure and seized articles : - How to be disposed- (1) Seizure of any produce or produce thereof or any articles under Section 6 (1) of the Rules shall be reported to the Divisional Forest Officer within 24 hours of such seizure in Form No. VII in duplicate. On receipt of the report the Divisional Forest Officer shall arrange for the custody of the seized trees or articles.

(2) The Divisional Forest Officer on receipt of the seizure report, shall forward a copy to the report forthwith to the District magistrate.

(3) Any property confiscated under Section 5 shall be disposed off by the Divisional Forest Officer by Public Auction or any other way he deems fit. The sale proceeds thereof shall be duly credited to Government account.

(4) A record of all materials seized and their disposal shall be maintained by the Divisional Forest Officer in F.D. Form No. 3.

7. **Offence reports how to be drawn** - (1) A report about any person or persons committing an offence punishable under the Rules shall be submitted to the Divisional Forest Officer in Form No. VIII.

(2) The report referred to under sub-rule (1) above shall include:

(a) A copy of the seizure report referred to under Rule 6 (1)

(b) A detailed offence report in Form IX.

8. **Offence report how to be disposed-** (1) The Divisional Forest Officer on receipt of the offence report referred to in Rule 7 shall cause such enquiry to find if a prima-facie case exists and if so shall forward the offence report to the Magistrate with an application for issue of process in Form X.

(2) In case the Divisional Forest Officer on enquiry is satisfied that no prima facie case exists he may drop the offence report and order for release of seized property if any.

9. **Record of offences detected-** A register of all offences detected under the Rules shall be maintained by the Divisional Forest Officer in Form No. XI.

FORM NO. I

Rule 3 (1)

(Meghalaya Tree (Preservation) Rules , 1976).

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sub : Felling of trees within the Municipal area/Cantonment area: Permission for.

Sir,

I, Shri/Shrimati ..... request the favour of your kindly permitting me to fell burn uproot/lop/cut/the trees particulars of which are mentioned below. I shall be responsible for any damage that may be caused during felling/ burning/uprooting/lopping cutting the trees and shall compensate for any such damage. Strike out whichever is not applicable.

1. Name of applicant in full: .....
2. Full postal address: .....
3. Detailed information about the trees felling of which is applied for.

(i) Number of trees .....

(ii) Species .....

(iii) Location of the trees : .....

(a) Land holding/House No. .....

(b) Ward .....

(c) Road/Locality .....

(d) Patta No ..... in the name of .....

4. Ownership of the land/trees
5. If applicant is not the owner, whether owners written consent obtanined (enclosed in original)
6. Reasons for felling : (Mark appropriate reason) --

Dead Dying Diseased

Wind fallen Has become dangerous to life and property.

Any other reasons (Give details)

The particulars furnished above are true to the best of my knowledge and belief.

Dated

The _____ (Signature of Applicant)

No. ..... dated .....

Form No. II Rule

3 (3)

From :- The Divisional Forest Officer, Khasi Hills Division, Shillong.

To,

Shri/Shrimati .....

Sir/Madam,

Your application dated ..... For felling of .....trees in ..... area has been received in this office on ..... day of .....20 .....

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division, Shillong.

FORM NO. III

Rule 3(4)

Meghalaya Tree (Preservation) Rules, 1976.

Register of receipt and disposal of applications for felling of trees under Section 3(1)

Sl. No.	Name& Address of applicant	Date of receipt	No. & date of acknowledgment	Application for		No.& date of calling report	Date of receipt or enquiry report	Order of the DFO with date	Order communicated to applicant vide and date	Remarks
				No. Species and size of trees	Location and reasons for felling furnished					
1	2	3	4	5	6	7	8	9	10	11

Form No. IV

Rule 4 (2) Meghalaya Tree (Preservation Rule, 1976

No ..... Date .....

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sub. : Application for felling of trees submitted by Shri/ Shrimati .....

Ref: Your order vide ..... dated .....

Sir,

I have conducted the necessary enquiry on the aforesaid application in the presence of the applicant/applicant's representatives on ..... My report is as follows.

1. The particulars furnished by the applicant about the trees have been found correct/not correct on the following points.

2. The trees are standing..... metres away from the existing properties/proposed construction duly permitted by the municipality/cantonment authority. The description of the trees and their royalty values are given on the reverse.

3. In my opinion the felling/lopping/uprooting/cutting/damaging the trees is necessary/ unnecessary for the following reasons.

And I recommend/ do not recommend their felling/lopping/uprooting/cutting/damaging for .....

(Give full reasons)

Signature and designation.

Description of the trees of felling is recommended.

Tree No.	Species	G.B.H.	Approx, length of utilizable bole & volume of timber	Approx quantity of firewood

Royalty calculation

F.D. Form No.3

(Rule 6(4))

FOREST DEPARTMENT, MEGHALAYA .....DIVISION

Forest produce and other property seized and disposed of during the month 19

Forest produce or other property seized		Locality where stored or person to whom entrusted	Property released and date of release	Property made over to third parties and date of making over	Property confiscated to Govt. by order of Court & brought to the stock with date of order	Property sold and date of sale	Amount realised by sale	Property not disposed of during the month	Remark
Date of seizure	Description								
1	2	3	4	5	6	7	8	9	

Necessary particulars of items in column 9 will be brought forward in the next month's form and shown in red ink in column I,2 and 3.

Sd/-
P.C. MISRA.
Secretary to the Govt. of Meghalaya,
Forests, etc., Department

Form No. V

Rule 4(5)

Meghalaya Tree (Preservation) Rules, 1976.

No ..... Dated. .....

From: The Divisional Forest Officer,
Khasi Hills Division, Shillong.

To,

Shri/Shrimati.....

Sir/ Madam,

With reference to your application for felling of trees dated .....and aknowledged vide this office letter No. ..... Dated ..... I am hereby according permission for felling/ burning/ lopping/ cutting/ uprooting of .....trees standing at .....

This permission is subject to the following conditions, namely:-

1. You will arrange for felling of the trees.
2. You will be responsible for any damage caused in felling the trees and shall compensate for such damage to the aggrieved party.
3. This permission does not bind the Divisional Forest Officer or his subordinates responsible for any damage whatsoever caused during felling including lopping/uprooting/ burning/cutting/and damaging.

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

Form No. VI

Rule 4(6)

Meghalaya Tree (Preservation) Rules, 1976.

No ..... Dated .....

From: The Divisional Forest Officer, Khasi Hills Division, Shillong.

To,

Shri/Shrimati .....

Sub. *:* Felling of Trees.

Ref. *:* Your application dated ..... for felling ..... trees acknowledged vide this office letter No..... dated.....

Dear Sir/ Madam,

The undersigned regrets his inability to accord permission to fell the trees for the following reasons:-

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division, Shillong.

Form No. VII

Rule 6(1)

Meghalaya Tree (Preservation) Rules, 1976.

No ..... Dated .....

From: .....

..... Forest Range/

Beat .....Shillong.

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sir,

I have the honour to report that this day I seized the following property of .....son of ..... of village/ward No. .....thana ..... for an offence committed in the ..... punishable under Section 5 of the Meghalaya Tree (Preservation) Rules, 1976.

1 .....

2.....

3.....

Yours faithfully,

.....

..... Range/Beat.

No ..... Dated .....

Copy forwarded to the District Magistrate, Khasi Hills, Shillong.

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

FORM NO. VIII

RULE 7 (1)

Meghalaya Tree (Preservation) Rules, 1976.

Offence Report No. ..... Dated. .....

Nature of offence. .....
.....

Dated and hour of detection .....

Place of occurrence .....

By whom detected .....

Offence is punishable under section 5 of Meghalaya Tree (Preservation) Rules, 1976.

Name of the accused

Name	Father's name	Place of residence		
		Village	Thana	District
1	2	**3**	**4**	**5**
Name of witnesses				

Full Report of The Facts Enclosed

(To be framed not later than the day after occurrence)

.....

.....Beat/ Range.

Statement of the Accused.

Signature of the accused.

Forest Department, Meghalaya, Khasi Hills Division,

Offence Report No ..... Dated .....

Memo. No ..... Dated .....

Forwarded to the District Magistrate, Khasi Hills, Shillong with application for issue of process and the following documents:-

_____

_____

_____

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

FORM NO. IX

Rule 3 (1)

Meghalaya Tree (Preservation) Rules, 1976.
Forest Department: Meghalaya,
Khasi Hills Division, Shillong.

Memo No. ..... Dated. .....

From: **The Divisional Forest Officer,**
Khasi Hills Division, Shillong.

To,

The District Magistrate,
Khasi Hills District, Shillong.
CASE STATE VERSUS.....

Ref: Offence u/s 3 road with sec. 5 of the Meghalaya Tree (Preservation) Rules, 1976.

Sir,

Whereas the marginally noted persons have committed an offence specified in the accompanying offence report and whereas the facts can be proved by the evidence of witnesses named therein, I have the honour to request that the Court will issue process against the accused and try the case as under such section of the Meghalaya Tree (Preservation) Rules, as may deem applicable. Name of accused.

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division, Shillong.

GOVERNMENT OF MEGHALAYA FOREST DEPARTMENT

NOTIFICATION

Shillong, the 9th December, 1985

No.FOR.40/80/154. It is notified for general information that consequent to the Government Notification vide FOR.40/80/Pt/9 dated 22nd August, 1980 making the provision of Meghalaya Tree (Preservation) Act, 1976 Meghalaya Act 13 of 1976) applicable to all areas within a radius of 10 (ten) Km from District Council's Court Shillong, all areas within the village jurisdiction of the villages mentioned below have now come under the purview of the said act, Felling, Burning, Cutting, uprooting of any trees or permitted any tree to be felled, burned, out or otherwise within the areas to which the act extends, except permission in writing from the Deputy Conservator of Forests, Khasi Hills Division is a punishable offence under the aforesaid act.

Sd/-

Deputy Secretary, Govt. of Meghalaya,
Forest Department

List of villages within 10 Km of District Council's Court at Shillong.

1. Greater Shillong area including Shillong Cantonment.
2. Barapani
3. Mawtawar
4. Mawpat
5. Diengiong
6. Mawiong
7. Mawdiangdiang
8. Mawkasiang
9. Tynring
10. Mawpdang
11. Nongrah
12. Mawlynrei
13. Mawshabuit
14. Sohryngkham
15. Mawlngad
16. Lamlyer
17. Umphyrnai
18. Laitkor
19. Kynton-U-Mon
20. Smit
21. Nongkrem
22. Mylliem Mawpynthih
23. Pomlakrai
24. Sadew

25. Mylliem
26. Pomlum
27. Mawkriah
28. Umlyngka
29. Mawklot
30. Nongpiur
31. Mawreng
32. Nonglum
33. Baniun
34. Marbaniang
35. Mawsiang
36. Nongumlong
37. Nongkseh
38. Shilliangum
39. Mawmih
40. Nongpathaw.

No.For.40/80/154-A Shillong, the 9th December, 1985

Copy forwarded for information and necessary action to : -

1. The Chief Conservator of Forests, Meghalaya, Shillong.
2. The Deputy Commissioner, East Khasi Hills Shillong.
3. The Deputy Conservator of Forests, Khasi Hills Division, Shillong.
4. The Divisional Forest Officer, Social Forestry Division, Shillong.
5. Divisional Forest Officer, Forest Resources Survey Division, Shillong.
6. Working Plan Officer, Shillong
7. Director of Soil Conservation, Meghalaya, Shillong
8. Law Department
9. Cabinet Affairs Department.
10. Director of Printing and Stationery, Meghalaya, Shillong for publication in the Gazette.
11. Chief Executive Member, Khasi Hills District Council, Shillong.
12. Managing Director, Forest Dev. Corporation of Meghalaya Ltd., Lower Lachumier, Shillong.
13. Director of Information and Public Relation, Meghalaya, Shillong for wide publicity through office, radio & Local News papers both in English and Khasi.

Sd/-

Deputy Secretary, Govt. of Meghalaya
Forest Department.

RULEs

THE WILDLIFE (PROTECTION) (MEGHALAYA) RULES,1977



THE WILD LIFE (PROTECTION) (MEGHALAYA) RULES, 1977

The 11th July **1977**

No.MFG.1/17/80.—In exercise of the powers conferred by Section 64 of the Wild Life (Protection) Act, 1972 (53 of 1972), the State Government hereby makes the following rules, namely :—

CHAPTER 1

Preliminary

1. *Short title, extent and commencement.*— (1) These rules may be called the Wild Life (Protection) (Meghalaya) Rules, 1977.

(2) They extend to the whole of the State of Meghalaya.

(3) They shall be deemed to have come into force on the 1st April, 1977.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972) ;

(b) "Board" means the Wild Life Advisory Board constituted under sub-section (1) of Section 6 ;

(c) "Chairman means the Chairman of the Board ;

(d) "Divisional Forest Officer means the Divisional Forest Officer of the District/Division concerned ;

(e) "Form" means a form appended to these rules ;

(f) "Licence" means a licence granted under Chapter III of these Rules ;

(g) "'Licensee" means a holder of a licence ;

(h) "Licensing Authority" means the Chief Wild Life Warden or any other officer authorised by the State Government under Section 9 to grant a licence :

(i) "Section" means a section of the Act ;

(j) "Schedule" means a Schedule to the Act.

(2) Words and expression used but not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

Wild Life Advisory Board

3. *Term of office,*—The term of office of a member of the Board referred to in clause (g) of subsection (1) of Section 6 shall be three years from the date of this appointment.

4 *Resignation,—(1)* A member of the Board may resign his office by writing under his hand addressed to the Chairman,

(2) The office of a member of the Board shall fall vacant from the date on which his resignation is accepted, or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(3) The power to accept the resignation of a member of the Board shall vest in the Chairman who, on accepting the resignation, shall report to the Board at its next meeting.

5. *Filling of casual vacancy.* — (*1*) When a member of the Board referred to in clause (g) of sub section (*1*) of Section 6 resigns or dies or is removed from office or becomes incapable

of acting, the State Government may, by notification in the Official Gazette, appoint a person to fill the vacancy,

(2) A person appointed to fill the casual vacancy under sub-rule (1) shall hold office only so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

6. *Removal from the Board.*—The State Government may remove any member from his office-

(a) if he is of unsound mind and stands so declared by a competent medical court or

(b) if he is an undischarged insolvent, or

(c) if he is convicted of an offence under the Act or a criminal offence involving moral turpitude, or

(d) if, without the leave of the Chairman he fails to attend more than three successive meetings of the Board.

7. *Allowances.*— (1) The non-official member of the Board shall get travelling and daily allowances as may be prescribed by the State Government from time to time.

(2) If a meeting of the Board is held during a session of the Legislature/District Council and at the same place where such session is held a member of the Legislature/District Council who is a member of the Board shall not be entitled to any daily allowance.

8. *Secretary to be controlling authority.*—The Secretary of the Board shall be the controlling authority in respect of payment of allowances under this Chapter.

CHAPTER III

Hunting of Wild Animals

A. *Special Game Hunting Licence, Big Game Hunting Licence and Small Game Hunting Licence*

9. *Application.*— (1) An application for a Special Game Hunting Licence, Big Game Hunting Licence or Small Game Hunting Licence shall be made in Form No.I :

Provided that no application for a licence shall be entertained from any person eligible for registration under Section 34, unless the applicant has registered his name and address under the said section :

Provided further that no person shall apply for a licence under this Chapter unless he possesses a valid licence for sport in Form No.III set in Schedule III to the Arms Rules, 1962.

(2) (a) An application for a Special Game Hunting Licence shall be made to the Chief Wild Life Warden.

(b) An application for a Big Game Hunting Licence or a Small Game Hunting Licence may be made to the Chief Wild Life Warden or any other officer authorised by the Chief Wild Life Warden in this behalf (in either case hereinafter referred to as the issuing officer).

10. *Fee.*—An application for a licence of the category specified in column (1) of the Table below when made by a person of the category specified in the corresponding entry in column (2) shall be accompanied by a Call Deposit receipt showing that the fee according to the scale specified in the corresponding entry in column (3) of the said Table had been paid.

Name of Licence	Category of person	Amount
1	2	3
A. Special Game Hunting Licence.—		Re.
(a) Monthly licence ...	(i) Citizen of India ... (ii) A person other than a citizen of India.	50 100
(b) Yearly licence ...	(i) Citizen of India ... (ii) A person other than a citizen of India.	250 500
B. Big Game Hunting Licence —		
(a) Monthly licence ...	(i) Citizen of India ... (ii) A person other than a citizen of India.	30 60
(b) Yearly licence ...	(i) Citizen of India ... (ii) A person other than a citizen of India.	200 400
C. Small Game Hunting Licence —		
(a) Monthly licence ...	(i) Citizen of India (ii) A person other than a citizen of India.	10 25
(b) Yearly licence ...	(i) Citizen of India (ii) A person other than a citizen of India.	50 100

B. *Wild Animal Trapping Licence*

12. *Application.*—An application for a Wild Animal Trapping Licence shall be made to the Chief Wild Life Warden in Form No.2.

13 *Fee.*—An application for a Wild Animal Trapping Licence shall be accompanied by a Call Deposit receipt showing that the fee according to the following scale had been paid namely :—

(a) monthly licence fee of Rs.25 for trapping of birds and Rs.50 for trapping of animals if made by a citizen of India ; or a monthly licence fee of Rs.50 and Rs.100 respectively if made by a person other than a citizen of India ;

C. *Grant of Licence*

13. *Grant of Licence.*— (1) On receipt of an application for a licence under this Chapter, the issuing officer may, after such inquiry as he may deem fit, grant or reject the application,

(2) (a) Where an application is rejected, the licence fee shall be refunded expeditiously to the applicant.

(b) *Refund of Licence Fee.*— (i) Any person who has been refused a licence, may apply to the Licensing Authority in Form No 3 for refund of the licence fee paid by him.

(ii) On receipt, of the application under sub-rule (1), the Licensing Authority shall, after such inquiry as it may deem fit, refund the licence fee paid by the applicant.

(3) Where the issuing officer decides to grant the licence applied for, he shall require the applicant to submit within such time as he may specify the necessary call deposit receipts showing the payment of deposit and royalty, if any,-as specified in Rule 14 and Rule 15.

(4) On receipt of the Call deposit receipts showing the pay ment of deposit and royalty, if any, the issuing officer shall grant the licence applied for in the appropriate form specified in sub-rule (5).

(5) (a) A Special Game Hunting Licence shall be granted in Form No.4.

(b) Big Game Hunting Licence shall be granted in Form No.5.

(c) A Small Game Hunting Licence shall be granted in Form No.6.

(d) A Wild Animal Trapping Licence shall be granted in Form No.7.

14. *Deposit.*—A person to whom a licence may be granted under this Chapter, shall, when required by the issuing officer, pay a security deposit in any manner as directed, equivalent to the calculated royalty of the animals and birds granted by the license.

15. *Royalty.*—The person specified in column (2) of the Table below shall, when required by the issuing officer, pay royalty in respect of the animals specified in the corresponding entry in column (1) of the Table at the rate specified in the corresponding entry in column (3) of the said Table.

Table
Part I

Name of animal (1)	Category of person (2)	Amount of Royalty (3)
		Rs.
1. Gapped Langur (Pres-bytis pileatus).	(i) Citizen of India (ii) A person other than a citizen of India	15 30
2. Dolphins (Dolphinus delphis, platanista Gangetica).	(i) Citizen of India (ii) A person other than a citizen of India	25 50
3. Flying squirrels (All species of the genus Hylopetes, Petaurista, Belonys and Eupetau-rus).	(i) Citizen of India (ii) A person other than a citizen of India	50 100
4. Giant squirrels (Ratufamacroura, Ratufa indica and Ratufabicolor).	(i) Citizen of India (ii) A person other than a citizen of India	25 50
5. Indian elephant (Elephas maximus).	(i) Citizen of India (ii) A person other than a citizen of India	other tusks 1,000 1,500 2,000 3,000
6. Pig-tailed Macaque Macaca namestrina)	(i) Citizen of India (ii) A person other than a citizen of India	10 20
7. Pythons (Genus Python)	(i) Citizen of India (ii) A person other than a citizen of India	100

Name of animal (1)	Category of person (2)	Amount of Royalty (3)
		Rs.
8. Stamp-tailed Macaque (Macaca's peciosa).	(i) Citizen of India (ii) A person other than a citizen of India	15 30
9. Wild Dog or Dhole (Camalpinus)	(i) Citizen of India (ii) A person other than a citizen of India	20 40
10. Assam Macaque	(i) Citizen of India (ii) A person other than a citizen of India	8 16
11. Rhesus Monkey	(i) Citizen of India (ii) A person other than a citizen of India	5 10
BIG GAME		
1. Barking deer or Muntjac (Muntiacus muntjak).	(i) Citizen of India (ii) A person other than a citizen of India	50 100
2. Chital (Axis axis)	(i) Citizen of India (ii) A person other than a citizen of India	100 300
3. Himalayan Black bear (Selenarctos thibetanus).	(i) Citizen of India (ii) A person other than a citizen of India	100 200
4. Hog deer (Axis porclnus).	(i) Citizen of India (ii) A person other than a citizen of India	50 100
5. Sambar (Cervus unicolor).	(i) Citizen of India (ii) A person other than a citizen of India	200 100
6. Wild pig (Sus scrofa)	(i) Citizen of India (ii) A person other than a citizen of India	50 100
SMALL GAME		
1. Hares (Black naped, Common Indian Desert, Himalayan Mouse-hare).	(i) Citizen of India (ii) A person other than a citizen of India	10 20
2. Martens (Martes foina intermedia, Martes flavigula, Martes guatkinsii).	(i) Citizen of India (ii) A person other than a citizen of India	10 20
3. Otters (Lutra lutra per cicillata, Aonyx cinerea,	(i) Citizen of India (ii) A person other than a citizen of India	50 100

Name of animal (1)	Category of person (1)	Amount of Royalty (3)
		Rs.
4. Weasels (Musteia sibi-rica, Mussela kathiah and Musteia altaica)	(i) Citizen of India (ii) A person other than a citizen of India	10 20
5. Birds (other than those sub-species and species mentioned in Pait III of Schedule I or in Schedule V. and belonging to the families listed below:—		
(i) Barn Owls Tytoninae)	(i) Citizen of India (ii) A person other than a citizen of India	8 16
(ii) Cranes (Craidae)	(i) Citizen of India (ii) A person other than a citizen of India	10 20
(iii) Ducks (Anatidac)	(i) Citizen of India (ii) A person other than a citizen of India	6 8
(iv) Emeiald Dove (Dolumbide)	(i) Citizen of India (ii) A person other than a citizen of India	2 4
(v) Falcons (Falconidae)	(i) Citizen of India (ii) A person other than a citizen of India	5 10
(vi) Geese (Antidae)	(i) Citizen of India (ii) A person other than a citizen of India	8 16
(vii) Hawks (Accipitridae)	(i) Citizen of India (ii) A person other than a citizen of India	5 10
(viii) Hornbills (Bucerotedae)	(i) Citizen of India (ii) A person other than a citizen of India	50 100
(ix) Uungle and Spur fowl (Phasiandae)	(i) Citizen of India (ii) A person other than a citizen of India	4 8
(x) Minivets (Campa-phagidae)	(i) Citizen of India (ii) A person other than a citizen of India	2 4
(xi) Orioles (Oriolidae)	(i) Citizen of India (ii) A person other than a citizen of India	2 4

Name of animal (1)	Category of person (1)	Amount of Royalty (3)
		Rs.
(xii) Owls (Strigidae)	(i) Citizen of India (ii) A person other than a citizen of India	8 16
(xiii) Partridges (Phasianidae)	(i) Citizen of India (ii) A person other than a citizen of India	5 10
(xiv) Pheasants (Kaliz)	(i) Citizen of India (ii) A person other than a citizen of India	10 20
(xv) Pigeons (except Blue Rock pigeon) (Columbidea)	(i) Citizen of India (ii) A person other than a citizen of India	2 4
(xvi) Quail (Phasianidae)	(i) Citizen of India (ii) A person other than a citizen of India	2 4
(xvii) Snipe (Charadriidae).	(i) Citizen of India (ii) A person other than a citizen of India	2 4
(xviii) Thrushes (Muscicapidae)	(i) Citizen of India (ii) A person other than a citizen of India	2 4
(xix) Peacock Pheasant	(i) Citizen of India (ii) A person other than a citizen of India	20 40
(xx) Hill Mynas	(i) Citizen of India (ii) A person other than a citizen of India	10 20

16. *Validity of licence.*— (a) A Special Game Hunting Licence shall be granted for a period of one month or more but not exceeding one year from the date of the grant thereof.

(b) A Big Game Hunting Licence and a Small Game Hunting Licence shall be granted either for a period of one month or one year, from the date of the grant thereof.

(c) The Wild Animal Trapping Licence shall be granted for a period not exceeding one month from the date of the grant thereof.

(d) A Licence granted under Rule 13 shall be valid only for the area specified therein.

17. *General conditions governing grant of licence.—(1)* The Special Game Hunting Licence and the Big Game Hunting Licence shall specify—

(a) the number of animals of any species,
(b) the sex, and
(c) the minimum size of each speciment that could be hunted.

(2) The Small Game Hunting Licence shall also specify the maximum number of each species that could be hunted in the course of a day.

(3) The Wild Animal Trapping Licence shall specify the method that would be permitted for the capture of the wild animal specified therein and the conditions under which the wild animal could be trapped.

(4) Every Licence granted under this Chapter shall also be subject to the restrictions imposed by Section 17.

(5) A holder of a Special Game Hunting Licence, a Big Game Hunting Licence or a Small Game Hunting Licence shall not sell or barter to any person any animal shot by him or any meat or uncured trophy derived therefrom.

(6) Any person who is entitled to hunt a dangerous animal under a Special Game Hunting Licence or a Big Game Hunting Licence and who wounds such animal shall do his utmost to kill the same.

(7) On his failure to do so he shall forthwith inform in writing the issuing officer and offlcer-in-charge of nearest Forest Police Office giving reasons why the wounded animal could not be tracked and killed and he shall also inform the village headmen of the adjoining area of the existence of the wounded animal in the neighbourhood.

(8) For the purposes of a Special Game Hunting Licence and a Big Game Hunting Licence, an animal which has been wounded and lost shall be deemed to have been hunted under the licence, and the licencee shall forfeit the right to hunt another specimen in the place of the one wounded and lost.

(9) (a) The trapping of wild animals specified in Schedule II and Schedule III shall not be permitted unless the Chief Wild Life Warden is satisfied for reasons to be recorded in writing that such trapping is necessary under the provisions of sub-section (1) of Section II. or of Section 12.

(b) A holder of the Wild Animal Trapping Licence, unless specifically permitted so to do, shall not trap such animal in shooting blocks referred to in Rule 22 and Government forests.

(10) (a). A licensee under this Chapter shall intimate in advance the Divisional Forest Officer concerned his desire to organise drives in any reserve forest, giving the date and the place where he desired to have such drives.

(b). No drive will be permitted except in special cases where necessity for such drive arises for reasons to be recorded. The Divisional Forest Officer may permit a drive with prior approval of the Chief Wild Life Warden.

(c). Only spears and axes may be carried if necessary, by the beaters, for the purpose of the drive.

(11) Any machang or pit constructed for purpose of hunting shall immediately be dismantled or filled in on the completion of hunting.

(12) All trophies which had been killed or captured in contravention of the conditions of the licence including specimens smaller than the minimum dimensions specified, shall be deemed to be Government property under Section 39.

(13) While hunting or trapping any wild animal a licensee shall carry with him his licence and shall, on demand, produce for inspection such licence before any staff of the Forest Department of the State, or an officer appointed under sub-section (1) of Section 4.

(14) A licence granted under this Chapter shall not be transferable.

(15) A licensee under this Chapter shall maintain a record in Form No.8 of the animals killed, captured or wounded by him and such record shall be surrendered to the issuing officer as required by Section 10.

(16) Any licence granted under this Chapter shall not be valid during the period of closed time declared under sub-section (1) of Section 16.

(17) The licensee shall not use any rifle of a bore smaller than 400 H.V. except a Magnum .375 H.V. rifle for hunting of a bison or elephant,

(18) The licensee shall not possess any live animal which is maimed or injured.

(19) No licensee shall engage more than two non-licensees to assist him in his hunting.

(20) The licensee or any of his retainers or followers shall be responsible for any liability if any in respect of any wrongful act done under the Meghalaya Forest Regulation or any other law for the time being in force. t

Explanation .—For purpose of this sub-rule—

(a) 'retainer' means a person holding an arms licence and accompanying the licensee for assisting him during hunting, capturing or trapping of any wild animal ; and

(b) 'follower' means a person employed by the licensee for rendering field assistance to him in connection with hunting, capturing or trapping of any wild animal.

(21) No licensee shall, during hunting, have in his possession a loaded fire-arm while travelling in any vehicle or boat, nor shall be discharge any fire-arm from any vehicle or boat, whether stationary or in motion.

Explanation :—For the purpose of this sub-rule—

(a) 'boat' means a boat other than a boat which is propelled by human powers ;

(b) any fire-arm having a live shell or cartridge in its chamber shall be deemed to be loaded.

(22) Particulars of the persons accompanying the licensee in hunting shall be furnished to the Range Officer having jurisdiction over the area, in advance.

18. *Licensee to abide by rules.*—A licensee under this Chapter shall abide by these rules and the conditions specified in the licence.

19. *Forfeiture of deposit.*—(1) If the holder of the licence contravenes the provisions of Rule 17, the deposit made by him shall be liable to forfeiture either in whole or in part.

(2) Where the issuing officer cancels or suspends under Section 13 a licence granted under this Chapter, he may, for reasons to be recorded in writing, order the forfeiture of the whole or part of the deposit made by the licensee.

20. *Refund of deposit and royalty.*— (1) On the expiry of the period specified in the licence and on receipt of the return in Form No.8 from the licensee, the issuing officer shall, after satisfying himself that the holder of the licence had not committed any breach of the conditions of the licence refund expeditiously the deposit.

(2) Where the issuing officer is satisfied that an animal in respect of which royalty if any had been paid had not been killed, captured or wounded, he shall refund expeditiously to the licensee the amount paid as royalty.

21. *Duplicate copies of licence.*—A duplicate copy of the licence shall be issued by the Issuing officer, on payment of half the fee prescribed for the original licence, clearly stamped 'duplicate', in red ink therein.

D. *Shooting Blocks*

22. *Determination of shooting blocks.—(1)* Every year in the month of July the Conservator of Forests concerned, shall send proposals to the Chief Wild Life Warden for notifying in the Official Gazette, the shooting blocks consisting of forest areas under his jurisdiction specifying therein the areas—

(a) which are absolutely closed for hunting ;
(b) which are provisionally closed for hunting ; and
(c) in which hunting is permitted under a shooting Block Permit.

(2) On receipt of the proposals under sub-rule (1), the Chief Wild Life Warden shall, subject to any directions issued by the State Government in that behalf, determine the shooting blocks and recommend to the State Government to notify them in the Official Gazette :

Provided that, the Chief Wild Life Warden may with the consent of the State Government if he considers it necessary so to do, with effect from such date as he may direct, permit hunting in a shooting block which is provisionally, closed for hunting or declare any area in which hunting is permitted as provisionally closed for hunting.

(3) No person shall hunt any wild animal in any shooting block without a Shooting Block Permit.

23. *Application for reservation of shooting blocks.*— (1) An application in Form No.9 for reservation of a shooting block shall reach the office of the Chief Wild Life Warden not earlier than ninety days and not later than thirty days before the first day of the month for which reservation of the shooting block is required.

(2) No applicant shall apply for a reservation of a shooting block unless he possesses a valid hunting licence issued under this Chapter.

(3) Each application shall be accompanied by particulars of the hunting licence possessed by the applicant.

24. *Application under Rule 23 how dealt with.*— (1) On receipt of an application under Rule 23 the Chief Wild Life Warden shall, after making such inquiry as he may deem fit, either allot the shooting block or reject the application.

(2) Where there are more applications than one for reservation of the same shooting block for the same period, the shooting block shall be allotted to the applicant whose application has been received earlier :

Provided that an applicant shall not get more than one shooting block at any one time.

(3) Where there are more applications than one received on the same day, the matter shall be decided by drawal of lots.

(4) The Chief Wild Life Warden shall communicate to the applicant the order passed on the application either within five days of passing the order, or of the drawal of lots, as the case may be.

(5) The Shooting Block Permit shall be in Form No.10 and shall be valid for a period of not exceeding thirty days as may be specified therein. It shall specify the number of each animal species permitted to be hunted in the block, together with their age and sex.

(6) No holder of a Shooting Block Permit shall hunt in the block to which the permit relates, any species of animal mentioned in the licence granted under Rule 13, but not included in the Shooting Block Permit.

(7) No Shooting Block shall remain open for shooting for a period exceeding 30 (thirty) consecutive days and it shall not be re-opened for shooting unless a rest of 15 (fifteen) clear days is allowed between two consecutive shooting periods.

25. *Chief Wild Life Warden to maintain register.*—The Chief Wild Life Warden shall maintain in his office a register in which all applications made under Rule 23 shall be entered and the register shall contain the following particulars, namely :—

(a) the date of application ;
(b) the date of receipt in his office ;
(c) the particulars of the hunting licence possessed by the applicant ;
(d) whether the application has been granted or rejected.

26. *Fee.*— (1) A person to whom a shooting block has been allotted shall within seven days of receipt of the order of allotment, deposit fee of Rupees 50 (fifty) only in any Government Treasury and produce the receipt before the Chief Wild Life Warden as proof of having deposited the requisite fee.

(2) Where a person fails to deposit the fee as required under sub-rule (1), the reservation shall be cancelled and the shooting block may be allotted to the person next in the order of priority.

E. *Special Purpose Permit*

27. *Application.*— (1) Every person desiring the hunt any wild animal, for any of the purposes referred to in Section 12, shall obtain a permit from the Chief Wild Life Warden (hereinafter called a 'Special Purpose Permit').

(2) An application for a Special Purpose Permit shall be made to the Chief Wild Life Warden, in Form No.11.

(3) Every application referred to in sub-rule (2), shall be accompained by a fee of Rs.5 in cash, if the license required, is for a period of one month or Rs 50 where it is required for one year.

28. *Grant of a Permit.-(1)* On receipt of an application for a Special Purpose Permit, the Chief Wild Life Warden may, after such inquiry as he deems fit and subject to the provisions of Section 12, grant or reject the application.

(2) Where an application is rejected, the fee paid by the applicant shall, on an application made by him in Form No. 3 be refunded to him.

(3) Where the Chief Wild Life Warden decides to grant a Special Purpose Permit, it shall be granted in Form No.12.

29. *General Provisions.*— (1) Every person holding a Special Purpose Permit, shall submit a fortnightly or a weekly report of his collection, as may be required by the Chief Wild Life Warden, and send a copy of such report, each to the Conservator of Forests and the Divisional Forest Officer of the area in which hunting or trapping is done.

(2) The Permit-holder shall not collect any animal specified in Schedule I and Part II of Schedule II, unless he is specifically permitted to do so.

(3) The Permit-holder shall, wherever required by the Chief Wild Life Warden or any other officer authorised by him in that behalf, produce for inspection, the entire collection made by him.

(4) The Permit-holder shall not export his collection outside the State of Meghalaya, without the written permission of the Chief Wild Life Warden or any officer authorised by him in this behalf.

CHAPTER IV

Sanctuaries and National Parks

30. *Claim to be made upon proclamation by Collector.*—Where the Collector publishes a proclamation under Section 21, any person, claiming any right mentioned in Section 19 may prefer before such Collector, within two months from the date of such proclamation, a written claim in Form No.13.

31. *Notice to the Claimant.*—On receipt of the claim made under Rule 30, the Collector shall serve a notice upon the claimant requiring him to appear at such place and on such date as may be specified in such notice either in person or through an agent authorised by him in this behalf and to produce evidence, oral or documentary, in support of the claim.

32. *Entry in Sanctuary or National Park for purposes of Section 28(1) (d) and (e).*— (1) Every person desiring to enter a Sanctuary or National Park for purposes of tourism or transaction if any lawful business with any person residing therein shall obtain a permit which shall be issued at the gate of the Sanctuary or National Park.

(2) A permit referred to in sub-rule (1) shall be in form No. 14 and shall be issued by an officer authorised by the Chief Wild Life Warden in this behalf on payment of a fee specified in sub-rule (3).

(3) The fee in respect of the permit shall be as follows, namely :—

(A) (a) In the case of visitors (not being students) who are—

(i) Indian citizens fifty paise per head per day ;

(ii) Other than Indian citizen, Rupee one per head, per day ;

(b) In case of students who are—

(i) Indian citizen, twenty-five paise per head, per day ;

(ii) Other than Indian citizen fifty paise per head, per day.

(c) A child below the age of five years shall be exempted from payment of the fee.

(B) In respect of a Vehicle which is—

(a) a light motor vehicle, such as a car or jeep, Rs.5 per vehicle, per day ;

(b) a heavy motor vehicles, such as a lorry or truck, Rs. 10 per vehicle, per day ;

(c) a motor cycle or tricycle, including motor scooters and cycle with attachment, for propelling the same by mechanical power, Rs.2 per vehicle, per day ;

(d) a cycle and other vehicle manually operated, 50 paise per vehicle, per day ; and

(e) an animal-driven vehicle, Rupee one per vehicle, per day.

(4) The fee for operating a camera shall be as follows, namely :—

(a) in the case of a still camera to be operated by an Indian citizen, Rs.2 per camera, per day and in the case of other persons, Rs 8 per camera per day ;

(b) in the case of a cine-camera where it is to be operated by an Indian Citizen Rs 5 per camera, per day, and in the case of other persons Rs.20 per camera, per day.

(5) A permit referred to in sub-rule (*1*), shall be valid for the period specified therein but not exceeding 15 days.

33. *Entry in a Sanctuary or National Park for purposes of Section 28(1) (a), (b) and (c)—(1)* Every person desiring to enter a Sanctuary or National Park for purposes of investigation or study of Wild Life and purposes ancillary or incidental thereto or professional photography or scientific research shall obtain a permit from the Chief Wild Life Warden or the officer-in-charge of the Sanctuary or National Park.

(2) The fee for operating a camera shall be as follows, namely :—

(a) Where photography is for scientific research, investigation and study of Wild Life and purposes ancillary or incidental thereto—

(i) in the case of a still camera to be operated by Indian citizens not exceeding five in number, Rs. 2 per camera per day, and in the case of other persons not exceeding five in number, Rs.10 per camera, per day ;

(ii) in the case of a cine-camera where it is to be operated by Indian citizens not exceeding five in number, Rs.25 per camera, per day, and in the case of other persons not exceeding five in number, Rs.50 per camera per day;

(b) Where photography is for professional purposes—

(i) in the case of a still camera to be operated by an Indian citizen Rs.50 per

camera, per day, and in the case of other persons Rs.250 per camera, per day ;

(ii) In case of a cine-camera to be operated by an Indian citizen, Rs 500 per camera, per day, and in case of other persons, Rs.1,000 per camera per day.

(3) The fee payable under sub-rule (2) shall be paid in advance.

3. *General conditions governing the issue of a permit.*—(1) The Permit referred to in Rule 32 shall be in Form No.15.

(2) The permit shall not entitle any person to free accommodation in any Government building, situated within the limits of the Sanctuary or National Park.

(3) Any officer or servant of the Forest Department on duty or an officer appointed under sub-section (1) of Section 4, may require any person to stop within the limits of the Sanctuary or National Park, as the case may be, or at the entrance gate, for the purpose of checking and may demand for inspection, the permit granted under this Chapter, every person so required to stop, shall stop when called upon to do so and shall produce the permit for inspection.

(4) No person shall be allowed to enter a Sanctuary or a National Park with any weapon or ammunition except with the previous permission in writing of the Chief Wild Life Warden or any other officer authorised in this behalf.

(5) No dog and any other pet animal shall be permitted to enter a Sanctuary or National Park.

35. *Cancellation of permit.*—Where any person commits a breach of any of the conditions specified in a permit, the Chief Wild Life Warden or the officer-in-charge of a Sanctuary or National Park may, after recording his reasons in writing, cancel any permit.

36. *Power to exempt.*—Where the State Government considers it necessary or expedient so to do in the public interest, it may by order exempt any person or class of persons from the payment of the fee payable under this Chapter.

37. *Registration of persons holding fire arms.*— (1) Within three months from the declaration of an area as a Sanctuary or National Park, or in the case of a Sanctuary or National Park existing at the commencement of these rules within three months of such commencement, every person residing within ten kilometres of such Sanctuary or National Park and holding a licence granted under the Arms Act, 1959 (Central Act 54 of 1959), or exempted from the provisions of that Act and possessing arms, shall apply in Form No.16 to the officer-in-charge of the Sanctuary or National Park for the registration of his name.

(2) The application under sub-rule (1) shall be accompanied by a fee of five rupees in cash.

(3) (a) On receipt of an application under sub-rule (1) the officer-in-charge of the Sanctuary or National Park shall, after making such inquiry as he may deem fit, register the name and other particulars of the applicant in Form No. 17.

(b). A separate page in the register shall be allotted to every person whose name is so registered (herein in this rule referred to as licencee).

(4) Where a licensee commits any offence under the Act or the rules made thereunder, the officer-in-charge of the Sanctuary or National Park shall make an entry to that effect in the

register and where the registering officer is satisfied that the licensee has committed the said offence on occasions more than one he may take such steps as he considers necessary to move the authority concerns for cancelling the licence under the Arms Act, 1959 (Central Act 54 of 1959).

(5) Where the licensee transfers his arms to another person by way of sale, gift or otherwise, he shall intimate the officer-in-charge of the Sanctuary or National Park, within a period of fifteen days of such transfer.

(6) Where the licensee shifts his residence to another place within the said ten kilometres or shifts his residence beyond the said distance, he shall within a fortnight of shifting to the new residence, intimate the new address to the officer-in-charge of the Sanctuary or National Park.

(7) Where the licensee dies, his successor or legal representative shall intimate the fact to the officer in-charge of the Sanctuary or National Park.

CHAPTER V

Trade or Commerce in Wild animals, Animal articles and trophies

38. *Declaration.*—Notwithstanding any declaration that a person may have made under sub-section (1) of Section 40 any person who has in his control, custody or possession, any captive animal, animal article or trophy (other than the musk of a musk deer or the horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II shall, within thirty days from the commencement of these rules, make a declaration in Form No.18 to the Chief Wild Life Warden or an officer authorised by him in this behalf (hereinafter referred to as the authorised officer).

39. *Inquiry and preparation of investories.*— (1) On receipt of a declaration under Rule 38, or under sub-section (1) of Section 40, the Chief Wild Life Warden or the authorised officer shall give, a notice to the person making the declaration as to the date and time on which he shall enter upon his premises and such notice shall be served on the person making the declaration or sent to him by registered post.

(2) The Chief Wild Life Warden or the authorised officer may, after making such inquiry as he may deem fit, inspect the premises and animal articles, trophies, uncured trophies, and captive animals, specified in Schedule I or Part II of Schedule II.

(3) The Chief Wild Life Warden or the authorised officer shall made an inventory in Form No. 19 of such animals or objects found upon the premises.

(4) The Chief Wild Life Warden or the authorised officer shall affix upon the objects referred to in sub-rule (3), identification marks as far as possible in indelible ink.

40. *Certificate of ownership.—The* Chief Wild Life Warden may, for the purposes of Section 40, issue a certificate of ownership in Form No.20 to a person who, in his opinion, is in lawful possession of any wild animal, animal article, trophy or uncured trophy.

41. *Application for license to commence or carry on business as a manufacturer of or dealer in any animal article, etc.*— (1) Every person desiring—

(a) to commence or carry on the business as—

(i) a manufacturer of or dealer in any animal article ; or

(ii) a taxidermist ; or

(iii) a dealer in trophy or uncured trophy ; or

(iv) a dealer in captive animals ; or

(v) a dealer in meat ; or

(b) to cook or serve meat in any eating-house, shall make an application in Form No.21 to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

(2) An application for obtaining a licence to cook or serve meat in any eating-house shall specify the species of animal whose meat he desires to cook or serve.

42. *Grant of licence.*— (1) On receipt of an application under Rule 41, the Chief Wild Life Warden or the authorised officer shall, after making such inquiry as he may deem fit, either grant the licence in appropriate form mentioned in sub-rule (4) or reject the application. Validity of such licence shall be for 1 year from the date of grant thereof.

(2) Where an application is rejected, the fee paid thereon shall be refunded expeditiously to the applicant.

(3) In granting a licence under sub-rule (1), the Chief Wild Life Warden or the authorised officer shall have due regard to—

(a) the past record of the applicant as a dealer in the business which he desires to carry on ;

(b) whether the person has been convicted of any offence under the provisions of the Act or the rules made thereunder or under any of the provisions of an act repealed by Section 66 ;

(c) the need for granting a licence keeping in view the abundance or otherwise of wild life existing in the State.

(4) A licence—

(a). to commence or carry on the business as—

(i) a manufacturer of or dealer in an animal article or a dealer in trophy or uncured trophy shall be granted in Form No.22.

(ii) a taxidermist shall be granted in Form No.23.

(iii) a dealer in captive animals shall be granted in Form No.24.

(iv) a dealer in meat shall be granted in Form No.25.

(v) to cook or serve meat in any eating-house shall be granted in Form No.26.

43. *Renewal of licences.*—(1) A licensee may apply in Form No.27 for renewal of the licence at least thirty days before the date of expiry of the licence.

(2) The Chief Wild Life Warden or the authorised officer may, subject to the provisions of sub-section (7) of Section 44, renew the licence in Form No.22, Form No.23, Form No.24, Form No.25 or Form No.26 as may be appropriate and specify therein the period up to which the licence is renewed.

44. *Fee.*—Every application for the grant of licence or renewal thereof shall accompanied by a Call Deposit receipt showing the fee according to the following scale had been paid, namely :—

(a) to commence or carry on the busines as—

(i) A manufacturer of or dealer in any animal article shall be rupees fifty ;

(ii) a taxidermist shall be rupees two hundred ;

(iii) a dealer in trophy or uncured trophy shall be rupees twenty ;

(iv) a dealer in captive animals shall be rupees one hundred ;

(b) to cook or serve meat in any eating-house shall be rupees one hundred.

45. *Conditions governing the grant of licence.*—Every licence granted under this Chapter shall be specify the term subject to which a business or profession shall be carried on and shall also be subject to the provisions of the Act and these rules,

46. *Issue of bill or cash memo.*— (1) Every licensee, other than a taxidermist, shall, at the time of sale, issue a bill or cash memo to the purchaser and such bill or cash memo shall contain the following particulars—

(a) Name of the Licensee.
(b) Name, address and place of business of the Licensee.
(c) Licence number.
(d) Description of article sold.
(e) Sale price therefor.
(f) Date of Sale.
(g) Signature of the Licensee.

(2) Every taxidermist shall at the time of returning the trophy or uncured trophy issue a voucher to the owner thereof and such voucher shall contain the following particulars, namely:—

(a) Date of issue of voucher.
(b) Name, address and place or business of the licensee.
(c) Licence number.
(d) Description including name of species.
(e) Price realised.
(f) Name and address of the person to whom the voucher is issued.
(g) Signature of the licensee.

47. *Bill, cash memo or voucher—how to be maintained.— (1)* Every bill, cash memo or voucher, as the case may be, referred to in Rule 46, shall be in triplicate and serially numbered.

(2) The duplicate and triplicate copy of every bill, cash memo or voucher shall be retained by the licensee and the original copy—

(a) in the case of a bill or cash memo shall be given to the purchaser ; and
(b) in the case of a voucher, shall be given to the owner of the trophy.

(3). Every book containing blank vouchers shall be presented to the Chief Wild Life Warden or the authorised officer for affixing his initials or stamp on such book before it is brought into use.

(4) The duplicate copy of every bill, cash memo or voucher shall be sent along with the monthly return referred to in Rule 49.

48. *Maintenance of registers.*— (1) A licensed dealer in captive animals, animal articles, trophies or uncured trophies or meat derived therefrom shall maintain a register in Form No. 28.

(2) A licensee who is a taxidermist or a manufacturer of animal articles shall maintain a register in Form No. 29.

(3) A licensee authorised to cook or serve meat in any eating-house shall maintain a register in Form No,30.

(4) The licensee shall ensure that the register required to be maintained by him under this rule has been brought up-to-date before closing the business for the day.

49. *Submission of monthly returns.*— (1) Every licensee shall submit a monthly return to :—

(a) The Chief Wild Life Warden or the authorised officer, and

(b) The Director of Wild Life Preservation or the officer authorised by him in this behalf, together with a true copy of the "entries made by him in the relevant register referred to in Rule 48, during the course of a month, duly certified and signed by the licensee as true copy of such entries and the duplicate copies of the bills, cash memo or vouchers referred to in Rule 47.

(2) The return under sub-rule (i) shall be submitted by the tenth of the month following the month to which the return relates and shall also contain such particulars or information as the Chief Wild Life Warden may, by general or special order, direct.

CHAPTER VI

Miscellaneous

50. Disposal of meat or uncured trophy seized under Section 50.—The Chief Wild Life Warden or the officer authorised by the Chief Wild Life Warden may arrange for the sale in public auction of any meat or uncured trophy seized under the provisions of Section 50 and the proceeds thereof shall be credited to the appropriate head of the account in a Government treasury or Bank.

51. (a) All fees, forfeited deposits and royalties shall be credited to Government Treasuries or Bank under the appropriate head of Government accounts.

(b) All deposits will be in the form of call deposits on Nationalised Banks, Meghalaya Apex Bank or Post Office Saving Bank Account duly pledged to the Chief Wild Life Warden or an authorised officer.

52. *Power to compound offences.*—For the purposes of Section 54 the following officers shall be empowered to accept payment of a sum of money by way of compensation of an offence against the Act, and to release on payment of the value thereof any property seized within the area of his jurisdiction, namely :—

(a) Chief Wild Life Warden ;

(b) Wild Life Warden.

(c) A Forest Officer of a rank not inferior to that of the Deputy Conservator of Forests.

53. *Cognizance of offences.*—The following officers shall be authorised to make complaints under Section 55, namely :—

(a) The Chief Wild Life Warden ;

(b) Any Forest Officer not below the rank of a Forest Ranger ;

(c) Any Police Officer not below the rank of Sub-Inspector of Police.

54. *Repeal and Saving.*— "As from the commencement of these Rules, the shooting Rules contained in the notification of the Government of Assam in the Forest Department's No.FOR/WL/679/ 08/28, dated 29th November, 1968 shall stand repealed."

Provided that such repeal shall not—

(i) affect the previous operation of the rules so repealed or anything duly done or suffered thereunder ;

(ii) affect any right, privilege, obligation or any liability, acquired, accrued or incurred under the rules so repealed ;

(iii) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability :

Provided further that subject to the proceeding proviso, anything done or any action taken under the rules so repealed, shall in *so* far as it is not inconsistent with the provisions of these rules be deemed to have been done or taken under the corresponding provisions of these rules and shall continue in force accordingly, until it is superseded by anything done or any action taken under these rules.

———



RULEs

THE MEGHALAYA FOREST (EJECTMENT OF UNAUTHORIZED PERSON FROM RESERVED FORESTS) RULES, 1979



MEGHALAYA FOREST (EJECTMENT OF UNAUTHORISED PERSONS FROM RESERVED FORESTS) RULES, 1979.

Notification No. M.F.G.1/36, dated 8-8-1979. In exercise of the powers conferred by Cl. (c) of S. 72 of the Meghalaya Forest Regulation (Assam Forest Regulation, 1981 as applied to Meghalaya), the State Government hereby make the following rules, namely:

1. **Short title, extent and commencement.** (1) These rules may be called the Meghalaya Forest (Ejectment of Unauthorised Persons from Reserved Forests) Rules, 1979.

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

   (3) They shall come into force with immediate effect.

2. **Definitions.** (1) In these rules unless the context otherwise requires-

   (a) "Divisional Forest Officer" includes any person in charge of a Forest Division.
   (b) "Reserved Forest" means areas duly notified as reserve forest under S.4 of the Regulation.
   (c) "Regulation" means Meghalaya Forest Regulation (Assam Forest Regulation, 1891 as applied to Meghalaya).

   (2) Words and expressions used but not defined in these rules but defined in the Regulation shall have their meaning respectively assigned to them in the said Regulation.

   (3) The Divisional Forest Officer may eject any person who has entered into unauthorized occupation of land in a reserved forest or order him to vacate such unauthorized occupant.

   (4) When any person is ejected under R. 3 or ordered to vacate the land under his unauthorized occupation the Divisional Forest Officer may sell, confiscate or destroy any crops raised, building or construction erected on the land without authority.

———



RULEs

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) RULES, 1982



MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) RULES, 1982

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement**—(*1*) These rules may be called the Meghalaya Forest (Removal of Timber) (Regulation) Rules, 1982

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

   (*3*) They shall come into force at once.

2. **Definitions**—In these rules unless the context otherwise requires—

   (*a*) 'Act' means the Meghalaya Forests (Removal of Timber) (Regulation) Rules, 1981.

   (*b*) 'Competent authority' means that Competent Authority appointed by the Government under Section 2 (a) of the Act;

   (*c*) 'Form' means a form appended to these Rules.

   (*d*) All other terms and expression used in these rules but not defined shall have the same meaning respectively assigned to them in the Act.

3. **Application for licences**—(1) Application for removal of timbers outside the State shall be submitted in Form No. I to the competent authority under whose territorial jurisdiction the forests from where the timbers are proposed to be removed are situated.

   (2) Application for establishment of a "Trading Depot" shall be submitted in Form No. II in the same manner as provided under sub-rule (1).

   (3) Applications under sub-rules (1) and (2) shall be submitted through the District Council of the concerned Autonomous District wherever so required under the Act.

   (4) All applications under this rule shall be made in duplicate and the original copy of which shall bear a Court Fee Stamp of Rupees three and thirty paise only.

4. **Disposal of applications and grant of licences**— (1) The competent authority on receipt of the application under Rule 3, shall immediately acknowledge receipt of the same and subject to the provisions of the Act, cause an enquiry to be made in a manner he deems proper.

   (2) If the competent authority is satisfied that a licence may be granted shall—

   (a) For removal of timber outside the State for trade or otherwise, issue a licence in Form No. Ill and the species, sizes, total quantity of the logs or timbers, the area from where the timbers are to be removed and the route by which the same are to pass in the State shall be stated in the licences. The licence granted under this clause shall be valid for a period not exceeding one year and may for a like period be renewed.

   (b) For establishment of depot issue a licence in Form No. IV which shall be valid up to the 31st of March next following and may for a like period be renewed.

   (3) Where grant of licence under these Rules is refused the competent authority shall record the reasons therefor.

   (4) If no final order is passed on an application by the competent authority within six months from that date of its receipt it shall be deemed that licence has been granted.

(5) Application for renewal of the licence shall be made in Form No. V and submitted at least thirty days before expiry of the licence.

5. **Licences not to be granted**—Notwithstanding anything contained in these Rules the competent authority shall not grant any licence for removal outside the State in respect of timbers of the following sizes, namely:

i) All timbers in round form which are less than 30 cm, in diameter,

ii) All rough square timbers which are less than 20*20 sq.cm, in cross sectional area:

Provided that in case of Carpinus vaminea no licence shall be granted where timbers in the round form are less than 20 cm, in diameter and where in sawn form or less than 15*15 square cm, in the base area.

6. **Appeal against orders of competent authority**—(1) Any applicant being aggrieved by the orders of the competent authority may prefer an appeal to the Chief Conservator of Forests in the first instance. One application by the aggrieved party orders of the Chief Conservator of Forests will be reviewed by the Government.

(2) The appeal shall be preferred within sixty days and review application within thirty days from the date of communication of the order appealed against. The appeal petition shall bear a Court Fee Stamp of Rupees ten only and shall accompany a Bank deposit at call receipt of Rupees fifty only as the appeal fees without which no appeal petition shall be heard.

(3) The appeal fees referred to above shall be forfeited to the Government in the event of the appeal being rejected and shall be credited to Government as Miscellaneous revenue of the Forest Department. In the event of the appeal being granted the fees shall be adjusted towards licence fees payable by the applicant.

7. **Licence fees**—(1) For issue of licences under these Rules fees at the following rates and Court Fee Stamps shall be paid:

Category of licence		Amount
(i)	For a licence in Form No. III (Removal of timbers)	Rupees five hundred per 100 cubic meter or part thereof subject to maximum of Rupees one thousand.
(ii)	For a licence in Form No. IV (setting up of a trading depot)	Rupees five hundred per 100 square meters of the area covered by the depot or any part thereof subject to maximum of Rupees one thousand.
(iii)	For renewal of licence referred in item (i)	Rupees three hundred.
(iv)	For renewal of licence referred in item (ii)	Rupees three hundred.

(2) Members belonging to Scheduled Tribes recognised as such in the State of Meghalaya shall pay half of the amount specified column two of sub-rule (i); provided, however, that the maximum of Rupees one thousand shall also apply in their case.

8. **Records to be maintained and furnished by the licence holder**—Every licensee shall maintain the registers as in Form No. VI and No. VII for export of timber and maintain trading

depots respectively and abstract from the registers showing monthly transaction of timber shall be submitted within the 7th days of month following to the competent authority.

The format to be used for the submission of the monthly terms shall be as per Form No. VI-A and No. VII-A.

9. **Property hammer**—The licensee shall have a separate property hammer registered with the competent authority for use on timbers dealt by him for the trade depot. The facsimile of the hammer shall be approved by the competent authority and shall contain the Licence No. of the licence holder. Usual fees as prescribed under the relevant Forest Acts and Rules shall be leviable for registration of the hammer referred to under this Rule.

10. **Verification by the competent authority**—The competent authority or an officer not below the rank of a Forester and authorised by him shall have the right to check and verify the registers and the stock of timber at any reasonable time during the working hours and the licences shall be bound to produce such documents, registers, and render all assistance to the officer in checking and verification of the timbers.

11. **Stocking of any other timber**—Any timber or forest produce found in the depot or within 100 meters from the boundaries thereof or in possession of the licences and not covered by Transit Pass, Permit or Challan or any other valid documents shall be liable to be confiscated to the Government besides making the licensee liable to any action under the law.

12. **Export Transit Pass**—Every consignment of timbers meant for export outside the State shall be checked by a forest officer not below the rank of Forester Grade I and an Export Transit Pass issued. No timber shall be allowed to cross the State boundaries unless accompanied by the Export Transit Pass.

13. **Composition fee**—(1) Any offence under the Act may be compounded by an officer authorised by the Government under Section 15 of the Act, on payment of a sum of money equal to double the amount of royalty value of the timber in respect of which the offence has been committed subject to a minimum of Rs. 50 (Rupees fifty) only.

(2) The composition fee payable under sub-rule (1) above shall be in addition to the royalty and other dues payable on the timber.

FORM I

[Rule 3 (1)]

From .....

To.....

The Divisional Forest Officer,
(The Competent Authority under the MFRTR Act, 1981)
.....Division

Subject—Removal of timber outside the State.

Sir,

I intend to transport the timbers particulars of which are furnished below :
to .....(name of place outside the State) for trade purpose.

Necessary permission for the same may kindly be issued. All necessary particulars are furnished below:

1. Name of applicant and permanent address .....
2. Description of timbers intended to be exported .....

Sp.	Size	Quantity

3. Origin of the forest produce:
   (i) Name of the forest areas from where collected.....
   (ii) How acquired—(reference may be given to valid permit, settlement order etc).
4. Period during which the forests produce is proposed to be exported.
5. The route through which to be exported and name of the established Forest Check Gate through which it will cross the State boundary.

Yours faithfully,

ACKNOWLEDGEMENT

The applicant dated ..... (in Form I) from ..... for a licence to export timbers outside the State has been received in this office.

Seal of office.

Divisional Forest Officer,
(The Competent Authority under
the MFRTR ACT, 1981)
Divisional.....

FORM II

[Rule 3 (2)]

From .....

To.....

The Divisional Forest Officer,
(The Competent Authority under the MFRTRAct, 1981)
..... Division

Subject—Establishment of a Trading Depot for Timber Remission for.

Sir,

I intend to establish a trading depot for timber at a place mentioned below. All necessary particulars are furnished below:

Necessary permission may kindly be accorded.

1. Name and address of applicant .....
2. Description of the proposed timber Depot .....
   (i) Location .....
   (ii) Bounded by (Village,Town, etc.)
   North .....
   East .....

South .....

West .....

(iii) Area of the proposed depot (in case of irregularly shaped-land, area may be furnished accordingly; approximate average length and average width)

Length.....M.
Width.....M.
Area .....sq.M.

3. Quantity of timber proposed to be stocked in the depot.

Minimum .....Cm.
Maximum..... Cm.
Average monthly .....Cm.

4. If the depot meant for local sale or for export to outside the State

.....
.....

5. Ownership of the proposed Depot land. If the land does not belong to the applicant has permission for its proposed use been taken from the owner?

(Attach copy of documentary proof)

.....

6. Period for which the Depot is proposed to be maintained

Yours faithfully,

ACKNOWLEDGEMENT

The application dated ..... (in Form II) from ..... for a licence to establish a timber licence depot at ..... has been received in this office on.....

Seal of office

Divisional Forest Officer,
(The Competent Authority under
the MFRTR Act, 1981)
..... Division

FORM III

[Rule 4 (2) (a)]

Licence for export of timber outside the State

Subject to provisions of Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981 and Rules framed there under, this licence is hereby granted to—

Name .....Address ..... for export of timber outside the State for the period from ..... to 31st March, 20 ..... . as per details mentioned below. The route through which the timbers may be transported shall be—

Species	Length	Girth/Size	Volume	Remark

Total Volume..... Cm.

Note—(1) Details to be furnished species-wise and where length size cannot be assessed maximum number of each species allowed to be transported outside the State may be mentioned.

(2) Timbers of size below the prescribed limit and species included in the Schedule of the Act are not allowed to be transported outside.

Licence fee of Rs ..... realised vide Recpt. No.....dated.....

Facsimile of the Depot hammer approved .....

Dated the .....20.

Divisional Forest Officer,
(The Competent Authority under
the MFRTR Act, 1981)
..... Division

The licence is renewed up to 31st March, 20. On realisation of a licence fee of Rs ..... only *vide* Recpt. No ..... dated ..... 20.

Dated the .....20.

Divisional Forest Officer,
(The Competent Authority under
the MFRTR Act, 1981)
..... Division

Note—The licence shall be surrendered within 15 days from the date of expiry to the issuing officer.

FORM IV

[Rule 4 (2) (b)]

Licence for establishment of a Timber Trading Depot

Subject to provisions of Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981. This licence is hereby granted to—

Name .....

Address.....

For the period from ..... to 31st March 20 ..... to establish a trading depot for timber at.....

Location .....at.....

Covering an area of more or less .....sq. metres bounded by on the—

North .....

East.....

South .....

West.....

And is allowed to trade on timber subject to the provisions of Meghalaya Forest (Removal of Timber) (Regulation) Rules, 1982 from the said premises.

Licence fee of Rs ..... realised *vide* Recpt. No.....
dated.....

Divisional Forest Officer

Licence is renewed up to 31st March, 20.....on realisation of renewal fees of Rs .....vide Recpt. No..... 20.

Dated .....

Divisional Forest Officer

Note—Licence shall be surrendered within 15 days from the date of expiry to the issuing officer.

FORM V

[Rule 4 (5)]

From

To,

The Divisional Forest Officer,
(The Competent Authority under the MFRTR Act, 1981)
..... Division.

Sub: Renewal of Trading/Depot Licence No.....

Sir,

I hereby apply for renewal of the licence No.....of..... for transporting timber outside the State/for establishing a trading depot for timbers for a further period of one year ending on 31st March, 20 .

The following charges may kindly be incorporated in the licence.
The licence is enclosed herewith for necessary action.

Yours faithfully

FORM VI

[Rule 8]

Register of Export of timber to..... outside the State

Date	Receipt			From where received	Ref. to TP/ Challan No.	Particulars of Timber				Disposal		Balance stock of the sdate
	Particulars of Timber											
	Species	Size	Volume			Date	Species	Size	Volume	Where sent	Ref. to T.P. issued	
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM VI-A

[Rule 8]

Export of Timber Return for the month ending .....20.

Name of Licence holder .....Licence No .....

Name of Timber received during the month					Quantity of Timber exported during the month			Closing balance at the end of month	
Species	**Size**	**Volume opening stock at the beginning of the month**	**Received during the month**	**Total Col. 3&4**	**Species**	**Size**	**Volume**	**Col. 5-8**	**Remarks**
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**

Dated the .....20.

Certified that the information furnished above are correct to the best of my knowledge and belief.

Signature of the Licence holder

Note—(1) Entries should be made species-wise.

(2) To be submitted to the Divisional Forest Officer concerned not later than 7th day of the following month.

FORM VII

[Rule 8] **Register of Receipt and Disposal of Timber**

Dated.....

Receipt						
Particulars					From where received	Ref. to TP/ Challan No. and date
Date	Species	Length	Girth/size	Volume		
1	2	3	4	5	6	7

Disposal						How disposed	Ref. to TP No. and date	Balance stock at the end of the day	Remarks
Date	How dis-posed	Particular of timber disposed							
		Species	Length	Girth/ size	Volume				ks
8	9	10	11	12	13	14	15	16	17

FORM VII-A

[Rule 8]

Abstract of Stock Register

For the month of. ..... 20.

(To be submitted not later than 7th day of the following month)

Depot Licence No ..... Name of Licence holder. .....
.....

Species	Opening stock on 1st of the month (Vol.)	Quantity revised during the month (Vol.)	Total of Cols. 2 and	Quantity disposed of during the month	Closing stock of the month (Col. 4-5)	Remarks
1	2	3	4	5	6	7

Certified that the return is correct
to the best of my knowledge

Dated the .....20.

Signature of Licence Holder

RULEs

MEGHALAYA FOREST BASED INDUSTRIES (ESTABLISHMENT & REGULATION) RULES, 1998



GOVERNMENT OF MEGHALAYA FOREST AND ENVIRONMENT DEPARTMENT

NOTIFICATION

Dated Shillong, the 23rd December, 1998.

NO.FOR.86/98/Pt/43 : In pursuance of the direction contained in para 30 of the Order dated 15th January, 1998 of the Hon'ble Supreme Court of India in Writ Petition © No.202 of 1995, and of the recommendation of the State Level Expert Committee constituted in pursuance of the said Order and in exercise of the powers conferred by Clause (1) of Sub-Section (2) of Section 40 of the Meghalaya Forest Regulation (Assam Forest Regulation No. 7 of 1891 as applied and amended by Meghalaya), the Governor of Meghalaya is pleased to make the following rules, namely:-

1. Short title and commencement:-

    1. These Rules may be called the Meghalaya Forest - Based Industries (Establishment & Regulation) Rules, 1998.
    2. They shall extend to the whole State of Meghalaya.
    3. They shall come into force from the date of their publication in the Official Gazette.

2. Definition: (1) In these rules, unless specifically mentioned otherwise :-

    (a) Director of Industries means the Director of Industries, Government of Meghalaya.

    (b) Government means the Government of Meghalaya.

    (c) H.P.C. means the High Power Committee constituted by the Hon'ble Supreme Court oflndia.

    (d) Industrial Estate means area notified by the Government from time to time as per the Supreme Court Order;

    (e) P.C.C.F's means the Principal Chief Conservator of Forests, Government of Meghalaya.;

    (f) Saw Mills' means plant and machinery with which along with the premises including the presinet thereof in which, or in any part of which, sawing is carried out with aid of electrical and mechanical power; which include cutting and conveying timber/wood into pieces or the like acts;

    (g) State Level Expert Committee' (SLEC) means Government of Meghalaya, in pursuance of para 30 of Hon'ble Supreme Court Order dated 15.01.98 in writ petition (C) No.202 of 1995 read with writ petition (C) No. 171 of 1996.

    (h) Tribal' means a person belonging to any of the Scheduled Tribe pertaining to Meghalaya and as specified in the Constitution (Scheduled Tribe) Order, 1956 as amended from time to time; and

(i) Veneer Mill/Plywood Mill' means plants and machinery with which and the premises including the precincts thereof in which, or in any part of which conversion into required size, slicing, peeling, fashioning or seasoning of timber/wood, including preservation and treatment thereof either by mechanical process or chemical process with the aid of electrical or mechanical power or manually, is carried out.

2. Words and expression used but not defined under these rules and defined in the Meghalaya Forest Regulation (Assam Regulation No.7 of 1891 as applied and amended by Meghalaya) shall have the meaning respectively assigned to them in the said Act.

3. On any dispute, regarding interpretation of any word/expression/clause, the decision of the Principal Chief Conservator of Forests, Government of Meghalaya shall be final.

4. No Saw Mills, Veneer Mill, Plywood Mill or any other wood based industrial unit shall be established or run except as provided in these Rules.

5. Restriction or Establishment of Saw Mills, Veneer Mills, Plywood Mills and other wood-based industrial units:-

(1) Saw Mills, Veneer Mills, Plywood Mills and all other wood-based industrial units shall be established only in the industrial.

5. Procedure for obtaining License.

(1). The existing Saw Mills, veneer Mills, Plywood Mills fulfilling the conditions of Rule 4(1) and (2) and desiring a license to establish such Mill in the Industrial Estate, shall make an application to the Principal Chief Conservator of Forests or his nominee not below the rank of DFO/DCF in the form given in Schedule -I appended to these Rule.

(2) . Each application shall be accompanied by a non-refundable application fee of Rs. 500/- (Rupees Five Hundred)only in the form of a receipted Treasury Challan.

(3) On receipt of such application the Principal Chief Conservator of Forests shall be use necessary verifications to whether -.

(a) Conditions laid down in sub-rules (1) (2) and (4) of Rule 4 have been fulfilled.

(b) the required quantity of timber is available on an annual basis as determined by the approved Working Plan.

(4) The Principal Chief Conservator of Forests shall then forward the application together with verification report and his recommendations to the State Level Expert Committee for their consideration and recommendation.

6. Grant of License:-

(1) After consideration the recommendation of the State Level Expert Committee in each case, the State Government may give application in the form given in Schedule-II appended these Rules, or reject same for reasons to be recorded.

(2) While granting the license, the Government shall decide against while providing industrial estates or additional industrial estates as are notified by Government for such purpose.

(3) Only those Saw Mills, Veneer Mills, Plywood Mills and other wood-based industries which have been cleared by the High Power Committee without penalty before 15.01.1998; neither cleared with penalty before the 9th February, 1998 have been permitted for grant of license by the HPC as per para 14 of the Order dated 15.01.1998 of the Supreme Court of India in Writ Petition (C) No.202 of 1995, provided such Saw Mills, Veneer Mills, Plywood Mills or other wood-based industrial unit is approved by the State level Expert Committee, will be eligible for consideration for allotment of land in the notified Industrial estate or additional industrial estate and grant of license..

(4) Allotment of Land in the Industrial Estate and grant of license to individual non-tribal, firm, partnership firm, Company, Society shall be made only on -

(a) Production of the sanction of the Competent Authority for transfer of land as lay down in the Meghalaya Transfer of Land (Regulation) Act, 1971.
(b) Production of a Trading License from the concerned District Council as laid down in the Trading By Non-Tribal Act, applicable at that point of time.
(c) Provided that the provision of this sub-rule shall not apply to saw mills, Veneer Mills and Plywood Mills that was already on existence as on 12.12.1996.

(4) On receipt of the Allotment of land, saw Mills, Veneer Mills and Plywood Mills shall have to register their unit with Director of Industries in the case of Small Scale Industries where investment in plants and machinery does not exceed Rs. 3.00 crores, or file an I.E.M (Industrial Entrepreneur Memorandum) with the Ministry of Industries, Government of India, where such investment exceeds Rs. 3.00 crores. Estate the applicant is granted license; regulated the authorised capacity of the unit keeping in view the quantity of timber likely to be available in the area on a sustainable basis as per working Plan; and the extent of land to be allotted to the applicant, where applicable.

7. Period of Validity of License.

License granted under Rule 6 or renewed under Rule remain valid for the calendar year ending of the 31st day of December following the date of such issue or renewal of License.

8. Renewal of License.

Application for renewal of license granted under Rule 6 shall be made to the Principal Chief Conservator of Forests, one month before the expiry of validity period, failing which the license will stand revoked.

9. Revocation of License.

Notwithstanding anything in the fore-going Rules, the Government may, where there are reasons to believe that the License is operating the Saw Mill, Veneer Mill or Plywood Mill

in contravention of the Provision of these Rules or conditions of License or is indulging in activities prejudicial to the interest of forest Conservancy or public interest, at any time after giving one month notice, revoke the license granted under Rule 6,

10. Fees for Grant or Renewal of License.

The following fees shall be paid by each tribal applicant for the grant or renewal of license which shall be credited to the revenue of the Forest & Environment Department, through a Treasury Challan under the appropriate receipt head.

Sl.No.		Grant of License	Renewal of License
1	Saw Mill/Unit	Rs. 10,000.00	Rs. 5,000.00
2.	Veneer Mill/Unit	Rs. 50,000.00	Rs. 10,000.00
3.	Plywood Mill	Rs. 1,00,000.00	Rs. 25,000.00

(1) A Unit in case of Saw Mill means two blades whether horizontal or vertical or a single peeling Unit would.

(2) The Fee for grant or renewal of license may be revised from time to time as deemed necessary by the Government and shall be done by issuing executive orders to this effect.

(3) For Non-Tribal applicants, the rates will be double the above.

11. Exception

Nothing contained in this Rules shall apply to other wood-based small scale Units manufacturing final consumable wooden articles using manually operated non-powered tools.

Sd/-

(P.LBazeley)
Principal Secretary to the
Government of Meghalaya,
Forest & Environment Department

SCHEDULE-I

FORM FOR APPLICATION OR FOR GRANT OF LICENSE.

1. Name of Applicant with Address:

_____

2. Existing location - (i) Place :_____

(ii) District: _____

3. Type of forest based industry intended to be setup : _____
   (i) Saw Mill, (ii) Veneer Mill, or (iii) Plywood Mill

4. Whether a tribal of Meghalaya (If so please indicate): _____

5. If not a tribal of Meghalaya, Please state whether,
   (i) Individual Non-Tribal:_____

   (ii) Registered Firm/Society/partnership: _____

   (iii) Company Registered under Company Law: _____

6. If response to (5) above is in the affirmative, please state whether:

   (i) Sanction for transfer of land under Meghalaya Transfer of land (Regulation) Act, 1971, read with the Meghalaya Transfer of Land (Regulation) Amendment Act, 1991 has been obtained.

   (ii) A Trading License from the District Council under the trading by Non-tribal Act applicable at that point of time has been obtained.

7. Whether :-

   (a) Forest based industry is a new unit being set up.

   (b) If answer to (a) is in positive, has the Forest Based Industry been cleared by the High Power Committee.

   If the answer is in the positive whether the industry has been cleared with penalty or without penalty.

8. The notified Industrial Estate in which the applicant wishes to establish his unit.

9. Capacity of the unit proposed to be established/continued (in cubic meters) of un-sawn timber (round logs)

10. Source of Raw materials:-

    (Please indicate details of certificates of origin from A.D.C's).

11. (a) Whether at any time the applicant has registered the unit with the Director, Industries.

    (b) .if answer to (a) above is yes, quote Registration No.

12. Whether copy of the Treasury Challan for fees deposited is enclosed.

I hereby declare that the information provided above is true and that if found false, subsequently, my application for license may be rejected.

Dated: Signature of Applicant.

Place:

ACKNOWLEDGEMENT

I hereby acknowledge receipt of an application for grant of License under the Meghalaya Forest Based Industries (Establishment & Regulation) Rules, 1998 from -

Principal Chief Conservator of Forests (or his authorised individual Officer)

Date :

Place : Principal Chief Conservator of Forest
(or his authorised individual Officer)

Sd/-
(P.J. Bazeley)
Principal Secretary to the Government of Meghalaya,
Forest & Environment Department

NO.FOR.66/98/pt/43-A Dated Shillong the 23rd December, 1998.

To :-

1. The Director Printing & Stationery with a request to publish this notification in the Meghalaya Gazette Extra-ordinary of date and to furnish this Department 500 spare copies thereof.
2. The Deputy Inspector General of Forests & Head of M.E. Cell, Ministry of Environment & Forest, Government of India, Room No.707 Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi 110003 for information with reference to the approval contained in Ministry's letter No.3/93-SU dated 18th December, 1998.
3. The Principal Chief Conservator of Forests, Meghalaya, Shillong, for Information and necessary action.
4. The Private Secretary to Chief Minister/Deputy Chief Minister/All Ministers/All Ministers of States/Parliamentary Secretary.
5. Private Secretary to the Speaker/Deputy Speaker, Meghalaya Legislative Assembly.
6. Private Secretary to the Chief Secretary, Meghalaya.
7. All principal Secretaries/Commissioners and Secretaries/Secretaries/head of Departments.
8. All Chief Conservator of Forests/Conservator of Forests/Divisional Forest Officers.
9. Secretary, Executive Committee, JHADC, Jowai/KHADC/GHADC.
10. All Members of the Meghalaya legislative Assembly.
11. All Deputy Commissioners.
12. All Forest Based Industries cleared by the HPC within 15.01.1998.
13. The Director of Information & Publications, Meghalaya for wide Publicity.

Sd/-

(P. J. Bazeley)
Principal Secretary to the Government of Meghalaya,
Forest & Environment Department

RULEs

THE MEGHALAYA TREE FELLING (NON-FOREST AREAS) RULES 2006



GUIDELINES / RULES FOR FELLING OF TREES FROM NON-FOREST AREAS ISSUED IN COMPLIANCE WITH THE SUPREME COURT ORDER DATED 12TH MAY 2001 IN WRIT PETITION (C) NO. 202 /1995

In pursuance of directions contained in Para 3 of the order dated 12th May, 2000 of the Hon'ble Supreme Court of India in Writ Petition WP(C) 202/1995, and with the prior approval of the Ministry of Environment and Forests, Government of India, as contained in their F. No 8-180/NEC/2001-Pt.1 dated 8.6.2006, the Governor of Meghalaya is pleased to notify the rules for felling of trees from Non-Forest Areas as below: -

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

1.1 These rules shall be called "The Meghalaya Tree Felling (Non-forest areas) Rules, 2006.

1.2 These shall extend to the whole of the State in respect of felling of trees from non-forest areas including tree plantations on such areas.

1.3 These shall come into effect from the date of their notification in the official gazette.

2. DEFINITION:

In these guidelines, unless there is anything repugnant in the subject or context.

a. "Government" means Government of Meghalaya

b. "Forest" means (*i*) reserved forest or protected forest or any other area legally constituted as forest and (*ii*) any area recorded as "forest" in Government records maintained by Forest Department or other Government Departments and (iii). deemed forest area identified as per Supreme Court order dated 12.12.1996 in Writ Petition (C) No. 202/1995.

c. "Non-forest land": Notwithstanding anything contained in any law under operation in the State of Meghalaya for the time being "non-forest land" for the purpose of these Rules means land which is not 'forest' as per sub-section b above. Provided further that section 2 (f) of the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1958, shall have no application for the purpose of interpretation of these rules.

d. "Plantation" means a sizable stand of trees bearing uniformity in age, type or growth pattern and distinct enough from a natural stand.

e. "Felling" includes an act of burning, cutting, damaging, uprooting, tapping, girdling and lopping a tree to cause substantial damage or destruction thereto.

3. REGISTRATION OF TREE PLANTATIONS:

(1) Tree plantations raised in private and community holdings of non-forest areas without financial assistance from the Government or a Government agency shall be registered with the Chief Forest Officer of the concerned Autonomous District Council in the manner as may be prescribed in this behalf. However, tree plantations raised in Government owned or controlled areas or raised with full or partial financial assistance from the Government or a Government agency, even if it is raised on a private or community holding shall

be registered with the Divisional Forest Officer (Territorial) having jurisdiction over the district on payment of registration fees of Rs. 100/- (Rupees One Hundred) only.

(2) For registering plantations with the Divisional Forest Officer (Territorial) the land owner or the authorized representative shall submit an application to the Divisional Forest Officer (Territorial) concerned through the Divisional Forest Officer Social Forestry Division or the district level officer of the Government Department or its agency along with an endorsement as to the actual ownership by the agency which funded the plantation work accompanied by such fees as may be prescribed by the Government on this behalf. The Divisional Forest Officer shall register such plantation on the basis of a certificate issued by the concerned village level body stating the ownership and rights or the land duly endorsed by the concerned Autonomous District Council.

(3) While registering a plantation with the Chief Forest Officer of the Autonomous District Council concerned it shall *inter alia* be ensured that the applicant is the legal title holder, and it is a non-forest land.

(4) The Divisional Forest Officer (Territorial) or the Chief Forest Officer as the case may be shall prepare and make available a certificate of such registration to the applicant with copies to the village level body, the Deputy Commissioner and the Conservator of Forests i/c-Territorial.

(5) The Divisional Forest Officer or the Chief Forest Officer of the Autonomous District Council concerned shall normally issue the registration certificate within sixty days of receipt of complete application.

(6) The Divisional Forest Officers (Territorial) and the Chief Forest Officers of the Autonomous District Councils would keep a proper record in a prescribed forrrat of all the registered plantations.

4. PROCEDURE FOR PERMISSION FOR FELLING OF TREES FROM REGISTERED SOCIAL FORESTRY PLANTATIONS OR PLANTATIONS RAISED BY OTHER GOVERNMENT DEPARTMENTS:

Notwithstanding anything contained in any law operational in the State for the time being permission for felling of trees from Social Forestry plantation or plantation raised by other Government Departments or Government agencies shall be regulated in the following manner.

(1) Application for felling permission shall be made to the Divisional Forest Officer (Territorial) concerned through the concerned Divisional Forest Officer, Social Forestry Division or the district level officer of the Government Department which funded the creation of the plantation.

(2) The application shall indicate the species, and the number of trees desired to be felled and shall be accompanied by a copy of the registration certificate of the plantation. It shall also include an undertaking by the authorised person to deposit in the Forest Development Agency of the district such sum of money as first charge on the sale proceeds as would be required to afforest or regenerate the blanks created by the felling.

(3) The Divisional Forest Officer of the Social Forestry Division concerned or the district level officer of the concerned Government Department shall scrutinize the application, verify the details specified and forward the application to the Divisional Forest Officer (Territorial) with his recommendation.

(4) The Divisional Forest Officer (Territorial) on receipt of an application complete in all respects, shall cause inspection of the area by an officer usually in the rank of an Assistant Conservator of Forests and then forward the application along with his report and recommendation to the Conservator of Forests i/c Territorial within a period not exceeding thirty working days from the date of receipt of the application. The Report of the Divisional Forest Officer shall also include an estimate of cost to satisfactorily afforest or regenerate including maintenance cost, the blanks left by the harvesting of the trees. The Conservator of Forests shall dispose of the application if the trees to be felled are less than one hundred in number. If the number of trees to be felled is one hundred or more the Conservator of Forests shall forward the application to the Chief Conservator of Forests i/c (Territorial) for disposal. The application should be finally disposed of or forwarded to the Chief Conservator of Forests for such action by the Conservator of Forests i/c Territorial within fifteen working days, i.e, within forty five working days of receipt of the complete application by the Divisional Forest Officer, i/c (Territorial). In the event, the application is to be finally disposed of by the Chief Conservator of Forests, a further time of fifteen day may be taken. All permissions granted would be subject to payment of afforestation or regeneration costs as estimated by the Divisional Forest Officer. If the Conservator of Forests Territorial or the Chief Conservator of Forests Territorial refuses permission for felling he shall record reasons for the same.

(5) In case the Conservator of Forests i/c Territorial or the Chief Conservator of Forests, i/c Territorial decides to deny permission for felling, the applicant can file an appeal to the next higher authority within thirty days of communication of the refusal.

(6) In case permission for felling of trees is fully or partially granted the Conservator of Forests i/c Territorial or the Chief Conservator of Forests, i/c Territorial shall mark a copy of such “permission to the Divisional Forest Officer (Territorial) who shall proceed with marking of trees.

5. MARKING REGULATIONS FOR TREES FROM REGISTERED SOCIAL FORESTRY PLANTATIONS OR PLANTATIONS RAISED BY OTHER GOVERNMENT DEPARTMENTS:

(1) A minimum of one third volumes should be retained for each species of trees after removal of the trees applied for.
(2) Only selection marking would be done.
(3) The minimum girth at breast height of trees to be marked should be 90 cm.
(4) The marking of the trees should be carried out only by a trained forest officer not below the rank of a forest ranger.

6. PERMISSION FOR FELLING OF ISOLATED TREES IN NON-FOREST AREAS LIKE HOMESTEAD /FARM ETC.:

(1) Permission for felling of trees from non-forest areas or in homesteads and farms

may be sought under the provisions of the Meghalaya Tree Preservation Act, where applicable, and in areas outside the purview of the said Act, the application shall be made by the authorized person for such felling to the Divisional Forest Officer (Territorial), or the Chief Forest Officer of the Autonomous District Council concerned on such grounds as may be applicable, who on satisfying himself that the removal of the trees is justified, will grant such permission as necessary within thirty working days from the date of receipt of application complete in all respects. In the event that the number of trees requested for such removal exceeds twenty on one holding in a year, the Divisional Forest Officer or. the Chief Forest Officer shall forward the application with his recommendation to the Conservator of Forests i/c Territorial who shall accord or refuse permission for such removal within fifteen working days from the date of receipt of such application by him. In the event of refusal of permission in part or in full for felling of trees the applicant may file an appeal to the next higher authority *viz* Conservator of Forests i/c Territorial or Chief Conservator of Forests i/c Territorial within thirty days of the communication of such refusal.

(2) Marking of the trees allowed to be felled will thereafter be carried out by the Divisional Forest Officer (Territorial) or the Chief Forest Officer of the Autonomous District Council concerned.

However, no permission will be required for felling trees from homesteads and farms for bonafide domestic use or for farming activities. The timber obtained from these trees, will however not be allowed to be disposed of by sale or by any form of trade.

7. PROCEDURE FOR PERMISSION FOR FELLING OF TREES FROM REGISTERED PRIVATE PLANTATIONS RAISED WITHOUT GOVERNMENT FUNDING:

(1) Application for felling of trees from non-forest area in respect of registered private plantations shall be made by the authorized person to the Chief Forest Officer of the Autonomous District Council concerned or the Divisional Forest Officer (Territorial) depending upon the jurisdiction.

(2) The application shall be submitted along with a list containing number, species approximate girth of the trees to be felled, location and map of the non forest area from which the trees are proposed to be felled, a copy of the registration certificate issued by the competent authority and other details as prescribed.

(3) The Chief Forest Officer of the Autonomous District Council concerned or the Divisional Forest Officer (Territorial) as the case may be after verifying the ownership of the Sand, details of the trees to be felled and after physical verification of the area shall forward the application to the Conservator of Forests, i/c Territorial along with his recommendations about the trees that may be allowed to be felled and other relevant details. While recommending the application, he shall also certify that the land is “non-forest land” as specified in Rule 2 above and that physical verification of the areas and the trees proposed to be felled has been done by an officer not below the rank of a forest ranger, or Deputy Chief Forest Officer as the case may be. The Conservator of Forests, i/c Territorial may cause such enquiry as he deems fit to satisfy himself.

(4) The Conservator of Forests, i/c Territorial may, after satisfying himself dispose the matter under intimation to the Chief Conservator of Forests, i/c Territorial. In case the

trees to be felled are more than one hundred in number, he shall forward the application to the Chief Conservator of Forests, i/c Territorial who shall dispose the matter with intimation to the Principal Chief Conservator of Forests. If the Conservator of Forests, i/c Territorial or the Chief Conservator of Forests, i/c Territorial would refuse permission for felling in full or in part, he shall record his reasons to do so. In the event of refusal of permission in part or full for felling of trees, the applicant may file an appeal to the next higher authority *viz.* the Chief Conservator of Forests, i/c Territorial or the Principal Chief Conservator of Forests within thirty days of communication of such refusal.

(5) Marking of the trees allowed to be felled will thereafter be carried out by the Divisional Forest Officer (Territorial) or the Chief Forest Officer of the Autonomous District Council concerned.

8. TREE SPECIES NOT REQUIRING FELLING PERMISSION:

(1) Horticultural tree species *viz. mango, guava, jackfruit, carambola, plum, peach, pear, coconut, arecanut, litchi, cashew, Citrus spp,* and all species of bamboo, culms of which have attained three years age or more shall not require permission for felling either in respect of an individual tree or plantation on non-forest land.

(2) The State Government shall be competent to add or delete species in the sub-rule (1) above.

9. RESTRICTION OF PERMISSION.

No permission for felling shall be granted in respect of unregistered plantations.

10. TRANSIT:

The transit of timber from the non-forest land shall be under transit passes and as per provisions of relevant acts and rules and established procedure for transport of timber or timber products.

11. SEIZURE AND CONFISCATION OF TREES FELLED IN VIOLATION OF THESE RULES:

(1) Timber obtained from trees felled in violation of these rules, may be deemed to have been confiscated to the State Government /Autonomous District Councils depending on the jurisdiction. However, the Divisional Forest Officer/Chief Forest Officer shall be at liberty to release the timber obtained from such trees, to the legal title holder, after recovery of an amount equal to fifty percent of the royalty payable for the timber. This would be in addition to any usual royalty, fee and cess etc. payment to the State Government or the Autonomous District Council. After such payment only it would be eligible to be purchased for use by any wood based industry, timber user or for export outside the state.

(2) The confiscation of timber under sub-rule (1) above is withoui prejudice to any other action or penalty which may be levied under the relevant acts or rules.

12. REVISION:

The State Government may at any time either on its own volition or on an application, call for and examine the records relating to any orders passed or proceedings taken under these Rules including the powers exercised by the Autonomous District Councils for the purpose of satisfying themselves as to the legality or correctness of such orders or

proceedings and may pass such order as they may deem fit, and such order shall have the effect of supersession of the impugned order or proceeding.

13. BAR AGAINST PROCEEDINGS:

No suit or proceedings shall lie against the State Government or the Autonomous District Council or any person empowered to exercise powers or to perform duties or discharge functions under these Rules, or for any actions taken under these Rules, in compliance with various directions of the Supreme Court in Writ Petition (Civil) No 202/95 and other related cases.

14. EXEMPTIONS:

Notwithstanding anything contained in these Rules, no permission shall be required for:

(a) Lopping of branches or pruning any tree as required by ordinary agricultural or horticultural or silvicultural practices;

(b) Felling of any tree in pursuance of any order or direction made or issued by any authority under the provisions of any law for the time being in force, provided these are not repugnant to these Rules.

15. THE PROVISIONS TO BE IN ADDITION TO OTHERS:

The provisions of these Rules shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating the felling of frees.

16. SAVINGS:

Any proceeding initiated before the commencement of these Rules for a similar offence under any other statute shall continue under those statutes.

Form For Application for Registration of Tree Plantations Raised in Privately Owned or Controlled Areas Raised With Full or Partial Financial Assistance from a Government Department or a Government Agency

(see sub-rule (1) of Rule 3 of The Meghalaya Tree Felling (Non forest areas) Rules, 2006)

To,

The Divisional Forest Officer,
..... Hills Territorial Division.....

Through: The ..... (designation of concerned district head of the Government department/ agency who has provided full or partial financial assistance for raising of tree plantations proposed to be registered)

Sub.: Registration of with full/ partial financial assistance from a Government department/ agency *(strike out whichever is not applicable)*

Sir,

A tree plantation as per details furnished herein-below has been raised in privately

owned/controlled land/with full/ partial financial assistance from ..... (name and full address of the Government Department/ agency who has provided full or partial financial assistance for raising of tree plantations proposed to be registered):

1. Name of village, revenue sub-division and district, elaka, syiemship, A'king etc, in which plantation is located: .....
2. Area of plantation in ha : .....
3. Schedule of boundary:

   North: .....

   South:

   East:

   West:
4. Year of creation : .....
5. Main tree species planted:
6. Ownership status of land (private/ community/ any other *(specify))*
7. Name of the applicant (in block capitals):
8. Present address of the applicant:
9. Permanent address of the applicant:
10. Status of applicant (Individual owner/ authorized representative of owner(s) / representative of village authority/ any other (*specify)):*
11. In case the applicant is not the sole proprietor of the land and/ or tree plantation raised thereon, the authority under which he is authorized to submit application for registration:

7. Copy of the authority indicated in para 9 herein above- enclosed/ not enclosed:

The tree plantations described herein above may kindly be registered for the purpose of the Meghalaya Tree Felling (Non-forest areas) Rules, 2006.

Encl:

1. Attested copy of the certificate, issued by the concerned village level body stating the ownership and rights on the land duly endorsed by the concerned Autonomous District Council.
2. Map of the tree plantation area (with reference to permanent ground features.)
3. Copy of authority under which the applicant is authorized to submit application *(strike out if not applicable).*

Yours faithfully,

Date:.....

(Signature of applicant)

(For use in the office of the concerned district head of the Government Department/ Agency who has provided full or partial financial assistance for raising of tree plantations proposed to be registered)

1. SI. No. of the application:.....
2. Date of receipt:.....
3. Comments of the concerned district head: On perusal of the records available in this office supplemented by field visits *(strike out if no field visit has been undertaken)* contents of application herein above have been found correct/ partially correct / incorrect.
4. The partially correct/ in correct contents of the application are as below (strike out if not applicable):.....

   (i)

   (ii)

   (iii)

   (iv)

   (v)

The undersigned therefore recommends/ does not recomnend (strike out appropriately) for registration of the tree plantation.

The map of the tree plantation submitted by the applicant has been duly countersigned by the undersigned.

Date:.....

Place .....

Signature and official seal of the concerned district head of the Government department/ agency who has provided full or partial financial assistance for raising of tree plantations proposed to be registered.

_____

RULEs

THE MEGHALAYA CHARCOAL (CONTROL OF PRODUCTION, STORAGE, TRADE AND TRANSIT) RULES, 2008



GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR NOTIFICATION

Dated Shillong the 5th November, 2008.

No.FOR.136/2001/213 - In exercise of the powers conferred under section 40 and 72(e) of the Meghalaya Forest Regulation (Application and Amendment) Act, 1973, the Governor of Meghalaya is pleased to notify the rules to control production, storage, trade and transit of charcoal.

1. Short title, extent and commencement :

(1) These rules may be called the Meghalaya Charcoal (Control of Production, Storage, Trade and Transit) Rules, 2008.

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

(3) They shall come into force with immediate effect.

2. Definitions :

(1) "Act" means the Meghalaya Forest Regulation (Application and Amendment) Act, 1973.

(2) "Government" means the State Government of Meghalaya.

(3) "District Council" means an Autonomous District Council constituted under the Sixth Schedule to the Constitution of India;.

(4) "Legal timber" includes the following:

(a) trees felled under prescription of an approved working plan or working scheme;

(b) trees felled from registered plantations from non-forest land under prescribed rules;

(c) trees felled from non-forest areas for commercial purpose under prescribed rules;

(d) isolated trees felled from homestead or farm under lawful permission;

(e) timber purchased from the Government or a Government agency.

(5) "Producer" means a person who converts wood obtained from legal sources into charcoal by a process of destructive distillation of wood, by burning in a kiln, in the presence of regulated but limited amount *of* air or any other process.

(6) "Stockist" means a person who stores more than one metric tonne (ten quintal) of charcoal for the purpose of trade or consumption.

(7) Conservator of Forests" means the Conservator of forests having territorial jurisdiction over the area.

(8) "Divisional Forest Officer" means the Divisional Forest Officer having territorial jurisdiction over the area.

(9) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act unless the context otherwise requires.

3. Restriction on production, stocking, sale, purchase, import and export of charcoal:

On and after the appointed day

(a) No person shall burn/convert a tree, timber or wood for the purpose of charcoal production except under and in accordance with these rules.

(b) Charcoal shall be produced only from wood obtained, from legal sources.

(c) Application for production or storage of charcoal shall be submitted by registered producers or stockists in Form II and Form III respectively to the Divisional Forest Officer concerned under whose jurisdiction the place for conversion of wood to charcoal is situated.

(d) Charcoal shall be produced and stocked only in such quantities and places as specified for the purpose in Form IV by the Divisional Forest Officer concerned or any other officer acting in his behalf.

(e) No person shall procure charcoal from any source other than a registered producer or stockist.

(f) No person shall import charcoal into or export charcoal from the State unless specific permission is accorded by the Principal Chief Conservator of Forests Meghalaya. Such permission would specify the source, the route of import or export in the State and the quantity.

4. Permit for sale, transport etc :

(1) Notwithstanding anything contained in the preceding paras, the Chief Conservator of Forests Territorial, with the prior approval of the Principal Chief Conservator of Forests, may on such terms and conditions and in such manner as may be prescribed, permit any person who had purchased any charcoal before the appointed day within an area to which these Rules apply, to sell and transport such charcoal to any person within the State.

(2) A person to whom a permit is granted under sub-section (1) shall be liable for payment of such fees as may be prescribed.

5. Registration of Producer and Stockists :

(1) Every intending producer or stockist of charcoal shall apply for registration to the Divisional Forest Officer concerned and obtain a certificate of registration in Form I.

(2) The registration, and the renewal fee shall amount to Rs. 1000/- (Rupees One thousand) and Rs.500/- (Rupees five hundred) respectively, which may be revised from time to time by the Chief Conservator of Forests Territorial with the concurrence of the Principal Chief Conservator of Forests.

Provided the registration and the renewal fee shall be half the amount in case of a producer or individual stockist who belongs to scheduled tribe/caste community.

The registration/renewal fee would be payable by a receipted treasury Challan for the amount.

(3) The registration/renewal shall be valid till the 31st December of the year of registration/ renewal.

(4) An application for renewal shall be submitted to the Conservator of Forests concerned sixty days before the expiry of the validity period of the registration/renewal.

(5) The Divisional Forest Officer concerned may refuse to register any producer or trader:

(a) if he does not possess or in the opinion of the Divisional Forest Officer concerned is not likely to procure legal timber required for charcoal production;

(b) on account of a conviction for any offence in respect of forest, wildlife or environmental laws;

(c) if the number of persons who have applied for and those who have already been registered in the locality are sufficient; or

(d) for any other reason which seems to the Divisional Forest Officer concerned to be sufficient, to consider a person not fit to produce or trade in charcoal.

(6) The Divisional Forest Officer concerned may issue a duplicate copy of the registration certificate if the original is lost or destroyed and on receipt of payment of a fee of Rs.250/- (Rupees two hundred and fifty).

6. Suspension or cancellation of registration :

If any registered producer or stockist, either by himself or through his agent or servant acting on his behalf contravenes any of the provision of these rules then, without prejudice to any other action that may be taken against him, the Divisional Forest Officer concerned may, after giving him a reasonable opportunity for representation, suspend or cancel the registration. A copy of the order suspending or canceling the registration shall also be sent to the concerned producer or stockist.

7. Records to be maintained and furnished by the registered producer or stockist.

Every registered producer or stockist shall maintain correct and true records in respect of production, receipt, disposal and trade in form No.V and in such manner as the Divisional Forest Officer concerned may specify. Every registered stockist shall submit a monthly return in Form VI showing monthly transaction. Such return shall be submitted within the seventh day of the month following to the Divisional Forest Officer concerned.

8. industries using charcoal as raw material :

Industries using charcoal as raw material shall be treated as stockists of charcoal and shall :

(a) source charcoal only from registered producers or stockists, or from imports;

(b) maintain a stock register in form V and submit a quarterly return in Form VI to the Divisional Forest Officer concerned;

(c) retain transit passes in support of the entries in the stock register; and

(d) allow inspection of stock of charcoal and scrutiny of stock register and connected documents by a forest officer not below the rank of a forester,

9. Production, storage and transit of charcoal:

(1) No charcoal shall be transported unless covered by a transit pass issued by a Forest Officer authorized by the Divisional Forest Officer concerned in token of full payment of all amounts due to the Government.

(2) Charcoal shall, be imported into, exported from or moved within the State only on the route prescribed.

(3) A transit pass for transport of charcoal shall be issued only on production of a certificate of origin or document in support that the charcoal has been produced from legal timber.

(4) Every officer issuing a transit pass at the point of production of charcoal shall satisfy himself that the timber or wood used for production of charcoal consignment is of legal origin after verifying the documents.

(5) Any premises used for production or storage of charcoal and the stock register and other connected documents shall be subject to inspection and scrutiny at any time by any forest officer not below the rank of a forester and all facilities for such inspection and scrutiny shall be provided by the owner of such depot or premises.

(6) Charcoal in transit may be stopped and inspected at any place by any forest officer and all persons in charge of the consignment shall be bound to produce the permit, certificate of origin or transit pass covering the consignment when called upon to do so by such Forest Officer.

10. Appeal *:*

Any person aggrieved by any order passed by any competent authority under these Rules 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 the next higher authority whose order shall be final.

Provided that the Appellate authority may admit an appeal after expiry of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in lime.

11. Exemption of Government transactions :

Nothing in these rules shall apply to the production, trade transit, storage, export and import of charcoal by or on behalf of the State Government or a State Government agency or for making and use of small quantities not exceeding 200 kilograms of charcoal for *bona fide* domestic use by the local people or to the charcoal produced from bamboos subject to compliance with other acts and rules in this regard. The industries using bamboo charcoal shall however maintain stock registers, submit returns, retain transit passes and be subject to inspection as provided in Rule 8 sub rules (b), (c) and (e) of these rules. The stock registers and record of transit passes for bamboo charcoal shall be maintained separately and returns shall also be submitted separately.

12. Penalty :

Any person infringing any of. the above rules shall be punishable as provided under section 41 of the Meghalaya Forest Regulation Act, 1973.

13. Effect of other rules :

The provisions of these rules shall have effect notwithstanding anything inconsistent therewith contained in any other rules framed under the Act.

Sd/-
V.S.Oberoi,
Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

_____

FORM-I

[See Rule 5 (1) (2) & (3)]

Registration for charcoal production / storage

To,

Shri / Smt / M/s .....

.....

.....

Registration No. .....

*(i) You have been registered as a producer / stockist of charcoal under Section 5 (1) of the Meghalaya Charcoal (Control of Production, Storage, Trade and Transit Rules, 2004). Your registration would expire on 31st December_____

*(ii) Your registration as charcoal producer / stockist is hereby renewed till 31st December .....

Yours faithfully,

Divisional Forest Officer,

.....Division,

.....

* Strike off whichever is not necessary.
[The Registration No. would be assigned in the fashion KH., JH. or GH./Year/ No.]

FORM - II

[See Rule 3 (C)]

From,

.....

.....

.....

To,

Divisional Forest Officer,

.....Division,

.....

Sub : Request for permission for production of charcoal

Sir,

I intend to convert wood obtained from legal sources into charcoal. The Necessaty particulars are as follows :

1. Name of the applicant :
2. Father's / Mother's name :
3. Permanent address :
4. Registration No. .....
5. Description of the timber/ wood to be used in production of charcoal

Species	Quantity (in metric tonnes)

6. Source of the timber / wood
7. Location where production is to be done
8. Quantity of charcoal to be produced

The required permission may kindly be accorded

Yours faithfully,

FORM - I

[See Rule 5(1) (2) & (3)]

(Registration for charcoal production/storage)

To,

Shri/Smti/M/s.....

.....

.....

Registration No.....

*(i) You have been registered as producer/stockist of charcoal under Section 5 (1) of the Meghalaya Charcoal (Control of Production, Storage, Trade and Transit Rules, 2004). Your registration would expire on 31st December.

*(ii) Your registration as charcoal producer/stockist is hereby renewed till 31s1 December. .....

Yours faithfully,

Divisional Forest Officer,
.....Division,

.....

* **Strike off** whatever is not necessary.

[The Registration No would be assigned in the fashion KH, JH or GH/Year/No.]

FORM - II

[See Rule 3 (C)]

From,

.....

.....

.....

To,

Divisional Forest Officer,

.....Division,

.....

Sub: Request for permission for production of charcoal

Sir,

I intend to convert wood obtained from legal sources into charcoal. The necessary particulars are as follows:

(1) Name of the applicant :

(2) Father's/Mother's name :

(3) Permanent Address :

(4) Registration No. :

(5) Description of the timber/wood to be used in production of charcoal :

Species	Quantity (in metric tonnes)

(6) Source of the timber/ wood :

(7) Location where production is to be done :

(8) Quantity of charcoal to be produced :

The required permission may kindly be accorded

Yours faithfully,

FORM No - III

[See Rule 3 (C)]

From,

.....
.....
.....

To,

Divisional Forest Officer,
.....Division,
.....

Sub: Request for permission for production of charcoal

Ref.: Registration No. .....

Sir,

In intend to stock charcoal obtained form legal sources. The necessary particulars arc as follows:

(1) Name of the applicant (individual or industry) :

(2) Father's/Mother's name (in case of individuals only) :

(3) Permanent Address/ Address of Registered Office :

(4) Location of the factory (only in case of applicant being an industry) :

(5) Intended place of storage charcoal :

(6) Source of charcoal :

(7) Maximum quantity of charcoal that would be in stock at any time (in metric tonnes) :

The required permission may kindly be accorded

Yours faithfully,

FORM - IV

[See Rule 3 (d)]

Book No .....(in three foils) Page No.....

Permit for production/storage of charcoal

Shri/Smt/M/s .....

Registration No ..... is permitted to produce/stock charcoal at following place (s) premise (s).

Place	Quantity

This permission shall remain valid to .....

The permit holder shall maintain records and furnish information to the designated authority as per Form V and Form VI respectively of the Rules.

Dated

the .....

Divisional Forest Officer

..... Division,

.....

[For production of charcoal, separate permit would be accorded for each lot of production. For storage of charcoal, one time permission for the maximum quantity for the year of registration/ renewal would be given]

FORM - V

[Se Rule 17]

Stock Register

Record of production/receipt and sale/disposal/consumption of charcoal

Sl. No.	Date	Opening stock	Quantity produced/ received (in mt.)	Source of timber/ wood or charcoal	TP No. and date	Disposal/ sale/ consumption during the day (in mt.)	Balance Stock at die end of the day (in mt.)
1	2	3	4	5	6	7	8

FORM - VI

[See Rule 7]

(Monthly return for receipt and disposal of charcoal)

Return for the month ending .....

(1) Name and address of the stockist/ industry

(2) Registration No.

(3) Date of validity of Registration

(4) Location of the factory
(only in case of stockist being an industry)

(5) Place of storage of charcoal

(6) Opening balance at the beginning of the month (in metric tonnes)

(7) Stock received during the month (in metric tonnes)

(8) Stock consumed/ disposed during the month (in metric tonnes)

(9) Closing stock at the end of the month (in metric tonnes)

Signature of the authorised signatory

[For one registered stockist one set of returns is to be furnished even if places of storage are more than one provided these are covered by one permit for storage]

RULEs

THE MEGHALAYA BIOLOGICAL DIVERSITY RULES, 2010



Postal Registration No. N. E— 771/2006-2008

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No. 107 Shillong, Monday, August 30, 2010 8th Bhadra 1932 (S. L.,

PART-II A

GOVERNMENT OF MEGHALAYA

FOREST AND ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 30th August, 2010.

No. **FOR.57/2002/244.**—In exercise of the powers conferred by sub-section (1) of Section 63, of the Biological Diversity Act, 2002 (No. 18 of 2003) the Government of Meghalaya hereby makes the following rules, namely:-

1. **Short title and commencement-** (1) These rules may be called Meghalaya Biological Diversity Rules, 2010.

   (2) They shall come into force on the date of their publication in the "Meghalaya" Gazette.

2. **Definitions**— In these Rules, unless the context otherwise requires:-

   (a) "Act" means the Biological Diversity Act, 2002 (No. 18 of 2003);

   (b) "Authority" means the National Biodiversity Authority established under sub-section (1) of Section 8 of the Act;

   (c) "Board" means the Meghalaya Biodiversity Board established under Section 22 of the Act;

   (a) "Committee" means Biodiversity Management Committee established by the local bodies under Section 41 of the Act;

   (d) "Chairperson" means the Chairperson of the State Biodiversity Board;

   (e) "Fee" means any fee stipulated in these Rules;

   (b) "Financial Year" means a year commencing on 1st April or on such other date as the State Government may by Notification in official gazette appoint;

   (h) "Form" means form appended to these Rules;

   (i) "State Government" means the Government of Meghalaya:

   (j) "Member" means member of the National Biodiversity Authority or Meghalaya Biodiversity Board, and includes the Chairperson as the case may be thereof;

   (k) "Rules" means the Meghalaya Biological Diversity Rules 2010:

   (l) "Section" means section of the Act;

   (m) "Secretary" means the Secretary of the Board; and

(n) Words and expression used but not defined in these Rules and defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson—

(1) The Chairperson of the Board shall be a serving officer of the State Government or an eminent person having adequate knowledge and experience in the conservation and sustainable use of biodiversity and in matters relating to the equitable sharing of the benefits.

(2) The Chairperson of the Board shall be appointed by the State Government.

(3) In case the appointment under sub-rule (2) is not that of a serving officer of the Government, it shall be done on the recommendation of a three member search committee, headed by the Chief Secretary, appointed for the purpose. In case of a serving officer of the State Government, he shall not be of rank below that of an Additional Principal Chief Conservator of Forests.

4. Term of office of the Chairperson—

(1) In case the Chairman is not a serving officer of the State Government, he shall hold office for a term of three years, and shall be eligible for re-appointment; provided that no Chairperson shall hold office beyond the age of 65 years. Chairperson may resign from his office by giving at least.one month notice in writing to the State Government.

(2) In case the Chairperson is a serving officer of State Government his appointment as Chairperson shall be in his ex-officio capacity.

(3) Notwithstanding any other provision in these Rules, continuance of the Chairperson in the office shall be at the pleasure of the State Government.

5. Pay and Allowances of the Chairperson—

The Chairperson shall be entitled to such salary, allowances, leave, pension provident fund and house and other prerequisites, as may be determined by the State Government from time to time.

6. **Nomination and Term of office and Allowances of non- official member—**

1) Five non-official members from amongst the experts in matters relating to conservation of biological diversity sustainable use to biological resource and equitable sharing of benefits arising out of the use of biological resources shall be nominated by the State Government.

2) The non-official Member of the Board shall hold the office for a term not exceeding three years at a ‘time from the date of their nomination.

3) The non-official Member shall be entitled to sitting allowance, travelling expenses, daily allowance and to such other allowances, as may be fixed by the State Government for attending the meeting(s) of the Board.

7. Filling up of vacancies of non-official member—

(1) A non-official member of the Board may resign from his office at any time by giving in writing under his hand addressed to the State Government and the seat of that member in the Board shall become vacant.

(2) A vacancy in the Board shall be fitted up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member, in whose place he was nominated.

8. Removal of the member of the Board—

(1) The State Government may remove from the Board any member who, in its opinion, has-

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which involves moral turpitude; or

(c) become physically or mentally incapable of acting as a member; or

(d) so abused his position as to render his continuance in office detrimental to the public interest; or

(e) acquired such financial or other interest as is likely to affect prejudicially his function as a member.

(2) No member of the Board shall however be removed from the office, on any of the grounds specified in the sub-rule (1) above, without due and proper enquiry by an officer not below the rank of Principal Chief Conservator of Forests appointed by the State Government for the purpose and without giving a reasonable opportunity to the member of being heard.

9. Appointment of the Ex-Officio Members—

Five ex-officio members shall be appointed from the following departments of the State Government as long as they hold their respective office: -

i) Chief Wildlife Warden, Forests & Environment Department, Government of Meghalaya

(ii) Director, Agriculture Department, Government of Meghalaya

(iii) Director, Veterinary Department; Government of Meghalaya

(iv) Director, Fisheries Department, Government of Meghalaya

(v) Director, Education Department, Government of Meghalaya.

10. Head Office of the Board—

The Head Office of the Board shall be at Shillong.

11. Secretary of the Board—

(1) The State Government shall appoint a Secretary on deputation to the Board.

(2) The terms and conditions of appointment of the Secretary and his entitlement for salary, allowances, leave, pension provident fund and house and other prerequisites shall be determined by the State Government.

(3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Board, maintenance of records of proceedings of the Board and for all or any of the following or any such other matters as may be assigned to him by the Board.

(a) Day-to-day administration of the Board, management of funds and implementation of various activities of the programme under the guidance of the Chairperson of the Board.

(b) Issue orders and instructions on behalf of the Board.

(c) Sanction and disburse all payments against the approved budget.

(d) Accord administrative sanctions to the estimates included in the budget of the Board within the limit as delegated to him by the State Government.

(e) Safe custody of all confidential papers of the Board and production of such papers whenever so directed by the Board or State Government.

(f) To initiate Annual Confidential Report/ Performance Appraisal Report of all employees of the Board except himself and the Chairperson.

(g) Sanction leave to all employees of the Board except himself and the Chairperson,

(h) To exercise such other powers and perform such other functions, as may be delegated to him from time to time by the Board.

12. Meetings of the Board—

(1) The Board shall meet at least four times in a year, normally after three months, at the head quarters of the Board or at such other place, as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request from not less than five members of the board or upon a direction of the State Government; call a special meeting ofthe Board.

(3) Fifteen days notice of an ordinary meeting and three days notice of a special meeting specifying the purpose, the time and the place, at which such meeting is to be held, shall be given to the members.

(4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.

(5) The decision of the Board shall, if necessary be taken by a simple majority of the members present and voting and the Chairperson or in his absence; the member presiding shall have a second or casting vote.

(6) Each member shall have one vote.

(7) Quorum for the meeting of the Board shall be five.

(8) In case a meeting of the Board is adjourned on the ground of quorum, the same may be re-convened within a period of one month from the date of meeting so adjourned. In the meeting so-reconvened, decisions will be taken by a simple majority of the members present and voting without any consideration to the quorum.

(9) No Member shall be entitled to bring forward for consideration in a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.

(10) Notice of the meeting may be given to the member by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner, as Secretary of the Board may, in the circumstances of the case, think fit.

(11) In addition, the Board may evolve such other procedure for the transaction of its business as it may deem fit and proper.

13. Appointment of Expert Committee by the Board and their Entitlements—

(1) The Board may constitute any number of committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.

(2) The members of the expert committee other than the members of the Board shall be paid such fees and allowances for attending the meetings as the Board may deem fit.

(3) The Board may invite any person, whose assistance or advice is considered useful to obtain in performing any of its function, and to participate in the deliberation of any of its meetings. Such persons associated with the Board shall be entitled to get allowances, as prescribed by the Board from time to time.

14. General functions of the Board—

In particular and without prejudice to the generality of other provisions, the Board may perform the following functions:-

(i) Lay down the procedure and guidelines to govern the activities provided under Section 23 of the Act.

(ii) Advise the State Government on many matters concerning conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge,

(iii) Provide technical assistance and guidance to the departments of the State Government.

(iv) Regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indian Nationals.

(v) Facilitate updating and implementations of State Bio-diversity Strategy and Action Plan,

(vi) Commission studies and sponsor investigations and research.

(vii) Engage consultants for a specified period, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions. Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Board shall seek prior approval of the State Government for such an engagement.

(viii) Collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of biological bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.

(ix) Organize through mass media a comprehensive programme regarding conservation of biological bio-diversity, sustainable use of its components and fair equitable sharing of benefits arising out of the use of biological resources and knowledge.

(x) Plan and organize training of personnel engaged or likely to be engaged in programmes for the conservation of biodiversity and sustainable use of its components.

(xi) Take steps to build-up database and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity registers and electronics data bases,to ensure effective management, promotion and sustainable uses.

(xii) Give directions to the local bodies/Bio-diversity Management Committees in writing and through appropriate oral means, for effective implementation of the Act, and to facilitate their meaningful participation in all measures relating to conservation, sustainable use, and equitable benefit-sharing.

(xiii) Report to the State Government about the functioning of the Board and implementation of the Act and Rules made thereunder.

(xiv) Recommend, prescribe, modify, collect fee of biological resources from time to time.

(xv) To devise methods to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including systems of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in People's Biodiversity Registers.

(xvi) Sanction grants-in-aid and grants to Biodiversity Management Committees for specific purposes,

(xvii) Undertake physical inspection of any area, in connection with the implementation of the Act.

(xviii) Ensure that biodiversity and bio-diversity dependent livelihoods are integrated into all sectors of planning and management and at all levels of planning from local to State, to enable such sectors and administrative levels to contribute effectively for conservation and sustainable use.

(xix) Prepare the annual budget of the Board incorporating its own receipts as also the devolution from the State and Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government.

(xx) Board shall have full powers for granting administrative and technical sanctions to all estimates it may, however, delegate such powers of administrative and technical sanctions to the Member- Secretary of the Board, as may be deemed necessary.

(xxi) Recommend creation of posts to State Government, for effective discharge of the functions by the Board and to create such posts; provided that no such post whether permanent/temporary or of any nature, would be created without prior approval of the State Government,

(xxii) Perform such other functions, as may be necessary to carry out the provisions of the Act or as may be prescribed by the State Government from time to time,

(xxiii) Shall have power to acquire, hold and dispose of property, both movable and immovable and enter into contract for the same.

15. Powers and Duties of the Chairperson—

1) The Chairperson shall be the Chief Executive of the Board and he shall ensure that the affairs of the Board are run efficiently and in accordance with the provisions of the act and the rules made thereunder.

2) The Chairperson shall have the powers of general superintendence over the officers and staff of the Board and Chairperson may issue necessary directions for the conduct and management affairs of the Board

3) The Chairperson shall convene and preside over and preserve order in all the meetings of the Board and shall ensure that all decisions taken by the Board are implemented in proper manner.

4) The Chairperson shall have the powers to accord administrative sanction, accept tender and sanction payments within the limit as may be prescribed by the State Government from time to time.

5) Chairperson shall have the power to initiate Annual Confidential Report/ Performance Appraisal Report of Secretary of the Board. Chairperson shall also have the powers to .accept Annual Confidential Report/Performance Appraisal Report of all other employees of the Board.

6) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Board.

16. Terms and Conditions of Service of employees of the Board—

1) The terms and conditions of the employees of the Board shall be same as those of corresponding scale of pay under the State Government. The appointments in general shall be on contractual basis or on deputation, unless otherwise decided by

the State Government.

2) The Board shall approve the method of recruitment/promotion to the posts in the Board.

3) Provisions of the State Reservation Policy as applicable to the appointment to the posts under the State Government shall be applicable for appointment of employees to the Board.

17. Procedure for access to/collection of biological resources—

1) Any person seeking access to collection of biological resources and associated knowledge for research or for commercial utilization shall make an application to the Board in Form-I appended to these rules. Every application shall be accompanied by a fee of Rs. 500/- in case such access is for research purpose and Rs. 5,000/- for commercial utilization, and shall be in the form of a cheque or demand draft. Application submitted by the members of Schedule caste and Schedule Tribe shall however be accompanied with a fee amounting to fifty percent (50 %) of the amount specified herein above.

2) The Board after due appraisal of the application and after consultation with the concerned local bodies and after collecting such additional information, as it may deem necessary, shall decide on the application, as far as possible within a period of 3 months of receipt of the same. In this context, the word “consult”, for the purposes of the act, includes the following steps, inter-alia; (a) issuing of public notice, in local languages, of the proposal for access/collection; (b) discussion/dialogue with the general assembly of the local body; and (c) formal consent from the assembly after being provided adequate information about the proposal and its implications for conservation and livelihoods.

3) On being satisfied with the merit of the application, the Board may allow the application or restrict any such activity if it is of the opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity.

4) A written agreement duly signed by an authorized officer of the Board and the applicant shall govern the access/ collection. The form of the agreement shall be decided by the Board.

5) The conditions for access/collection may specifically provide measures for conservation and protection of biological resources to which the access/collection is being granted.

6) The Board may reject the application if it considers that the request cannot be acceded to after recording the reasons therefore. Before passing an order of rejection, the applicant shall be given a reasonable opportunity of being heard.

7) Any information given in the form referred to in the sub-rule (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

18. Revocation of access/approval—

(1) The Board may either on the basis of any complaint or *suo moto* withdraw the access granted and revoke the written agreement under the following conditions:-

(i) On the basis of reasonable belief that the person accessing the said bio-resource has violated any of the provisions of the Act or the condition on which application was allowed.

(ii) When the person has failed to comply with the terms of agreement,

(iii) On failure to comply with any of the conditions of access,

(iv) On account of overriding public interest with reference to protection of environment and conservation of biological diversity, and protection of the rights, livelihoods and knowledge of local communities.

(2) The revocation order shall be made only after making such inquiries as required and after giving the person so affected an opportunity of being heard.

(3) The Board shall send a copy of such revocation order to the Biodiversity Management Committees for prohibiting the access and also to access the damage, if any, caused and take steps to recover the damage.

19. Restriction on activities related to access to biological resources—

(1) The Board, if it deems necessary and appropriate, shall take steps to restrict or prohibit the proposal for access to biological resources for the following reasons:-

(i) The request for access is for any tax which are likely to become threatened due to such access;

(ii) The request for access is for any endemic and rare species;

(iii) The request for access may likely to result in adverse effect on the livelihoods, culture, or indigenous knowledge of the local people;

(iv) The request to access may result in adverse environmental impact which may be difficult to control and mitigate;

(v) The request for access may cause genetic erosion or effecting the ecosystem function adversely;

(vi) Use of resources for purpose contrary to national interest and other related international agreements entered into by the country;

(2) Any order of restriction shall be made only after making such inquiries as required; consulting the concerned local bodies and Biodiversity Management Committees, and giving the person so affected, an opportunity of being heard.

20. Operation of State Bio-diversity fund—

(1) The State Bio-diversity fund shall be operated by the Member-Secretary of the Board

or by such any other officer of the Board as may be authorized by the Board in this behalf

(2) The State Bio-diversity Fund shall have two separate heads of accounts, one relating to receipts (grants and loans) from the Central Government/National Biodiversity Authority and State Government, including receipts from such other sources as decided by the Board and the other one for sources concerning the fee, royalty and other receipts of the Board.

(3) The State Government shall after due appropriation made by the State legislature by the law in this behalf, pay to the Board such sum of money, as the State Government may think fit for being utilized for the purpose of the Act.

(4) The Board shall frame guidelines on ways to ensure that decision regarding the management and uses of the Fund are transparent and accountable to the public,

21. Annual Report and Annual Statement of accounts—

(1) The Board shall prepares its annual report for each financial year in Form-ll giving detailed account of its activities and annual Statement of account and submit the same to the State Government,.

(2) The Board shall lay down the procedure for upkeep of the accounts. The accounts of the Board shall be audited annually by a Chartered Accountant appointed for the purpose by the Board. The Accountant General of the State may as well audit the accounts and the expenditure towards this shall be payable by the Board.

(3) The Board shall submit the Annual Report together with the audited Statement of accounts for each financial year to the State Government by September each year so as to enable the State Government to lay the reports before the Legislative Assembly.

22. Establishment and management of Bio-diversity Heritage Site—

(1) The Board shall, in consultation with local bodies and other key stakeholders, take necessary steps to facilitate setting up of areas of significant bio-diversity, values as biodiversity heritage sites. Following recommendation from this Board, the .State Government shall issue notification to this effect,

(2) The Board shall frame guidelines on the selection, management and other aspects of Heritage Sites, ensuring that these provide decision making role for: relevant Biodiversity Management Committees.

23. Constitution of Biodiversity Management Committees—

(1) Every local body shall constitute a Biodiversity Management Committee within its area of jurisdiction. Accordingly, Biodiversity Management Committees are to be constituted at the *Elaka, Syiemship, Dolloiship, Sirdarship, A'khing* or any other similar body recognized by Khasi Hills Autonomous District Council, Jaintia Hills Autonomous District Council & Garo Hills Autonomous District Council as well as at Municipality and Municipal Corporation level.

(2) If the local body is satisfied that the function of the Biodiversity Management Committee can be discharged by the general assembly of the local body, or by one of its existing committees, the same should be recorded as resolution passed by such local body following due procedure.

(3) The Biodiversity Management Committee constituted under sub-rule (1) shall have seven persons nominated by the local body, of whom not less than one third shall be women. These persons being so nominated should be drawn from amongst the herbalists, agriculturist, Non Timber Forest Produce collectors/traders, fisher-folk, representatives of user associations, community workers, academicians and any person/representative of organization, on whom the local body trusts that he can significantly contribute to the mandate of the Biodiversity Management Committee. The proportion of members belonging to the Schedule Caste and the Schedule Tribe should not be less than Scheduled Caste/ Schedule Tribe percentage in the *area* under the jurisdiction of the Local Body. All members of the Biodiversity Management Committee should be residents within the said local body limits and enlisted in the voters list.

(4) The local body shall nominate six special invitees from forest, agriculture, veterinary, health, fisheries and education department, such special invitees shall however not have voting right.

(5) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be presided over by the Chairperson of the local body. The Chairperson of the local body shall have the casting vote in case of a tie.

(6) The Chairperson and other members of *the* Biodiversity Management Committee shall be appointed for a term of three years and shall be eligible for re-appointment. Chairperson or any other member of the Biodiversity Management Committee may resign from his office at any time by giving in writing under his hand addressed to the Chairperson of the concerned Local authority.

(7) The Chairperson of the Biodiversity Management Committee may be removed from his office by a resolution passed by not less than five members of the Biodiversity Management Committee.

(8) In case Chairperson of a Biodiversity Management Committee is removed from office by a resolution passed by not less than five members of the Biodiversity Management Committee, within fifteen (15) days from the date of receipt of a copy of such resolution, the Chairperson of the concerned Local Authority shall convene a special meeting of the Biodiversity Management Committee and elect a new Chairman as per the procedure indicate in sub-rule 5 above.

(9) The Chairperson of the local authority may remove from the Biodiversity Management Committee any member who, in his opinion, has -

a. been adjudged as an insolvent; or

b. been convicted of an offence which involves moral turpitude; or

c. become physically or mentally incapable of acting as a member; or

d. so abused his position as to render his continuance in office detrimental to the public interest; or

e. acquired such financial or other interest as is likely to affect prejudicially his function as a member

(10) A vacancy in the Biodiversity Management Committee caused due to resignation, removal or death of its member shall be filled up by a fresh nomination by the Chairperson of the concerned Local Authority and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member, in whose piace he was nominated

(11) The local Member of the District Councils would be special invitees to the meetings of the Biodiversity Management Committees.

(12) For every district a technical support group comprising of experts in the field of biodiversity drawn from Government agencies, Non Government organizations, academic field, community and individuals shall be established by the State Government. The expert group shall lend support to Biodiversity Management Committees.

(13) The key mandate of the Biodiversity Management Committees shall be to ensure conservation, sustainable utilization and equitable sharing of benefits from the biodiversity. The Biodiversity Management Committees shall facilitate preparation of People's Biodiversity Registers. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them. The People's Biodiversity Registers shall be prepared at the *Elaka, Syiemship, Dolloiship, Sirdarship, A'khing* or any other similar body recognized by Khasi Hills Autonomous District Council, Jaintia Hills Autonomous District Council & Garo Hills Autonomous District Council and Municipality/ Municipal Corporation Biodiversity Management Committee level by using the process and the format set by the Board. The Biodiversity Management Committees and local bodies will be responsible for ensuring the protection of the knowledge recorded in the People's Biodiversity Registers especially to regulate its access to outside agencies and individuals.

(14) The other functions of the Biodiversity Management Committees are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval to maintain data about local traditional practitioners using the biological resources.

(15) The Board shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers and shall ensure that all information recorded in such Registers received legal protection against misuse and appropriation by outside agencies and individuals.

(16) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

(17) The Biodiversity Management Committee at *Elaka, Syiemship, Dolloiship, Sirdarship, Akhing* or any other similar body recognized by Khasi Hills Autonomous District Council, Jaintia Hills Autonomous District Council & Garo Hills Autonomous District Council or Municipality/Municipal Corporation level may decide the terms on which it would permit access to biodiversity resources and associated knowledge to different parties for various purposes within their jurisdiction and levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purpose from the area falling within its jurisdiction. The major share of levy charged for the material collected/cultivated from private land should be given to the owner/cultivator of the land/knowledge holders and the balance should be deposited in Local Biodiversity Fund of Biodiversity Management Committee. The levy charged for the material collected/cultivated from Government land should be totally deposited in Local biodiversity fund of Biodiversity Management Committee.

(18) The Board shall provide guidelines for terms of access and fee collection by the Biodiversity Management Committees.

(19) The Biodiversity Management Committees shall prepare a Biodiversity Management Plan using output from People's Biodiversity Register and will be responsible for or participate in its implementation.

(20) The local bodies shall ensure that the Biodiversity Management Committees are integrated with the functioning of existing local institutions by cross membership, regular coordination meetings, and other such measures as determined by the local bodies or as specified by the Board.

24. Local bio-diversity Fund—

(1) At level of each local body a local biodiversity fund shall be constituted.

(2) The Board shall provide to the local body any loan or grant received by it from State Government, Central Government or from the Authority for the purposes of the Act. The local body can also access such funds from other sources as it identifies, or as specified by the Board. *

(3) The local biodiversity fund shall be operated by the Biodiversity Management Committees. The Board shall lay down the operational guideline for operation of the fund by the Biodiversity Management Committees, including ways, in which its functioning is transparent and accountable to all members of the relevant local body.

(4) The fund shall be used for the conservation and promotion of bio-diversity in the areas falling within the jurisdiction of the concerned local body and for the benefits of the local community so far as such use is consistent with conservation of bio-diversity.

(5) The account of the local biodiversity fund shall be prepared in such form as may be specified by the Board and during each financial year at such time, as may be prescribed by the Board.

(6) The Biodiversity Management Committees shall prepare its annual report giving full account of its activities during the previous financial year, and submit a copy thereof to the board and a copy to the general assembly of the local body.

(7) The accounts of the local bio-diversity fund shall be maintained and audited in such manner, as may be specified by the Board.

(8) Every local body constituting a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in section 45 & 46 of the Act, respectively and relating to such Committee, to be submitted to the District Magistrate having jurisdiction over the area of the local body.

25. Appeal for settlement of disputes—

(1) If a Biodiversity Management Committee is aggrieved by any order, decision, or policy decision of the Board, it may prefer appeal in Form -III appended to these Rules to the Government of Meghalaya in the Forests & Environment Department. Similarly, if a dispute arises between one Biodiversity Management Committee and other Biodiversity Management Committee(s) regarding their respective jurisdiction or any other matter, any of the involved party may file an appeal in the Form-lll-A appended to these rules to the Chairperson.

(2) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant and the relief sought for, or preferring the appeal; and shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be by which the appellant is aggrieved. The memorandum of appeal shall be duly signed by the authorized representative of the appellant.

(3) The memorandum of appeal shall be submitted in quadruplicate accompanied with the authenticated copy of the order, directions or policy decision as the case may be, by which the appellant is aggrieved, either in person or through a registered post with acknowledgement due, within 30 days from the date of the order, direction or policy decision provided that if the appellate authority is satisfied that there was good and sufficient reason for the delay in preferring the appellate authority, for reasons to be recorded in writing allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the order, direction, or policy decision as the case may be.

(4) The notice for hearing of the appeal shall be given in Form-IV by a registered post with an acknowledgement due.

(5) Every memorandum of appeal shall be accompanied by a fee of Rs.500/-.

26. Interpretation of Rules -

In case of any dispute as to the interpretation of these rules, the matter shall be referred to the Government of Meghalaya in the Forests & Environment Department, whose decision shall be final.

Sd/- C. D. KYNJING,
Principal Secretary to the Government of Meghalaya,
Forests & Environment Department.

FORM -1

Application Form for Access to Collection of Biological Resources or Commercial Utilization and Associated Traditional Knowledge

(See Rule 17 of the Meghalaya Biological Diversity Rules, 2010)

18. Full particulars of the applicant:

    (a) Name:

    (b) Permanent address :

    (c) Address of the contact person/agent, if any in India :

    (d) Profile of the organisation (personal profile in case the applicant is an individual). (Please attach relevant documents of authentication).

    (e) Nature of business :

    (f) Turnover of the organization in India Rupee :

19. Details and specific information about nature of access sought and biological material and /or associated knowledge to be accessed:

    (a) Identification (scientific name) of biological resources and its traditional use :

    (b) Geographical location (including village, Block and District of proposed collection) :

    (c) Description/nature of traditional knowledge and its existing manifestations and uses (oral/documented):

    (d) Any identified individual/family/community holding traditional knowledge :

    (e) Quantity of biological resources to be collected :

    (f) Time span in which the biological resources are proposed to be collected :

    (g) Name and number of person authorized by the company for meeting the collection :

    (h) The purpose for which the access is required including the type and extent of research, commercial being derived and expected to be derived from it:

    (i) Whether any collection use of the resource endangers any component of biological diversity and risks which may arise from the access :

20. Estimation of benefits that would turn to communities arising out of the use of accessed bio-resources and traditional knowledge :

21. Proposal mechanism and arrangements of benefit sharing :

22. Any other information :

PART B

Declaration

I declare that I have been fully authorized to submit the application, I further declare that:

- Collection and use of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection and use of proposed biological resources shall not entail environmental impact;
- Collection and use of proposed biological resources shall not post any risk to biodiversity, including ecosystem,
  species and genetic diversity.
- Collection and use of proposed biological resources shall not adversely affect the local communities;

I undertake to pay any fee and/or royalty, as may be levied by the Board or Biodiversity Management Committees. I/we further undertake to furnish any irrevocable bank guarantees, as may be prescribed by the Board.

I further declare the information provided in the application form is true and correct and 1/ we shall be responsible for any incorrect/wrong information.

Date.....

Place .....

Signature....

Name.....

Designation.

FORM II

Form of Annual Report for the Meghalaya Biodiversity Board

(see sub-rule 1 of Rule 21 of the Meghalaya Biological Diversity Rules, 2010)

1. Introduction
2. Constitution of the Board including changes therein
3. Meetings of the Board
4. Expert Committees constituted by the Board
5. Details of approval granted by the Board for commercial utilisation or bio-survey and bio-utilisation of any biological resource by Indians in exercise of the powers conferred under Section 23 of the Biological Diversity Act, 2002
6. Details of activities prohibited or restricted by the Board in exercise of the powers conferred under Section 24 of the Biological Diversity Act, 2002
7. Details of Biological Heritage Sites declared during the year
8. Awareness relating to the Intellectual Property Rights and Public Participation
9. Regulations issued under Section 64 of the Biological Diversity Act, 2002
10. Finance and Accounts of the Board
11. Annual plan for the following year
12. Any other important matter dealt by the Board

Annexure

(i) Members of the Board

(ii) Organization Chart

(iii) Staff Strength including recruitment

(iv) Publications

(v) Training Courses / Seminars / Workshops organized

(vi) Statement of Accounts

FORM III

Form of Memorandum of Appeal

BEFORE THE GOVERNMENT OF MEGHALAYA IN THE FORESTS & ENVIRONMENT DEPARTMENT

(Memorandum of Appeal under Rule 25 of Meghalaya Biological Diversity Rules, 2010)

Appeal No. ..... of 200

....**Appellant(s)**

VS. .....**Respondent(s)**

The Meghalaya Biodiversity Board

The appellant begs to prefer this Memorandum of Appeal against the order dated _____ passed by the respondent on the following facts and grounds.

a. **FACTS**

(Here briefly mention the facts of the case).

b. **GROUNDS**

(Here mention the grounds on which the appeal is made):

(i)

(ii)

(iii)

3. **RELIEF SOUGHT**

(i)

(ii)

(iiii)

4. PRAYER

(a) In the light of what is stated above, the appellant respectfully prays that the order/ decision of the respondent be quashed/set-aside.

(b) The policy/guidelines/rules/regulations framed by the respondent be quashed/modified/ annulled to the extent

(c) .....

5. The amount of Rs. _____(Rupees. _____) as fee for this appeal has been paid to _____ ; _____ vide order No. _____

dated _____

Date ..... Signature of the applicant with seal

Place..... Address.....

VERIFICATION

I, the applicant do hereby declared that what is stated above is true to the best of my information and belief.

Verified on _____ day of _____

Date: ..... **Signature of the applicant with seal**

Place: ..... Address: .....

Signature of the authorized representative of the appellant.

Enclosures - Authenticated copy of the order, direction or policy decision, against which the appeal has been preferred.

FORM III-A

Form of Memorandum of Appeal

BEFORE THE MEGHALAYA BIODIVERSITY BOARD

(Memorandum of Appeal under Rule 25 of Meghalaya Biological Diversity Rules, 2010)

Appeal No. .....of 200

.... Appellant (s)

vs

.... **Respondents).**

The appellant begs to prefer this Memorandum of Appeal against the order dated ..... passed by the respondent on the following facts and grounds.

c. **FACTS**

(Here briefly mention the facts of the case).

d. **GROUNDS**

(Here mention the grounds on which the appeal is made):

(i)

(ii)

(iii)

3. RELIEF SOUGHT

(i)

(ii)

(iii)

4. PRAYER

(a) In the light of what is stated above, the appellant respectfully prays that the order/ decision of the respondent be quashed/set-aside.

(b) The policy/guidelines/rules/regulations framed by the respondent be quashed/modified/ annulled to the extent _____

5. The amount of Rs. : _____ (Rupees _____) as fee for this appeal has been paid to _____ *vide* order No. _____ . _____ dated _____

Date ..... Signature of the applicant with seal

Place..... Address.....

VERIFICATION

I, the applicant do hereby declared that what is stated above is true to the best of my information and belief.

Verified on _____ day of _____

Date ..... Signature of the applicant with seal

Place ..... Address .....

Signature of the authorized representative of the appellant.

Enclosures - Authenticated copy of the order, direction or policy decision, against which the appeal has been preferred.

FORM IV

By Registered Post/Acknowledge due.

Notice For Hearing

(see *sub-rule 4 of the Rule 25 of the Meghalaya Biological Diversity Rules, 2010)*

Appeal No.....of 200

Between

_____

_____ ..... **Appellant (s)**

vs

_____

_____ .....**Respondent(s)**

NOTICE

Please take the notice that the above appeal by the appellant, against the order/ direction/ policy decision (Give details) is fixed for hearing on _____ at _____

The copies of the Memorandum of appeal and other annexure filed along with the appeal are sent herewith for your reference.

Please note that if you fail to appear on the said days or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you *ex-parte.*

Date.....

Place .....

Authorized signatory on behalf of the

Appellate Authority

Seal

_____

RULEs

THE MEGHALAYA BIOLOGICAL DIVERSITY (AMENDMENT) RULES, 2015



GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

NOTIFICATION

Dated Shillong, the 23rd March, 2015.

No.FOR.57/2002/Vol-II/569 - In exercise of the powers conferred by sub-section (1) of Section 63 of the Biological Diversity Act, 2002, the Government of Meghalaya hereby makes the following rules to amend the Meghalaya Biological Diversity Rules, 2010, namely,-

1. Short title and commencement - (1) These rules may be called the Meghalaya Biological Diversity (Amendment) Rules, 2015.

(2) They shall come into force on the date of their notification in the Official Gazette of Meghalaya.

2. Amendment of Rule 23. - In Rule 23 of the Meghalaya Biological Diversity Rules, 2010, in sub-rule (1), for the words "or any other similar body recognized by the Khasi Hills Autonomous District Council, Jaintia Hills Autonomous District Council and Garo Hills Autonomous District Council as well as at Municipality and Municipal Corporation level", the words "or at the village level, recognised by the Government of Meghalaya or the Autonomous District Councils in the State as well as at the Municipality and Municipal Corporation level" shall be substituted.

Sd/-
Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department

Memo No.FOR.57/2002/Vol-II/569-A, Dated Shillong, the 23rd March, 2015.

Copy forwarded to:-

1. The P.S. to the Chief Minister for information of the Chief Minister.
2. The P.S. to the Minister i/c Forests & Environment Department for information of the Minister.
3. The Private Secretary to the Chief Secretary, Govt. of Meghalaya for information of the Chief Secretary.
4. The Secretary, Government of India, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhaawan, Jor Bagh Road, Aliganj, New Delhi-110003.
5. The Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003.
6. The Principal Secretary to the Govt. of Meghalaya, Cabinet Affairs Department.
7. The Secretary, National Biodiversity Authority, TICEL Bio-Park, 5th Floor, CSIR Road Taramani, Chennai-600113, Tamil Nadu, India.

8. The Secretary to the Government of Meghalaya, Law Department.
9. The Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong.
10. The Secretary, Meghalaya Biodiversity Board, Shillong.
11. The Director of Printing & Stationery for favour of publication in the Meghalaya Gazette.

By Order etc.,

Deputy Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

RULEs

RULES FOR GRANTS-IN- AID TO DISTRICT COUNCILS FOR IMPLEMENTATION OF FOREST SCHEME



RULES FOR THE GRANTS-IN-AID TO DISTRICT COUNCILS FOR IMPLEMENTATION OF FOREST SCHEMES

Whereas it is expedient to lay down rules regulating the terms and conditions for sanction of grants-in-aid to District Councils for implementation of Forest Schemes in the District Council Sector, it is hereby framed as follows :

1. Short title and commencement. (1) These rules may be called the Rules for Grants-in-aid to District Councils for Implementation of Forest Schemes.

(2) These rules will come into force with immediate effect.

2. Definitions. (1) **In** these rules, the word "Council' means a District Council or a Regional Council, as the case may be, constituted under the provisions of the Sixth Schedule to the Constitution.

(2) "Grants-in-aid" means a recurring or a non-recurring grant to the Council, as the case may be.

3. Admissibility of grant. The grant is admissible under the following conditions :

(i) The grant will be utilised only for the purpose of implementation of the Forest Schemes as technically approved by the Chief Conservator of Forests, Meghalaya;

(ii) The grant will not be used for any purpose other than for the scheme technically approved by the Chief Conservator of Forests, Meghalaya ;

(iii) In the event of contravention and non-fulfilment by the Council of any of the conditions of the grant, future grant will be withheld and the grants already released to the Council shall be recovered in such manner as the Government of Meghalaya may deem necessary.

4. Mode of payment. (1) Payment should be made to the Council by cheque to be credited to the personal ledger account of the Council concerned.

(2) The Council should sign a voucher in the acknowledgement of receipt of the cheque which will be accounted for in the office of the Chief Conservator of Forests, Meghalaya.

(3) At the end of the financial year the Council should submit a full progress report of expenditure and works for the whole year indicating the physical achievement of target reached and expenditure in detail in the proforma I and II appended to these rules.

(3) The accounts in connection with the implementation of Forest Schemes in the Council Sectoi should be operated by the Forest Department of the District or Regional Council.

(5) A Subsidiary Cash Book should be maintained by the Council separately for the amount received as grants for Forest Schemes.

(6) The accounts as far as they relate to the grants for forest schemes, shall be subject to audit by the Accountant General, Assam and Meghalaya and also by the Examiner of Local Accounts, Meghalaya.

(7) The grant on any item as per sanctioned scheme shall be released to the Council only on production of the Utilisation Certificate for the grant earlier released for the same Scheme. If there is any unspent amount from the previous sanction, then the same will be shown deducted from the grants to be released.

(8) All Utilisation Certificates will have to be signed by the Chief Forest Officer/Divisional Forest Officer of the District Council and counter signed by the Chief Executive Officer.

All such certificates will have to be submitted in triplicate—one copy for the Secretary to the Government of Meghalaya, Forest Department, one copy for the Chief Conservator of Forests, Meghalaya and the other for the Accountant General, Assam and Meghalaya.

5. Field examination of the scheme. In order to have a first hand knowledge and information about the achievement of the schemes which are technically approved by the Chief Conservator of Forests, after necessary feasibility study, the Chief Conservator of Forests, Meghalaya may direct each year a Forest Officer of the State Government not below the rank of Deputy Conservator of Forest to undertake a spot study on the working of such schemes. The findings of such Forest Officer with the comments of the Chief Conservator of Forests, Megbalaya may be forwarded to the District Council concerned for taking necessary action with intimation to the Secretary to the Government of Meghalaya, Forest Department.

The District Council shall render necessary assistance and co-operation to the said Forest Officer for carrying out the above study :

Provided that on the recommendation of audit either by the Accountant General, Meghalaya, or Examiner of Local Accounts, Meghalaya, the Government may direct the Forest Officer of the State Government not below the rank of Deputy Conservator of Forest and the Chief Forest Officer of the District Council concerned to carry out joint inspection and verification of the utilisation of the Government grant given for the purpose to the District Council. The findings may be forwarded to the Secretary to the Government of Meghalaya, Forest Department and District Council concerned for necessary action.

(6) In case of any doubts as to the interpretation of these rules, the decision of the Government of Meghalaya will be final.

(7) The rules may be relaxed or modified at any time by the Government of Meghalaya in the Forest Department in consultation with Finance Department.

STATEMENT I

Outlay and Expenditure for the Annual Plan

(Rs. in Lakhs)

Head of Development

Serial No.	Name of scheme	Plan outlay	Expenditure during						
			1st Quarter April to June	2nd Quarter July to September	3rd Quarter October to December	4th Quarter January to March	Total	Shortfall (—) or Excess (+) if any	Remarks
1	2	3	4	5	6	7	8	9	10

N. B. MNP/Centrally Sponsored/Centrally Sector Schemes to be shown separately.

STATEMENT II

Physical Targets planned and achieved during....

Head of Development

Serial No.	Item	Unit	Target fix for	Target actually achieved during the Quarter						
				1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	Reason for shortfall (-) or execess (+)	Difficulties /Bottle-necks if any. in implementing Scheme
1	2	3	4	5	6	7	8	9	10	11

N. B. MNP/Centrally Sponsored/Centrally Sector Scheme to be shown separately.

UNITED KHASI-JAINTIA HILLS AUTONOMOUS DISTRICT (MANAGEMENT AND CONTROL OF FORESTS) ACT, 1958*
(United Khasi-Jaintia Hills Act I of 1959)

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Preamble

Section		Section	
1.	Short title, extent and commencement.	21.	Disposal of confiscated property.
2.	Definition and interpretation.	22.	Custody of seized property when offender is not known or absconds.
3.	Classification of forest.	23.	Disposal of perishable property seized.
4. 4-A.	Management and control	24.	Appeals.
5.	Removal of forest produce.	25.	Disposal of seized property after appeal.
6.	Reserved trees.	26.	Power to release seized property and withdrawal of charges.
7.	Restriction on the felling of trees.	27.	Punishment for malicious seizure.
8.	Rates of royalty.	28.	Punishment with intent to cause damage or injury.
9.		29.	Power to arrest without orders or warrant.
10.		30.	Duty of Forest Officers to prevent commission of forest offence.
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12.	Control over ferrying and transit of forest produce.	31.	
13.	Power to regulate felling of trees, etc.	32.	Compensation in addition to punishment.
14.	Penalty for infringement of restrictions.	33.	Forfeiture of lease, licence or contract on the commission of a forest offence.
15.	Penalty for infringement of restrictions.	34.	Power to make rules for improvement of forest.
16. 16-A.	Penalty for infringement of restrictions.	35.	
17.	Seizure of property liable to confiscation.		APPENDIX I
18.	Execution of bond for the release of seized properties.		APPENDTX II
19.	Trial of the accused and disposal of property.		APPENDIX **III**
20.	Confiscation on conviction.		

*Published in the Assam Gazette, dated 22-1-1959. Also *see* Notification No. TAD/R/25/53, dated 24-1-1959, published in the Assam Gazette, dated 4-2-1959.

RULEs

GUIDELINES FOR REGISTERING AND HARVESTING OF AGRO FORESTRY PLANTATION, 2017



GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR NOTIFICATION

Dated: Shillong, the 27th July, 201 **7**

No.FOR.51/2017/2G :- Whereas the Government of Meghalaya intends to adopt the principles enunciated in the National Agroforestry Policy (NAP) 2014, and participate in accordance with the Operational Guidelines Sub-Mission on Agroforestry (SMAF) under National Mission for Sustainable Agriculture (NMSA) 2016, provide for the states to have liberalized transit regulations, to encourage and expand tree plantation as part of agroforestry and to popularise agroforestry practices by simplifying the procedure for felling and disposal of such produce, to ensure the availability of quality planting material and bolster soil fertility and binding;

Now, therefore, the Governor of Meghalaya is pleased in notify the following guidelines for the same in conformity with the NAP 2014 and Operational Guidelines SMAF under NMSA 2016, the Meghalaya Tree Felling (Non-Forest Rules) 2006, and relevant Rules as applicable, and to facilitate liberal Transit Guidelines thereof:

1. **"Guidelines for Registering and Harvesting of Agroforestry Plantations 2017 for liberal Transit Guidelines**"

2. Under these guidelines unless there is something repugnant in the subject of or context,

   (1) "Forest Officer" means any person appointed by name or as holding an office by or under the orders of the State Government to be Principal Chief Conservator of Forests and Head of Forest Force, Principal Chief Conservator of Forests (T) Chief Conservators of Forests, Conservators of Forests, Deputy Conservator, Assistant Conservator, Forest Ranger, Deputy Ranger Forester or Forest Guard *or* to discharge any function of a forest officer under relevant regulation or rules in general

   (2) "tree" as defined in the Meghalaya Forest Regulation 1973 includes palms, bamboos, stumps, brushwood and canes;

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

   (4) "forest produce" includes -

      (a) the following, whether found in, or brought from, a forest *or* Agroforestry plantation or not, that is to say: timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, myrobalans, and may also include broomgrass, medicinal and aromatic plants, bay-leaf, agar, indigenous/ traditional fruits and

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

         (i) trees and leaves, and fruit and all other parts or produce, not hereinbefore mentioned, of trees,

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

(iii) "Homestead/ Farmstead" means an agricultural land or farm land, including land where animal husbandry practices are being undertaken and which include human habitations

(iv) "Agroforestry" means the practice of growing plantation crops, cash crops forestry crops of specified species in agricultural land or farm land as specified in Schedules A1 & A2.

(v) " Nursery" means an area set aside for production of Quality Planting Material for use in agroforestry farming systems.

3. Registration of agroforestry plantations.

(a) Farmstead owners desirous of raising agroforestry plantations or species for the purpose of harvesting in or around their farm lands shall apply for registration of such plantation with the District Horticulture Officer of the District, or any District level officer as assigned from time to time, in the prescribed format by the Agriculture Department and on completion of such formalities as may be required.

Provided that only the species of trees enumerated in Schedule A1 & A2 annexed hereto shall be planted in the said premises.

(b) Nursery development will be a prerequisite to the project, and may be raised by government agencies, public sector enterprises, village communities or private agencies to raise qualify planting material from seeds obtained from such agencies as have been authorised to supply the same. Endemic and locally available species, including species of medicinal value suitable to the agro-climatic conditions of the State will be promoted.

(c) Joint inspections by the Divisional Forest Officer (T) *or* his representative alongwith other Department representatives such as District Horticulture Officer or his representatives, Divisional Soil Water Conservation Officer or his representatives of the District shall be carried out during plantation, after five years of plantation and prior to harvesting of the trees, which report shall include the details of species planted, the number of such species and the quantum of agroforestry / forest produce to be harvested. However the certificate shall invariably be countersigned by both the District Horticultural Officer and the Divisional Forest Officer (T).

(d) In cases where felling involves up to 100 trees, the authority to permit felling shall be a Committee comprising of the Divisional Forest Officer (T) or his representative not below the rank of Forest Ranger, and the Horticulture Development Officer or the Assistant Horticulture Development Officer as the case may be in the concerned Block and or Assistant Soil & Water Conservation Officer. For quantities above 100 and up to 500 trees the authority shall vest In the District level Committee, headed by the Deputy Commissioner and comprising of the Divisional Forest Officer (T) and the Horticulture Development Officer of the District and for quantities beyond 500 trees the permission shall be granted by the Principal Chief Conservator of Forests (T). For quantities beyond 1000 trees, the permission shall be granted by the Principal Chief Conservator of Forest and Head of Forest Force.

(e) In cases where the forest produce is to be transported outside the State, the farm owner shall also register his plantation as a non-forest area under the provisions of the Meghalaya Tree Felling (Non-Forest Areas) Rules, 2006. In cases where the forest produce is to be sold locally, a certificate of origin in the prescribed format (Annexure A) indicating the source of such produce to be from the registered agroforestry plantation, duly countersigned by the Divisional Forest Officer (T) or any officer deputed by him in this behalf, and the Horticulture Development Officer or any other officer duly deputed by him in this behalf shall be required. This certificate of origin shall be mandatory in all cases whether for export or for local consumption.

(f) No levies of any kind shall be payahle for such timber/ forest produce if the same have been raised under the scheme of Agroforestry

4. Tree species not requiring felling permission

(1) AII horticulture tree species such as mango, guava, jackfruit, carambola, plum, peach, pear, coconut, arecanut, litchi, cashew, Citrus spp, and all species of bamboo, culms of which have attained three years age or more shall not require felling permission as notified *vide* the provisions of the Meghalaya Tree Felling (Non-Forest Rules) 2006, as notified *vide* No.FOR.22/2004/141 dated 16^{lh} November either in respect of an individual tree or plantation on agroforestry plantation, provided the plantation has been registered with the competent authority as per rules / guidelines. The list above is only illustrative and not exhaustive and shall be as specified in Schedules A1 and A2, which may be revised from time to time

(2) The State Government shall be competent to add or delete species in the para (1) above as per guidelines.

5. Restriction of permission

No permission for felling shall be granted in respect of unregistered plantations.

6. Transit

The transit of timber/ forest produce from the agroforestry plantation if not meant for export outside the State shall be carried out on the strength of the certificate of origin/ challan which shall be issued by the Divisional Forest Officer (T) of the District. Timber/ forest produce that is intended to be transported outside the State shall be under transit passes and as per provisions of the Meghalaya Forest Regulation, 1973 as notified *vide* Notification No. FOR. 111/2007/170, dated 11th October 2013, on production of the certificate of origin.

7. Savings

The provisions of these guidelines shall be only a supplement to the provisions of existing laws and the Operational Guidelines for the Sub-Mission on Agroforestry under national Mission for Sustainable Agriculture for the time being in force prohibiting *or* regulating the felling of trees as may be applicable. Moreover, provisions of the law would prevail in such matters. The State is competent to revise the Guidelines as may be required from time to time.

8. Miscellaneous

The Mission of Agroforestry would follow the Mission strategy, interventions, Mission implementation plan and would maintain online digital location of cluster with attributes, on Bhuvan platform and furnish reports as stipulated. The Agriculture Department would be nodal for

Sd/-
(A. Mawlong, IAS),
Secretary to the Govt. of Meghalaya,
Forests & Environment Department

ANNEXURE A

Certificate of origin required for timber and other forest produce originating from agroforestry plots.

Name, address and father's name of the owner of the land Whence the forest produce was derived	Name of the forest produce being sought for removal	Description of timber or other forest produce.	Quantity of timber or other forest produce	Destination to which the timber or other forest produce is to be transported	Remarks;

I ..... Son/ Daughter of .....resident of ..... village ..... District, do hereby declare that the forest produce specified in this certificate has originated from an agroforestry plot from land owned by me, and that no portion of the said forest produce has been obtained from the property of the State *or* has been produced on State land.

Dated

Owner

Countersigned

1.

2.

Note: See para 3 (e) for officers authorised to countersign the Certificate of Origin

SCHEDULE 'A 1'

LIST OF SPECIES WHICH MAY BE PARTIALLY EXEMPTED FROM THE MEGHALAYA FOREST REGULATION - 1973 IN RESPECT OF TREES GROWN ON AGRO-FORESTRY LAND AND MEANT FOR DISPOSAL WITHIN THE STATE

SL. No	Name of Species	Name of Tree	Exemptions with Permissions
(i)	Populus species	Poplar	Yes
(ii)	Leucaena leucocephala	Subabul	Yes
(iii)	Acacia auriculiformis	Australian babul	Yes
(iv)	Acacia nilotica	Babul	Yes
(v)	Ailanthus exuelsa	Maharukh	Yes
(vi)	Anthocephalus kadamba	Kadamb	Yes
(vii)	Aquilaria malaccensis	Agar	Yes
(viii)	Delonix regia	Gulmohar	Yes
(ix)	Jaccaranda musifolia	Jaccaranda	Yes
(x)	Grevillea robusta	Silver Oak	Yes
(xi)	Palm 8pecies	Palm	Yes
(xii)	Zizyphus jujuba	Ber	Yes
(xiii)	Artocarpus heterophyllus	Katahal	Yes
(xiv)	Mimusops elengii	Molshri	Yes
(xv)	Putranjiva roxburghii	Putranjiva	Yes
(xvi)	Syzygium cumini	Jamun	Yes
(xvii)	Magnifera indica	Mango	Yes
(xviii)	Alstonia scholaris	Saptparni	Yes
(xix)	Pithecellobium dulce	Jungle Jalebi	Yes
(xx)	Azadirachta indica	Neem	Yes
(xxi)	Melia azadirach	Bakain	Yes
(xxii)	Dalbergia sissoo	Sissoo	Yes
(xxiii)	Pongamia pinnata	Karanj	Yes
(xxiv)	Bombax ceiba	Semal	Yes
(xxv)	Ceiba pentandra	Kapok	Yes
(xxvi)	Erytherina species	Coral tree	Yes
(xxvii)	Artocarpus chaplasa	Bread tree	Yes
(xxviii)	Muraya koenigii	Curry leaf	Yes
(xxix)	Santalum album	Sandalwood	Yes
(xxx)	Aquilaria agullocha	Agar	Yes
(xxxi)	Alnus nepalensis	Aldus	Yes
(xxxii)	Myrica esculenra	Sohphi	Yes
(xxxiii)	Prunus nepalensis	Sohiong	Yes
(xxxiv)	Litsea glutinosa	Gum	Yes
(xxxv)	Terminalia bellerica	Baherai	Yes

(xxxvi)	Terminalia chebula	Hantaki	Yes
(xxxvii)	All species of bamboo	Bamboo	Yes

SCHEDULE 'A 2'

LIST OF SPECIES WHICH MAY BE EXEMPTED FROM THE MEGHALAYA FOREST REGULATION - 1973 UNDER PROVISIONS OF MEGHALAYA TREE FELLING (NON-FOREST AREAS) RULES, 2006

SL.No	Name of Species	Name of Tree	Exempt
(i)	Acacia tortilis	Isarili Babul	Yes
(ii)	Alegle marmelos	Bel	Yes
(iii)	All Horticultural species including Areca nut	Fruit & Nut trees	Yes
(iv)	Anacardium occidentale	Cashewnut	Yes
(v)	Areca catechu	Arecanut	Yes
(vi)	Artocarpus heterophyllus	Jackfruit	Yes
(vii)	Asparagus racemosus	Satavani	Yes
(viii)	Averrrhoa carambola	Carambola	Yes
(ix)	Baccaurea sapida	Sapida	Yes
(x)	Calornus tlorlbundus		Yes
(xl)	Castana sativa	Chestnut	Yes
(xii)	Casuarina equisetifolia	Casuarina	Yes
(xiii)	Citrus assamensis		Yes
(xiv)	Citrus grandis	Pumelo	Yes
(XV)	Citrus hybrid		Yes
(xvi)	Citrus indica		Yes
(xvii)	Citrus jambhiri	Jambheri	Yes
(xviii)	Citrus latipes		Yes
(xix)	Citrus lemon	Lemon	Yes
(XX)	Citrus macroptera	Satkura	Yes
(XXI)	Citrus medica	Medica	Yes
(xxii)	Citrus retuculata	Khasi mandarin	Yes
(xxiii)	Citrus sinensis		Yes
(xxiv)	Citrus species	Nimbu, Santra, Mussambi	Yes
(xxv)	Dioscorea bulbifera	Yam	Yes
(xxvi)	Diospyros lotus	Persimmon	Yes
(xxvii)	Docynia indica		Yes
(xxviii)	Eleaqnus conferta		Yes
(xxix)	Embelia ribes	Reetha	Yes
(xxx)	Eucalyptus species	Neelgiri	Yes
(xxxi)	Flacourtia cataphracta		Yes
(xxxii)	Gynocardia odorata		Yes
(xxxiii)	Hibiscus rosa-sinensls	Surhal, jasoun	Yes
(xxxiv)	Juglans regia	Walnut	Yes

(xxxv)	Litchi chinensis	Litchi	Yes
(xxxvi)	Magnifera indica	Mango	Yes
(xxxvii)	Malus pumila or Mains sylvestris	Apple	Yes
(xxxviii)	Moringa oleifera	Munga	Yes
(xxxix)	Morus alba	Mulberry	Yes
(xl)	Morus nigra	Mulberry	Yes
(xli)	Mucuna prurita	Kaunch	Yes
(xlii)	Myrica esculenta		Yes
(xliii)	Myrica nagi		Yes
(xliv)	Phyllanthus emblica or Emblica officinalis	Indian Gooseberry	Yes
(xlv)	Piper longum	Pippali	Yes
(xlvi)	Polyalthea longifolia/pendula	Ashok	Yes
(xlvii)	Prosopis juliflora	Vilayati Babul	Yes
(xlviii)	Prunus armenica	Apricot	Yes
(xlix)	Prunus domestica	Plum	Yes
(l)	Prunus nepalensis		Yes
(li)	Prunus persica	Peach	Yes
(lii)	Psidium guajava		Yes
(liii)	Psidium gujava	Amrood	Yes
(liv)	Pyrus communis	Pear	Yes
(lv)	Pyrus khasiana		Yes
(lvi)	Tamarindus indica	Imli	Yes
(lvii)	Tinospora cordifolia	Giolya	Yes
(lviii)	Vaccinium griffithianum		Yes
(lix)	Vangueria spinosa		Yes
(lx)	Ziziphus jujuba	Ber	Yes

RULEs

APPROVED NORMS FOR CREATION OF NURSERY AND PLANTATION



ANNEXURE- A

Rate of wages fixed by the Labour Department ₹ 184/- (w.e.f 1st October, 2016 Vide Labour Department Notification No. LBG 75/2012/259, dated 31.01.2017

1 : NORMS FOR THE CREATION OF NURSERY
(COST NORM FOR ONE NURSERY BED).

1.1 PERMANENT NURSERY

1.1 (a) POLYPOT NURSERY
(i) NORM IN THE FIRST YEAR

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Preparation of Standard - size beds (13.00 m x 1.30 m x 0.30 m) for replacing the polythene bags.	1.5	₹ 276.00	
2	Cost of polythene Bags (22.5cm x 15mm) in one bag 4 kgs are required.	7.2	₹ 1324.80	NOTE Sl. Nos. 1,2,3,4,5, & 6 are Preliminary works
3	Cost of up of manure mixed earth in polythene bags including pounding after filling.	9	₹ 1656.00	
4	Cost of cow dung including transportation.	0.6	₹ 110.40	
5	Cost of seeds.	1.5	₹ 276.00	
6	Cost of Goat proof fencing net including cost of wooden fencing posts, erecting, fixing, fitting, etc. complete and including cost of staples.	1	₹ 184.00	
7	Cost of sowing including hoeing, mulching, etc.	1	₹ 184.00	
8	Cost of pricking and transplanting of seedlings from germination beds to polybags.	2	₹ 368.00	
9	Cost of construction of shades for protection of seedlings from frost during win-ter and direct sunlight in warm areas,			NOTE Sl. Nos. 7,8,9,10, 11,& 12 are creation and maintenance in the first year.
	(a) Cost of materials	1	₹ 184.00	
	(b) Labour cost	1	₹ 368.00	
10	Cost of weeding 4 weeding @ 119.60 p.w.	2.6	₹ 478.40	
11	Cost of watering.	1	₹ 184.00	
12	Miscellaneous cost *e.g.* fungicides tools & plants, making of inspection path, fertilizers, chemicals, lime pesticides/ insecticides, growth hormones, etc.	0.2	₹ 36.8	
	TOTAL IN THE FIRST YEAR	30.6	₹ 5630.40	

(ii) Maintenance during the Second year.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Weeding — 3 times @ 119.60 p.w.	1.95	₹ 358.80	
2	Watering.	0.5	₹ 92.00	
	TOTAL IN THE SECOND YEAR	2.45	₹ 450.80	

1.1 (b) NAKED ROOT NURSERY

(i) NORM DURING THE FIRST YEAR

Sl. No.	**Item of Work**	**Unified Norms**		**Remarks**
		Mandays	**Amount**	
1	**2**	**3**	**4**	**5**
1	Preparation of Standard - size beds (13.00 m x 1.30 mx 0.30 m).	1.5	₹ 276.00	NOTE Same as 1.1 (a)
2	Collection of seeds.	2	₹ 368.00	
3	Fencing all round the Nursery site with Goat proof fencing net & wooden posts including erecting, fixing, fitting, etc. complete.	1	₹ 184.00	
4	Cost of cow dung including transportation up to site.	0.6	₹ 110.40	
5	Seed treatment.	0.3	₹ 55.30	
6	Sowing of seeds including hoeing.	0.1	₹ 18.40	
7	Weeding of Nursery beds 4 weeding @ 119.60 p.w.	2.6	₹ 478,40	
8	Cost of construction of shades for protection of seedlings from frost during winter and direct sunlight in warm areas, (a) Cost of materials (b) Labour cost	1 2	₹ 184.00 ₹ 368.00	
9	Watering of Nursery beds.	1	₹ 184.00	
10	Miscellaneous cost e.g. cost of tools, plants fertilizers, insecticides, pesticides / insecticides, growth hormones, making of inspection path etc,	0.2	₹ 36.8	
	TOTAL IN THE FIRST YEAR	12.3	₹ 2,263.20	

(ii) Maintenance during the Second year.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Weeding (3 weeding only) @ 119.60 p.w.	1.95	₹ 358.8	
2	Watering of Nursery beds.	0.5	₹ 92.00	
	TOTAL IN THE SECOND YEAR	2.45	₹ **450.8**	

NOTE : Arrangement for permanent water supply, sprinklers, purchase and installation of equipment, construction of quarters for the staff, wages for watch and ward staff, root trainers, mist chambers, green house, cost of diesel/electric bill for running the pump sets, etc. would be based on detailed estimates.

1.2 TEMPORARY NURSERY

1.2 (a) POLYPOT NURSERY

(i) NORM IN THE FIRST YEAR

Sl. No.	**Item of Work**	**Unified Norms**		**Remarks**
		Mandays	**Amount**	
1	**2**	**3**	**4**	**5**
1	Preparation of Standard - size beds.	1.5	₹ 276.0	
2	Cost of H.D polythene Bags (22.5cm x 15cm — 150 gauge).	7.2	₹ 1324.8	
3	Cost of up of manure mixed earth in polythene bags including pounding after filling.	9	₹ 1656.00	
4	Cost of cow dung including transportation.	0.6	₹ 110.4	
5	Cost of seeds.	1.4	₹ 257.6	
6	Cost of Goat proof fencing net including cost of wooden fencing posts, erecting, fixing, fitting, etc. complete and including cost of staples.	1	₹ 184.00	
7	Cost of sowing including hoeing, mulching, etc.	1	₹ 184.00	NOTE Same as 1.1 (a)
8	Cost of pricking and transplanting of seedlings from germination beds to polybags.	2	₹ 368.00	
9.	Cost of construction of shades for protection of seedlings from frost during winter and direct sunlight in warm areas,			
	(a) Cost of materials	1	₹ 184.00	
	(b) Labour cost	2	₹ 368.00	
10	Cost of weeding 4 weeding (a), 119.6 p.w.	2.6	₹ 478.4	
11	Cost of watering.	1	₹ 184.00	
12	Miscellaneous cost e.g. fungicides tools & plants, making of inspection path, fertilizers, chemicals, lime, pesticides, growth hormones, etc.	0.2	₹ 36.8	
	TOTAL IN THE FIRST YEAR	30.5	₹ 5,612.00	

(ii) Maintenance during the Second year.

Sl. No.	Item of Work	Unified Norms Mandays	Amount	Remarks
1	2	3	4	5
1	Weeding — 2 weeding only are necessary @ 119.6p.w.	1.3	₹ 239.2	
2	Watering.	0.3	₹ 55.2	
	TOTAL IN THE SECOND YEAR	1.6	₹ **294.4**	

1.2 **NAKED ROOT NURSERY**

(i) NORM DURING THE FIRST YEAR

Sl. No.	Item of Work	Unified Norms Mandays	Amount	Remarks
1	**2**	3	**4**	**5**
1	Preparation of Standard - size beds.	1.5	₹ 276.0	
2	Collection of seeds.	2	₹ 368.00	
3	Fencing all round the Nursery site with Goat proof fencing net & wooden posts including erecting, fixing, fitting, etc. complete.	1	₹ 184.00	
4	Cost of cow dung including transportation up to site.	0.6	₹ **110.4**	
5	Seed treatment.	0.3	₹ 55.2	
6	Sowing of seeds including hoeing.	0.1	₹ 18.4	
7	Weeding of Nursery beds 4 weeding @ 119.60 p.w.	2.6	₹ 478.4	NOTE Same as **1.1** (a)
8	Cost of construction of shade with bamboo structure and thatch,			
	(a) Cost of materials	1	₹ 184.00	
	(b) Labour cost	2	₹ 368.00	
9	Watering of seedlings in Nursery beds.	1	₹ 184,00	
10	Miscellaneous cost e.g. cost of tools, plants fertilizers, insecticides, pesticides/insecticides, growth hormones, making of inspection path etc.	0.2	₹ 36.8	
TOTAL IN THE FIRST YEAR		12.3	₹ 2,263.2	

(ii) Maintenance during the Second year.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	**2**	3	4	**5**
1	Watering (2 weeding only) @ 119.6 p.w.	1.3	₹ 239.2	
2	Watering.	0.3	₹ 55.2	
	TOTAL IN THE SECOND YEAR	**1.6**	₹ **294.4**	

ABSTRACT

Permanent Nursery

	Polypot Nursery	Naked Root
First year	₹ 5,630.40	₹ 2,263.20
Second year	₹ 450.80	₹ 450.80
Total	₹ **6081.20**	₹ **2714**

Temporary Nursery

	Polypot Nursery	Naked Root
First year	₹ 5612.00	₹ 2,263.3
Second year	₹ 294.40	₹ 294.40
Total	₹ 5906,40	₹ **2557.70**

ANNEXURE-B

1. NORMS FOR CREATION OF PLANTATIONS IN RESERVED FOREST, PROTECTED FORESTS AND OTHER AFFORESTED AREAS (COST - NORM FOR ONE HECTARE OF PLANTATION) Wages *(a)*, ₹ 184.00

1.1 PRELIMINARY WORKS

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Survey & demarcation including fixing of boundary marks at strategic points.	2	₹ 368.00	
2	Jungle clearance, burning, land preparation including staking, pit digging, hoeing, etc.	24	₹ 4416.00	
3	(i) Construction of camp huts, (ii) Construction of inspection path, (iii) Procurement of tools and plants.	8 3 3	₹ 1472.00 ₹ 552.00 ₹ 552.00	
4	Cost of collection of seeds (in case of plantation created through seed origin. If the plantation is to be created by Nursery seedlings this item shall be executed).	5	₹ 920.00	
TOTAL IN THE FIRST YEAR		**45**	**₹ 8280.00**	

1.1 (a) CREATION - (FIRST YEAR OF PLANTATION).

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	(i) Sowing of seeds including hoeing of soil and covering of seeds, (ii) Planting of Nursery seedlings including carriage from Nursery centres to plantation sites and proper ramming after planting, etc. complete (for plantation raised by Nursery seedlings only).	6 16	₹ 1104.00 ? ₹ 2944.00	
2	Weeding - 3 weeding are essential in the first year @_₹ 2,760/- p.w.	15x3 =45	₹ 8280.00	
3	Fire protection during dry & windy season, (i) Wages of fire watchers from November of the creation year to April of the following year (ii) Fire line clearance including controlled burning from November in the creation year to April of the following year.	7 7	₹ 1288.00 ₹ 1288.00	
	Cost of seeds including carriage charge.	0	NIL	
	TOTAL IN THE FIRST YEAR	65 75	₹ 11,960 (by sowing) ₹ 13,800.00 (by planting)	

1.1 (b) SECOND YEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	2 (two) weeding @ ₹ 2,760/- p.w.	15x2 = 30	₹ 5520.00	
2	Fire protection			
	(i) Wages of fire watchers,	7	₹ 1288.00	
	(ii) Fire line clearance including controlled burning.	7	₹ 1288.00	
3	Vacancy filling in mortality areas.	4	₹ 736.00	
TOTAL IN THE SECOND YEAR		**48**	₹ **8832.00**	

1.1 (c) THIRD YEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	2 (two) weeding @ ₹ 2,760/- p.w.	15x2 = 30	₹ 5520.00	
2	Fire protection			
	(i) Wages of fire watchers,	7	₹ 1288.00	
	(ii) Fire line clearance including controlled burning.	7	₹ 1288.00	
3	Vacancy filling.	4	₹ 736.00	
TOTAL IN THE SECOND YEAR		**48**	₹ **8832.00**	

1.1 (d) FOURTH YEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	(i) Wages of fire watchers,	7	₹ 1288.00	
	(ii) Fire line clearance.	7	₹ 1288.00	
	TOTAL IN THE FOURTH YEAR	**14**	₹ **2576.00**	

1,1 (e) FIFTH YEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	(I) Wages of fire watchers.	7	₹ 1288.00	
	(ii) Fire line clearance.	7	₹ 1288.00	
2	Cost of singling out operation to provide proper spacing from one plant to another:	6	₹ 1,104.00	
	TOTAL IN THE FOURTH YEAR	**20**	₹ **3680.00**	

ABSTRACT

Year	Unified Norms
Preliminary year	₹ 8280.00
First year	(i) ₹ 11,960.00 (by direct sowing) (ii) ₹ 13,800.00 (by planting)
Second year	₹ 8832.00
Third year	₹ 8832.00
Fourth year	₹ 2576.00
Fifth year	₹ 3680.00
TOTAL	(i) ₹ 44,160.00 (by sowing) (ii) ₹ 46,000.00 (by planting)

UNIFIED NORMS FOR CREATION OF PLANTATIONS OUTSIDE RESERVED FOREST AND PROTECTED FORESTS

Rate of wage fixed by Labour Department (a), ₹ 184.00

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Survey & demarcation including fixing of boundary marks at strategic points.	2	₹ 368.00	
2	Jungle clearance, burning, land preparation including staking, pit digging, hoeing, etc.	24	₹ 4416.00	
3	Fencing: (a) with 3 strand barbed wire and wooden fencing posts including cost of staples, fixing, fitting, etc. complete, (b) with peripheral earthen bunds alongwith live hedges and local fencing e.g. bamboos, timber, etc.	 64 50	₹ 11,776.00 ₹ 9200.00	
4	Cost of collection of seeds (pine and other species).	5	₹ 9200.00	
5	Construction of camp but and inspection paths.	4	₹ 736.00	
6	Purchase of tools and plants	2	₹ 368.00	
7	Supervisory staff to be engaged on casual basis from amongst the local people.	12	₹ 2208,00	
	TOTAL IN THE FIRST YEAR	113 **99**	₹ **20,792.00** (barbed wire fencing) ₹ **18,216.00** (peripheral bunding)	

Notes:

1. Cost of Norms for barbed wire fencing shall be allowed to increase in ease at hike in the Govt. approvals for barbed wire as notified by the Industries Deptt., of Meghalaya from time to time.

2. Base cost Norm for fencing @ ₹ 3,200/- per hectare is based on the Govt. approved rates of barbed wire effective on 1.1.2000 i.e. ₹ 3,550/- approximately.

FIRST YEAR OF PLANTATION

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Creation of plantation:			
	(i) Sowing of seeds including having of soil and covering of seeds,	6	₹ 1104.00	
	(ii) Planting of Nursery seedlings including carriage from Nursery centres to plantation sites and proper ramming after planting.	16	₹ 2944.00	
2	Weeding — 3 weeding @ ₹ *2,760/-* p.w./p.h.	**15X3 = 45**	₹ 8280.00	
3	Fire protection during dry & windy season,			
	(i) Wages of fire watchers from November of the creation year to April of the following year	10	₹ 1840.00	
	(ii) Fire line clearance internal & external fire line including controlled burning.	10	₹ 1840.00	
4	Miscellaneous cost.	0	NIL	
TOTAL IN THE FIRST YEAR		**71**	₹ **13,064.00 (by sowing)**	
		81	₹ **14,904.00 (by planting)**	

SECOND YEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	Vacancy filling in mortality areas.	4	₹ 736.00	
2	3 (three) weedings @ ₹ 2,760/- p.w.	15X3=45	₹ 8280.00	
3	Fire protection			
	(i) Wages of fire watchers,	10	₹ 1840.00	
	(ii) Fire line clearance including controlled burning.	10	₹ 1840.00	
4	Miscellaneous cost e.g. repair of fencing, etc.			
TOTAL IN THE SECOND YEAR		**69**	₹ **12,696.00**	

THIRD YEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Man days	Amount	
1	2	3	4	5
1	Vacancy filling whenever necessary.	4	₹ 736.00	
2	2 (two) weedings @ ₹ 2,760/- p.w./p.h.	15X2 = 30	₹ 5520.00	
3	Fire protection			
	(i) Wages of fire watchers,	10	₹ 1840.00	
	(ii) Fire line clearance including controlled burning.	10	₹ 1840.00	
4	Miscellaneous cost e.g. repair of fencing and maintenance of inspection path, etc.	4	₹ 736.00	
	TOTAL IN THE SECOND YEAR	58	**₹ 10,672.00**	

FOURTHYEAR OF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	One weeding (only in non pine plantation where there is heavy growths of weeds/jungles).	15	**₹ 2760.00**	
2	Fire protection:			
	(i) Wages of fire watchers, ‘	10	₹ 1840.00	
	(ii) Fireline clearance.	10	₹ 1840.00	
3	Miscellaneous cost.			
TOTAL IN THE FOURTH YEAR		35	**₹ 6440.00**	

FIFTH YEAROF PLANTATION.

Sl. No.	Item of Work	Unified Norms		Remarks
		Mandays	Amount	
1	2	3	4	5
1	One weeding (only in non - pine plantation where there is heavy growths of weeds/jungles).	15	₹ 2760.00	
2	Fire protection:			
	(i) Wages of fire watchers,	10	₹ 1840.00	
	(ii) Fireline clearance.	10	₹ 1840.00	
3	Cost of singling out operation to provide proper spacing from one plant to another.	6	₹ 1104.00	
4	Miscellaneous expenditure e.g salvaging of fencing materials from the plantation centre wherever fencing is no longer necessary.	3	₹ 552.00	
	TOTAL IN THE FOURTH YEAR	44	₹ 8096.00	

ABSTRACT

Year	Unified Norms
Preliminary year	(i) ₹ 2.0,792.00 (Barbed wire fencing) (ii) ₹ 18,216.00 (Peripheral fencing)
First year	(i) ₹ 13,064.00 (by sowing) (ii) ₹ 14,904.00 (by planting)
Second year	₹ 12,696.00
Third year	₹ 10,672.00
Fourth year	₹ 6440.00
Fifth year	₹ 8096.00
TOTAL	(i) ₹ 71,760.00 (Barbed wire fencing & by sowing) (ii) ₹ 73,600.00 (Barbed wire fencing & by planting) (iii) ₹ 69,184.00 (Peripheral fencing & by sowing) (iv) ₹ 71,024.00 (Peripheral fencing & by planting)

COST NORMS OF NURSERY FOR ROADSIDE PLANTATION

1	Size of Nursery bed:	10.00 m Length x 120 m width
2	Size of High Density Polythene Bag:	0.40 m Height x 0.20 m Dia
3	Tall Seedlings per bed:	300 Nos
4	Basis of Costing:	1 (one) Nursery Bed
5	Approved wage rate:	₹ 181/-per Man-Day

Sl. No	Particulars of Work	Man Day	Amount
1	**2**	**3**	**4**
A	First Year Creation:		
1	Preparation of standard sized nursery bed complete in all respect using bamboo guard side rails on all sides	2	362.00
2	Cost of high density polythene bags	6	1,086.00
3	Filling up of polythene bags with mixture of earth, sand and farm manure (1:1:1) and arranging them in the nursery bed as directed	2	362.00
4	Cost of farm yard manure	3	543.00
5	Cost of Sand	2	362.00
6	Cost of seeds of desired species	3	543.00
7	Providing goat-proof fencing of required quality and specification, by using thick bamboo as posts. (Note: No wooden post is to be used)	5	905.00
8	Cost of sowing/dibbling of seeds directly into polythene bags. (2 to 3 seeds per bag)	1.5	271.50
9	Cost for providing shade to nursery beds,using locally available materials viz. thatch grass and bamboo, so as to protect the seedlings from direct sunlight, heavy rain or even frost in some areas.	3	543.00
10	Cost for weeding x 4(four) times @ 1 man-day/bed/weeding	4	724.00
11	Cost for watering x 6(six) months (November to April) @ 2 man-days/bed/month	12	2,172.00
12	Miscellaneous expenses	0.5	90.50
	Total A	44	7,964.00
B	**Second Year Maintenance:**		
1	Cost for weeding x 3 (three) times @ lman-day/bed/weeding	3	543.00
2	Cost for watering x 6(six) months (November to April) @ 2 man-days/bed/month	12	2,172.00
3	Miscellaneous expenses	1	181.00
	Total B	**16**	**2,896.00**
	Grand Total (A+B)	**60**	**10,860.00**

COST NORMS FOR ROAD-SIDE PLANTATION

1. Spacing: 4 meters from plant to plant
2. No.of plants per Km: along the road
3. Basis of Costing: 250 x 2 sides = 500 Nos.
4. Approved wage rate: 1 (one) Plant
   Rs. 181/-per Man-Day.

Sl No	Particulars of Work	Man Day	Amount
1	2	3	4
A	**FIRST YEAR CREATION:**		
1	Preparation of site for planting by clearing/cleaning of area as elaborated in Para-4(b) and 4(c)above	0.20	36.20
2	Pit digging of dimensions - Sides 0.30 m x 0.30 m x Depth 0.60 m	0.10	18.10
3	Providing farm yard manure to be used as elaborated in Para- 5(b), 5(c) and 5(d) above	0.20	36.20
4	Cost for transportation of containers with tall seedlings, from the centrally located nursery at Range/Beat office headquarter to the planting site and planting the seedlings after slicing open the bottom of the container as elaborated in Para 5(d)	0.20	36.20
5	Protection of the planted seedlings using tree guards made of local bamboo as elaborated in Para 6(a) or 6(b) and shown in fig. 1 or fig.2, complete in all respect	2	362.00
6	Weeding and soil working around the planted seedlings including circular cutting of any jungle growth up to ground level around the enclosure x 2 times.@ 0.3 manday/plant/weeding	0.50	90.50
7	Miscellaneous expenses	0.20	36.20
	Total A	3.40	615.40
B	**SECOND YEAR MAINTENANCE**		
1	Weeding and soil working around the planted seedling including circular cutting of any jungle growth up to ground level around the enclosure x 2 times @ 0.25 man day/plant/weeding	0.50	90.50
2	Miscellaneous expenses including provision for repairing of tree guard	0.30	54.30
	Total B	**0.80**	**144.80**

C	**THIRD YEAR MAINTENANCE**		
1	Weeding and soil working around the planted seedling including circular cutting of any jungle growth up to ground level around the enclosure x 2 times @ 0.25 man day/plant/weeding	0.50	90.50
2	Miscellaneous expenses including provision for repairing of tree guard	0.30	54.30
	Total C	**0.80**	**144.80**
	Grand Total (A+B+C)	**5'**	**905.00**

Roadside Plantation Norms

(A) Abstract of Costing @ Rs. 181/- per Man-Day

1 Nursery Cost for (one) Bed containing 300 Nos. tall seedlings:

1 st Year Creation:	= 44 Man-Days	= Rs. 7,964/-
2nd Year Maintenance:	= 16 Man-Days	= Rs. 2,896/-
Total	**= 60 Man-Days**	**= Rs. 10,860/-**

2 Plantation Cost for I(one) Plant:

1st Year Creation:	= 3.40 Man-Days	= Rs. 615.40/-
2nd Year Maintenance:	= 0.80 Man-Days	= Rs. 144.80/-
3rd Year Maintenance:	= 0.80 Man-Days	= Rs. 144.80/-
Total	**= 5 Man-Days**	**= Rs. 905/-**

(B) Cost Analysis for 1 Km of Plantation (500 Nos. of Plants) @ 2 Nos. Nursery Beds per Km. (about 80% survival rate in Nursery):

1 **1st Year (Nursery Cost):**
Cost of Seedlings (44 x 2 Beds = 88 Man-Days) = Rs. 15,928/-

2 **2nd Year (Nursery Cost):**
Cost of Seedlings (16 x 2 Beds = 32 Man-Days) = Rs. 5,792/-

3 **3rd Year (Plantation Cost):**
1st year Creation (3.40 x 500 Plants = 1700 Man-Days)= Rs. 3,07,700/-

4 **4th Year (Plantation Cost):**
2nd Year Maintenance: (0.80 x 500 Plants = 400 Man-Days)= Rs. 72,400/-

5 5th Year (Plantation Cost):
3rd Year Maintenance: (0.80 x 500 Plants = 400 Man-Days) = Rs. 72,400/-

Grand Total (1+2+3+4+5) = Rs. 4,74,220/-

(Rupees Four Lakhs Seventy Four Thousand Two Hundred Twenty) Only

ABSTRACT

Permanent Nursery

	Polypot Nursery	Naked Root
1st Year	₹ 5,538.60	₹ 2,226.30
2nd Year	₹ 443.45	₹ 443.45
Total	₹ **5,982.05**	₹ **2,669.75**

Temporary Nursery

	Polypot Nursery	Naked Root
1 st Year	₹ 5,520.50	₹ 2,226.30
2nd Year	₹ 289.60	₹ 289.60
Total	₹ **5,810.10**	₹ **2,515.90**

Reserved Forest

Year	Unified Norms	**Remarks**
Preliminary Year	₹ 8,145.00	
First Year	₹ 11,765.00	By Sowing
	₹ 13,575.00	By Planting
Second Year	₹ 8,688.00	
Third Year	₹ 8,688.00	
Fourth Year	₹ 2,534.00	
Fifth Year	₹ 3,620.00	
Total	₹ **43,440.00**	By Sowing
	₹ **45,250.00**	By Planting

Outside Reserved Forest

Year.	Unified Norms	Remarks
Preliminary year	₹ 20,453.00	Barbed wire fencing
	₹ 17,919.00	Peripheral bunding
First Year	₹ 12,851.00	By Sowing
	₹ 14,661.00	By Planting
Second Year	₹ 12,489.00	
Third Year	₹ 10,498.00	
Fourth Year	₹ 6,335.00	
Fifth Year	₹ 7,964.00	
Total	₹ 70,590.00	Barbed Wire /Sowing
	₹ 72,400.00	Barbed Wire /Planting
	₹ 68,056.00	Peripheral bunding/ Sowing
	₹ 69,866.00	Peripheral bunding/ Planting



RULEs

NOTIFICATION OF FOREST DEVELOPMENT AGENCY (FDA) IN MEGHALAYA



NOTIFICATIONS

No. FOR.62/2000/239 Dated Shillong, the 9th September 2003

Whereas, the Government has decided to implement Joint Forest Management (JFM) in the State with the consent of the Khasi Hills Autonomous District Council, the Jaintia Hills Autonomous District Council and the Garo Hills Autonomous District Council in order to enlist active participation and involvement of local people for the protection of forests, wildlife and biodiversity and implementation of afforestation and aided regeneration schemes and forest based resource development programmes;

and whereas, the Ministry of Environment & Forests, Government of India, has advised the Government of Meghalaya to constitute Forest Development Agencies at forest division level, as a decentralized institutional structure for greater participation of the community, both in planning and implementation of appropriate afforestation programmes;

and whereas, the central assistance scheme known as the National Afforestation Programme (NAP), is proposed to be implemented through the institution of the Forest Development Agencies (FDAs);

now, therefore, the Governor of Meghalaya is pleased to announce the decision to constitute Forest Development Agencies in the State as per the guidelines given below:

(1) A Forest Development Agency shall be constituted at the level of any forest division in the Territorial, Wildiife or Social Forestry wings or any other convenient forest division of the Forest Department.

(2) Each FDA shall be registered as a Society under the Meghalaya Societies Registration Act 1983.

(3) The FDAs shall have a two-tier structure in the form of a General Body and an Executive Body.

The General Body :

The General Body shall be appointed by the Government and shall have the following members :

(i)	Conservator of Forests concerned	Chairperson
(ii)	Not more than thirty at any time, to be nominated by the Government from among the Chairpersons of JFMCs. Adequate representation to women shall be given in making such nominations	
(iii)	One representative of the Autonomous District Council concerned	
(iv)	Divisional Forest Officers of other two of the three wings *viz* Territorial, Wiidiife and Social Forestry having concurrent or overlapping jurisdiction in the FDA area	
(v)	Assistant Conservator (s) of Forests and Range Officers in the Division concerned	

(vi) District level Officers of other Government Departments concerned, of the Districts in which the Jurisdiction of the FDA fails and which are included in the Executive Body

(vii) Members nominated by the Government to ensure adequate representation to women in addition to the women members under para (ii) above

The Executive Body :

The Executive Body shall be appointed by the Government and shall have the following members:

(i)	Conservator of Forests concerned	Chairperson
(ii)	Divisional Forest Officer of the Division concerned	Members Secretary
(iii)	Divisional Forest Officer of the other two of the three wings *viz* Territorial, Wildlife and Social Forestry having concurrent or overlapping jurisdiction in the FDA area	Members
(iv)	District Level Officers of other Government Departments concerned, of the Districts in which the jurisdiction of the FDA fails	Members
(v)	Project Directors DRDA, from each of the Districts in which the area of jurisdiction of the FDA falls	Members
(vi)	One representative of the Autonomous District Council concerned	Members
(vii)	One third representatives from the members of the Members General Body representing JFMCs and villages, not less than three but not exceeding ten, ensuring adequate representation of women members	Members
(viii)	A representative of the clan or community whose land is utilised for a project / scheme implemented through the FDA and also a representative of traditional village authorities if they are not represented through the JFMCs	Members

Provided that:

(a) All the members of the Executive Body shall automatically be the members of the General Body also.

(b) The members of the Executive Body listed under (iv) and (v) shall not have voting rights.

(c) The Executive Body of the FDA may co-opt experts in such disciplines as are not represented to advise on the preparation of micro-plans and for implementing specific components of the projects. However, such members would not have voting rights.

(4) The General Body shall meet at least once in a year, while the Executive Body at least once in 3 (three) months.

(5) PDAs are authorized to open and maintain bank account (s) in Nationalised Banks in order to receive and manage funds. Such bank accounts shall be opened by the Member-Secretary of the FDA.

(6) The FDAs are authorized to receive directly the grants-in-aid / centra! assistance from the Ministry of Environment & Forest, Government of India and utilize such funds for execution of approved projects.

(7) The FDAs may receive funds from the Government of Meghalaya and other authorized sources also and utilize such funds for fulfilment of the objectives prescribed in Activities and Functions

(8) The FDAs shall be primarily responsible for preparing projects under National Afforestation Programme of Ministry of Environment & Forest, Government of India and implementing approved projects. They may be entrusted with planning and implementation of other projects as per the directives of the Government of Meghalaya and the Government of India. Any projects prepared would be submitted to the Principal Chief Conservator of Forests Meghalaya through the Chief Conservator of Forests concerned.

(9) Each FDA shall have Forest Range Officers of the Forest Division as Regional Level Coordinators (RLCs) through whom funds would be channelled to the JFM Committees for implementation of the projects as per the decisions of the FDAs. The RLCs shall function as subordinate disbursers for this purpose.

(10) The RLCs are authorized to open and maintain bank account (s) in Nationalized Banks and operate them in order to deposit and manage the advances received from FDAs

(11) The Regional Level Coordinators shall be primarily responsible for maintaining consolidated accounts of the JFMCs in their jurisdiction and carrying out normal supervision and monitoring activities. The RLCs would maintain and submit monthly accounts and other records / reports to the Executive Body of the FDA as per their directions.

(12) The FDAs shall be supported by the administrative set up of the office of the Forest Division concerned. No additional staff shall be employed for the purpose of FDAs.

(13) The FDAs shall maintain accounts by compiling the accounts of Regional Level Coordinators and follow such accounting procedure as required under Meghalaya Societies Registration Act 1983. These shall be audited by qualified auditors and may be subjected to audit by the Comptroller & Auditor General of India or his nominated Officers.

(14) The Activities and Functions of the PDAs shall include those prescribed by the Government of India vide their D.O. No. 25-1-1/ 99-B/ *ii* dated 31sl May 2002, as stated below:

Activities of the Forest Development Agency :

(i) Implementation of centrally sponsored afforestation schemes.
(ii) Implementation of other beneficiaries oriented activities like agro forestry, avenue plantations.
(iii) Taking steps for value addition and marketing of produce.
(iv) Inventorying of land and other natural resources.

(v) Promoting environmental education.

(vi) Promoting awareness and mobilizing active association of communities in protection against poaching and illicit felling of trees.

(vii) Establishment and management of decentralized nurseries with marketing arrangements.

(viii) Assisting in management of CPRs.

(ix) Addressing socio-economic needs of people.

(x) Management of existing captive water resources in the villages.

(xi) Mobilizing active involvement of communities in forest fire fighting operations.

(xii) Monitoring of activities of local NGOs.

Functions of the Forest Development Agency :

(i) Approving plans for all afforestation related activities in forest fringe villages including the micro plan.

(ii) Providing support and assistance to JFMCs for micro planning.

(iii) Organizing training and awareness programmes.

(iv) Implementation of water harvesting and soii conservation measures with appropriate approvals.

(v) *Inter-se* prioritisation for scheme and activity-wise financial outlays.

(vi) Deciding entry point activities.

(vii) Formulating guidelines for utilization and sharing of usufruct.

(viii) Evolving rules for use of funds created.

(ix) Improvising technological improvements.

(x) Developing Guidelines for employment generation opportunities.

(xi) Establishing and maintaining decentralized nurseries.

(xii) Coordinating and Monitoring the activities of their constituent JFMCs.

(xiii) Conceptualising innovative schemes, *viz.* establishment of botanical gardens, sacred groves etc.

(xiv) Dealing with contingencies such as drought, flood and forest fires.

(xv) Co-ordinating with DRDAs and other relevant Government Departments to dovetail their schemes and programmes with afforestation schemes so that watersheds can be developed in a holistic manner.

(15) State Level Steering Committee :

A State Level Steering Committee shall be constituted under the Chairmanship of the Chief Minister with such members as the Government may nominate. The Steering Committee will discuss and approve schemes formulated by FDAs for submission to Government of India. The Committee will also monitor the schemes implemented by FDAs.

A copy of the Model form of Memorandum of Association for the FDAs and Model Rules and Regulations of each FDA to be constituted are enclosed at Annexure-I and Annexure-II respectively.

(CD. KYNJING, IAS),
Commissioner & Secretary to Govt. of Meghalaya,
Forest & Environment Department

Memo No. FOR.62/2000/239-A Dated Shillong, the 9th September 2003

Copy to :

1 P.S. to the Chief Minister for information of the Chief Minister, Meghalaya.

2 P.S. to the Minister, Forest & Environment for information of the Minister.

3 Secretary to the Government of India, Ministry of Environment & Forests, Paryvaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003.

4 Director General of Forests, Government of India, Ministry of Environment & Forests, Paryvaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi- 110 003.

5 P.S. to the Chief Secretary, Government of Meghalaya.

6 P.S. to the Additional Chief Secretary to the Government of Meghalaya, i/c Forests & Environment Department.

7. All Administrative Departments of Government of Meghalaya.

8. Inspector General of Forests, Government of India, Ministry of Environment & Forests, National Afforestation & Eco-Development Board, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003.

9. Principal Chief Conservator of Forests, Meghalaya, Shillong.

10. All Chief Conservators of Forests, Meghalaya, Shillong.

11. Director of Printing & Stationery for publication of the Notification in the Meghalaya Gazette with a request to supply two hundred copies of the Notification to the Department.

Commissioner & Secretary to Govt. of Meghalaya,
Forests & Environment Department

ANNEXURE- I

Model form of Memorandum of Association for FDAs

THE MEMORANDUM OF ASSOCIATION OF
THE name) DIVISION, FOREST DEVELOPMENT AGENCY,
MEGHALAYA

1. The name of the Society :

The Society shall be called "The ..... (name) .....Division Forest Development Agency".

2. Registered office of the Society :

The registered office of the Society shall be located at the office of the Divisional Forest Officer (name)Division, ... (address) ..... , (pin) .....

3. Area of operation of the Society :

The extent of the area of operation of the Society shall be the area of jurisdiction of the ..... (name) .....Division.

4. Aims and objectives of the Society :

The aims and objectives for which the Society is established are as follows :

(i) To arrest and reverse the trend of degradation of forests and wild biodiversity areas by:

(a) Carrying out and promoting artificial regeneration and aided natural regeneration of forests.

(b) Protecting and conserving the existing forests and wild biodiversity areas.

(ii) To plan, allocate, administer and monitor forestry and eco-development works as per the directions of the Government of Meghalaya and the Government of India.

(iii) To carry out the works of protection, conservation and development of forests and wild biodiversity areas and eco-development works by involving forest dwellers and local communities by the mechanism of Joint Forest Management.

(iv) To promote awareness about conservation of forests, wildlife and biodiversity and sustainable use of wild resources.

(v) To improve the environment in the State and the Country by improving the status of forests, wildlife and wild biodiversity.

(vi) To help in building and improving the infrastructure for development of Forestry, wildlife and allied environmental sectors,

(vii) To provide sustained employment opportunities to the local communities and

forest dwellers with special emphasis on tribal, landless and economically weaker sections of the Society,

(viii) To create durable and sustainable community assets in the form of forested areas, roads, paths, irrigation facilities and other means of socio-economic benefit.

(ix) To carry out all such acts, deeds, etc. as may be deemed incidental or conducive to the for going objects.

5. The Executive Body :

The Executive Body of the Society shall be appointed by the Government and shall have the following members :

S.No. Name, Occupation and Address

(i) ..... Chairperson

Conservator of Forests

.....

.....

(ii) ..... Member Secretary

Divisional Forest Officer

.....Division

.....

(iii) .....

Divisional Forest Officer

.....Division

.....

(iv) .....

Divisional Forest Officer

.....Division

.....

(v) District Level Officers

.....District

.....

(vi) Project Directors, DRDA

.....District

.....

(vii) Representative of District Council

.....Autonomous District Council

.....

(viii) Chairperson

..... JFM Committee

.....

There may be further additions in the members of the Executive Body.

6. The first members of the Society shall be as follows :

(i) The Conservator of Forests, under whom the Forest Division under which the Society is being constituted, falls.

(ii) The Divisional Forest Officer of the Division under which the Society is being constituted, falls.

(iii) The Divisional Forest Officers of other two of the three wings viz, Territorial, Wildlife and Social Forestry having concurrent or overlapping jurisdiction over the area of jurisdiction of the Society.

(iv) The Assistant Conservator of Forests in the Division under which the Society is being constituted, falls.

(v) The Range Officers in the Division under which the Society is being constituted, falls.

7. We, the undersigned, are desirous of forming the Society in pursuance of the Memorandum of Association :

S. No. Name, Occupation and Address Signature

(i) .....
Conservator of Forests

.....

.....

(ii) .....
Divisional Forest Officer

.....Division

.....

(iii) .....
Divisional Forest Officer
.....Division

.....

(iv) .....
Divisional Forest Officer

.....Division

.....

(v) .....
Assistant Conservator of Forests

.....

.....

(vi) .....
Assistant Conservator of Forests

.....

.....

(vii) .....
Range Officer.....Range

.....

.....

(viii) .....
Range Officer.....Range

.....

.....

(ix) .....
Range Officer.....Range

.....

.....

ANNEXURE-II

Model Rules and Regulations for FDAs

RULES AND REGULATIONS OF

THE ___(name)_____DIVISION, FOREST DEVELOPMENT AGENCY

MEGHALAYA

INTERPRETATION

(1) Unless the context otherwise requires, words and expressions contained in these Regulations shall have the same meaning as in the Meghalaya Societies Registration Act, 1983 or any statutory modification thereof, and in particular shall have the following interpretation :

(a) 'FDA' means _____(name) _____ Division, Forest Development Agency.

(b) 'JFMC" means a Joint Forest Management Committee duly constituted as per the Rules & Regulations of the Government of Meghalaya, falling under the jurisdiction of the FDA.

(c) 'Range' means one duly established as a subordinate forest office under the _____(name) _____ Division.

(d) 'Range Officer' means Officer in-charge of the Range.

(e) 'DRDA' means the society named as "District Rural Development Agency" for a district, duly registered under Meghalaya Societies Registration Act, 1983.

(f) "Act' means Meghalaya Societies Registration Act, 1983.

(g) 'Government' means the Government of Meghalaya.

MEMBERSHIP

(2) Admission :

The membership of the FDA in addition to the signatories to the Memorandum of Association would be as follows :

The General Body :

The General Body shall be appointed by the Government and shall have the following members :

(i) Conservator of Forests concerned — Chairperson

(ii) Not more than thirty at any time, to be nominated by the Government from among the Chairpersons of JFMCs. Adequate representation to women shall be given in making such nominations

(iii) One representative of the Autonomous District Council concerned

(iv) Divisional Forest Officers of other two of the three wings *viz* Territorial, Wildlife and Social Forestry having concurrent or overlapping jurisdiction in the FDA area

(v) Assistant Conservator (s) of Forests and Range Officers in the Division concerned

(vi) District level Officers of other Government Departments concerned, of the Districts in which the Jurisdiction of the FDA falls and which are included in the Executive Body

(vii) Members nominated by the Government to ensure adequate representation to women in addition to the women members under para (ii) above

The Executive Body :

The Executive Body shall be appointed by the Government and shall have the following members:

(i)	Conservator of Forests concerned	Chairperson
(ii)	Divisional Forest Officer of the Division concerned	Member Secretary
(iii)	Divisional Forest Officer of the other two of the three wings viz Territorial, Wildlife and Social Forestry having concurrent or overlapping jurisdiction in the FDA area	Members
(iv)	District Level Officers of other Government Departments concerned, of the Districts in which the jurisdiction of the FDA falls	Ex-officio members
(v)	Project Directors DRDA, from each of the Districts in which the area of jurisdiction of the FDA falls	Members
(vi)	One representative of the Autonomous District Council concerned	Members
(vii)	One third representatives from the members of the General Body representing JFMCs and villages, not less than three but not exceeding ten, ensuring adequate representation of women members	Members
(viii)	The Executive Body may co-opt a representative of the clan or community or the land holder, as the case may be, whose land is utilised for a project / scheme and also a representative of the traditional, village authorities, if they are not otherwise represented through the JFMCs.	Members

Provided that :

(a) All the members of the Executive Body shall automatically be the members of the General Body also.

(b) The members of the Executive Body listed under (iv) and (v) shall not have voting rights

(c) The Executive Body of the FDA may co-opt experts in such disciplines as are not represented, to advise on the preparation of micro-plans and for implementing specific components of the projects. However, such members shall not have voting rights.

(d) The FDA General Body may admit additional members, subject to directions or prior approval of the Government of Meghalaya or Government of India.

(e) When a person becomes or is appointed or is nominated as a member of the General Body or the Executive Body of the Society by virtue of his office held by him, his membership of the Society shall terminate when he ceases to hold that office and vacancies so caused shall be filled by his successor.

(f) The term of a member of the Executive Committee, who has been nominated in category (vii), shall be for one year. The Government shall nominate other members in the vacancies created from the same category during the next year. However, the Government may re-nominate a member if they feel that such a nomination is in the interest of the FDA.

(g) A member of the Executive Body in category (vii), who does not attend three consecutive meetings of the Executive Body, shall be disqualified from the Executive Body.

(3) Cessation of Membership :

The membership of the ex-officio members shall terminate as soon as they cease to hold the official position by virtue of which they became members of the Society. Notwithstanding anything specified in this Regulation, any member shall cease to be a member (a) on the acceptance of his resignation from membership; (b) on his becoming insane or insolvent; (c) on his expulsion or removal; (d) on his conviction of any offence in connection with the formation, promotion, management or conduct of affairs of the Society or any criminal offence.

(4) Register of Members :

The Society shall maintain a Register of members containing the names, addresses and their occupations, and the date of admission and of cessation of membership. The Register shall be kept available for inspection of the members of the Society on requisition. All entries of admission and cessation to be made therein shall be entered within a period of fifteen days of these occurring.

(5) Rights and Obligations of Members :

Any member other than any honorary / non voting member of the Society has the right to (a) elect and be elected in any elections of the Society; (b) submit suggestions

for discussion to the Executive Body and any Sub-Committee on any matter relating to the Society and (c) inspect the Accounts and the proceedings of the meetings of the Society on appointment with the Member Secretary.

Every member should pay his / her subscription within the prescribed time. Members, defaulting in payment of subscription for more than three months, shall not be allowed to take part or vote in a meeting.

The members shall have one vote each.

(6) It shall be incumbent upon a member of the Society to notify the Secretary of any change in his address and occupation.

(7) Whenever a member desires to resign from the membership of the Society, he should address his resignation to the Chairman and present it to him. His resignation shall take effect only on its acceptance by the Chairman of the Society.

(8) The Society shall function, notwithstanding that any person entitled to be a member, by reason of his Office, is not represented in the Society for the time being. The proceedings of the Society shall not be invalidated by the above reason or from the existence of any vacancy or any defects in the appointment of any of its members.

(9) Every member of the Society may be sued or prosecuted by the Society for any loss or damage caused to the Society or its property or for any thing done by him, detrimental to the interest of the Society.

(10) Expulsion and Removal :

Frequent actions of any member, if found by the Executive Body to be detrimental to the interest of or are in violation of the rules and regulations of the Society. may render him liable for censure, suspension or expulsion from the membership by the Executive Body. In such a case, the Executive Body shall first serve the member concerned with a show-cause notice, showing therein the charges framed and ask him to submit his statement of defence within a month. On receipt of his explanation, the Executive Body shall have the power to take a suitable action against the delinquent member, after allowing him to defend his case. If no reply to the show-cause is received within a month, the Executive Body may take an *ex-parte* decision.

(11) For any act of expulsion or termination, no such member shall be entitled to prefer any claim for compensation or damages, even if proved on a subsequent date that Such act of expulsion or termination was wrongful and / or unlawful. It would be sufficient to restore his membership if otherwise eligible.

(12) Activities of the Forest Development Agency :

The activities of the FDA, as per the directions of the Government of India, shall include the following :

(i) Implementation of centrally sponsored afforestation schemes.

(ii) Implementation of other beneficiaries oriented activities like agro forestry, avenue plantations.

(iii) Taking steps for value addition and marketing of produce.

(iv) Inventorying of land and other natural resources.

(v) Promoting environmental education.

vi) Promoting awareness and mobilizing active association of communities in protection against poaching and illicit felling of trees.

(vii) Establishment and management of decentralized nurseries with marketing arrangements.

(viii) Assisting in management of CPRs.

(ix) Addressing socio-economic needs of people.

(x) Management of existing captive water resources in the villages.

(xi) Mobilizing active involvement of communities in forest-fire fighting operations.

(xii) Monitoring of activities of local NGOs.

(13) Functions of the FDA :

The functions of the FDA, as per the direction of the Government of India, shall include the following :

(i) Approving plans for all afforestation related activities in forest fringe villages including the micro-plan.

(ii) Providing support and assistance to JFMCs for micro-planning.

(iii) Organizing training and awareness programmes.

(iv) Implementation of water harvesting and soil conservation measures with appropriate approvals.

(v) *Inter-se* prioritisation for scheme and activity-wise financial outlays.

(vi) Deciding entry point activities.

(vii) Formulating guidelines for utilization and sharing of usufructs.

(viii) Evolving rules for use of funds created.

(ix) Improvising technological improvements.

(x) Developing guidelines for employment generation opportunities.

(xi) Establishing and maintaining decentralized nurseries.

(xii) Coordinating and monitoring the activities of their constituent JFMCs.

(xiii) Conceptualising innovative schemes, *viz.* establishment of botanical gardens, sacred groves etc.

(xiv) Dealing with contingencies such as drought, flood and forest fires.

(xv) Coordinating with DRDAs and other relevant Government Departments to dovetail their schemes and programmes with afforestation schemes so that watersheds can be developed in a holistic manner.

THE EXECUTIVE BODY

(14) Term :

The members of the Executive Body are *ex-officio* and they shall change on change in incumbents.

(15) If any change occurs in the composition of the Executive Body or in the office of the Chairman or Member Secretary at any time and for any reason whatsoever, the change shall, within thirty days be notified to the Registrar

(16) Meeting :

A meeting of the Executive Body shall be held at least once in three months at such place, date and time as the Chairperson or the Member Secretary may determine.

(17) Notice and Quorum :

Seven days notice of the meeting specifying the place, time and the general nature of business to be transacted, shall be given to every member of the Executive Body. An emergency meeting may be called on a twenty-four hours notice. One-third members personally present shall constitute a quorum for the meeting and if a quorum is not present within 30 minutes of the time, the meeting shall be adjourned.

(18) Procedure of the meeting :

The Chairperson shall preside over all the meetings of the Executive Body and in his absence, the members present shall elect a Executive Body member to preside over the meeting. All issues before the meeting shall be decided by a majority of votes, each member having one vote. The Chairman of the meeting shall have a second casting vote in addition to his own vote, in case of equality of votes.

(19) Any business, which may be necessary for the Executive Body to perform, may be performed by a resolution in writing and circulated among all its members and any such resolution so circulated and approved by a majority of the members signing, shall be as effectual and binding, as a resolution passed at a meeting of the Executive Body.

(20) The Executive Body shall function notwithstanding that any person entitled to be a member by reasons of his Office is not represented on the Executive Body for the time being. The proceedings and actions of the Executive Body shall not be invalidated by the above reasons, or from the existence of any vacancy or any defects in the appointment of its members.

(21) If any change occurs in the composition of the Executive Body or in the holders of the Office of the Chairman or the Member Secretary at any time for any reason arising through such change, shall within thirty days, be notified to the Registrar of the Societies.

(22) Powers and Duties of the Executive Body :

The Executive Body shall have general power of supervision and conduct over all the affairs of the Society and in particular shall discharge the following duties :

(i) To appoint a sub-committee with such powers and duties as may be considered necessary or expedient.

(ii) To receive funds and other resources from Government of India, Government of Meghalaya and other sources and utilize the same for the objects of the Society in a manner as prescribed by the State and Central Government.

(iii) To execute forest development and eco-development works in forests and forest fringe areas through JFMCs as per direction of the State and Central Government,

(iv) To deliberate over the Annual Budget and its subsequent alteration placed before it by the Member Secretary from time to time, and to pass it with such modification, as the Executive Body may think fit.

(v) To sell, lease, mortgage or otherwise dispose of and deal with all or any part of the property of the Society or of assets created by the Society, subject to compliance with the existing Acts, and in accordance with rules, orders and guidelines as may be issued by the State and Central Government from time to time.

(vi) To keep proper accounts of the Society and to open bank account (s) in the name of the Society in one or more Nationalised Banks, which can be operated, for and on behalf of the Society, by the Member Secretary.

(vii) To co-opt not more than two members to the Executive Body.

(viii) To appoint a person or persons, on payment or otherwise, to assist the Member Secretary in the maintenance of accounts or any other business relating to the works of the Society.

(ix) To maintain and submit records, reports and returns, relating to business of the Society, as per the directions of the State and Central Government.

(x) To arrange for audit of the Society's accounts.

(xi) To conduct any other business, not specified herein, for the attainment of the Objects of the Society.

(23) Safe Custody of Properties and Assets :

(i) The Executive Body shall be responsible for the safe custody of the funds, properties and the assets of the Society, including the assets created by the Society.

(ii) The funds of the Society shall be kept in Nationalized Banks and the management of such funds shall be the responsibility of the Executive Body.

DUTIES OF THE OFFICE BEARERS OF THE EXECUTIVE BODY

(24) The Chairperson :

His duties shall include :

(i) Presiding over all the meetings of the Society.

(ii) Taking all disciplinary actions such as removals, dismissals etc., in consultation with the Executive Body.

(iii) Assisting and advising the Executive Body in any matter relating to the business of the Society including receipt, management and utilisation of funds, execution of development works, disposal and distribution of income of the Society etc.

(iv) Advising the Member Secretary in any matter requiring attention.

(v) Calling emergency meetings if necessary.

(25) Member Secretary:

He shall be the Chief Executive Officer of the Society. He shall:

(i) Convene all meetings of the Society.

(ii) Maintain minute books of all the meetings.

(iii) Issue all correspondences, circulars and notices.

(iv) Receive all applications for membership that shall be placed before the Executive Body.

(v) Sign on behalf of the Society, all receipts for all sums to be received from the State / Central Government / other sources.

(vi) Sign and give pay order for all payments and pass all payment vouchers for amounts disbursed by subordinate disbursers after due scrutiny.

(vii) Get the accounts of the Society audited by qualified auditor (s).

(viii) Arrange to maintain and keep cashbook and such other accounts as are necessary.

(ix) Operate bank account (s) for and on behalf of the Society.

(x) Prepare the budget, project proposals, work programs indicating location, physical and financial targets, cost estimates etc. for consideration of the Executive Body.

(xi) Issue in terms of approved work programs, advances in favour of the RLCs, oversee the implementation of works by JFMCs, obtain monthly accounts including basic vouchers and other documents from such RLCs and incorporate such accounts after due scrutiny in the monthly accounts of the Society.

(xii) Supervise and monitor, through such other members or sub-committee as may be authorised by the Executive Body the implementation of development works.

(xiii) Ensure compliance with statutory requirements and orders / guidelines issued by the State / Central Government from time to time,

(xiv) Comply with the directions and advice as may be issued by the Executive Body from time to time.

RANGE LEVEL CO-ORDINATERS (RLCs)

(26) Among other things they shall:

(i) Assist the Member Secretary of the Society in the preparation of budget, project proposal and work program.

(ii) Obtain advances on requisition from the Member Secretary for implementation of approved work program.

(iii) Act as subordinate disbursers by way of incurring expenditures for execution of works as per plan and estimates sanctioned by the Executive Body,

(iv) Supervise execution of work programs to be done by the JFMCs.

(v) Submit monthly accounts along with all basic documents and vouchers to the Member-Secretary of the society.

(vi) Maintain and keep books of accounts as prescribed by the Executive Body.

(vii) Open and operate a bank account; utilisation of advances received from the Member Secretary of the Society,

(viii) Ensure compliance with statutory requirements and orders / guidelines issued by the State / Central Government from time to time,

(ix) Comply with the directions and advice as may be issued by the Executive Body from time to time.

GENERAL BODY MEETINGS

(27) The Member-Secretary shall annually call the Annual General Meeting within two months from the end of the last financial year giving at least fourteen days notice to all members. The notice shall contain the place, date, day and time of the meeting.

(28) Agenda :

The business to be transacted at the AGM shall be :

(i) To conform the minutes of the last AGM and of any Extraordinary General Meeting,

(ii) To adopt with or without modification the Annual Report of the Society for the previous year.

(iii) To pass audited accounts of the Society for the previous year.

(iv) To transact such business as may be fixed by the Executive Body.

(v) To transact such other business as may be brought forward, by giving fourteen days prior notice, by any member.

(29) Quorum of the Meeting :

One-third members personally present at the commencement of the meeting

shall constitute the quorum. In the event of the quorum not being fulfilled, the meeting shall be postponed by an hour and be reconvened at the same venue and date, and for such reconvened meeting, there shall be no quorum.

(30) Procedure of the Meeting

The Chairperson of the Society shall preside over the General Meetings. He shall decide the manner and method of voting at the outset of the meeting. Each member shall have one vote.

(31) Extraordinary General Meeting :

The Executive Body may direct to convene an Extraordinary General Meeting, if needed, to consider and decide on any urgent matter. A seven day notice along with the agenda shall be sent to the members for such meeting.

MAINTENANCE AND AUDIT OF ACCOUNTS AND INSPECTIONS

(32) Books of Accounts and Inspection :

(i) The Society shall maintain books of accounts as required under Section 15 (1) (a) & (b) of the Act, together with directions of the State / Central Government. The Society shall have its accounts audited once in a year, in accordance with the provisions of the Act. Besides, the Society's accounts shall be subject to audit by the Comptroller & Auditor General of India or his nominated Officer.

(ii) The books of account and other statutory books shall be kept at the Registered Office and shall be open to inspection by the members, at such time and place, as the Executive Body may direct, on a written request by any member.

(iii) Any agency / officer (s) authorized by the State Government, Central Government of India or any other agency providing funds, shall have the right of access to the books of accounts of the Society, in respect of funds provided by such Government or Agency.

(33) Accounting Year:

The accounting year of the Society shall be from the 1st day of April of each year to the 31Sl day of March of the following year.

MISCELLANEOUS

(34) Notices :

A notice may be served upon any member of the Society, either personally or by sending it through the post, in an envelope addressed to such member, at the address mentioned in the roll of members.

(35) Any notice served by post, shall be deemed to have been served on the day following that, on which the letter bearing envelope, or the wrapper containing the same is posted, and in proving such service, it shall be sufficient to prove that the cover containing such notice was properly addressed and duly posted.

(36) Within thirty days of holding of the Annual General Meeting, the following shall be filed with the Register of the Societies :

(i) The list of the names, addresses and occupations of the members of the General Body, the Chairman, the Secretary and other Office bearers of the FDA.

(ii) The Annual Report of the previous year.

(iii) A copy each of the balance sheet and the auditors report, certified by the Auditor.

The list of the members and the Annual Report shall be certified by the Chairman and the Member Secretary.

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RULEs

NOTIFICATION ON JOINT FOREST MANAGEMENT (JFM) IN MEGHALAYA



GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT

NOTIFICATION

NO. FOR.64/99/186 Dated Shillong, the 9th September, 2003.

JOINT FOREST MANAGEMENT (JFM) IN MEGHALAYA

Whereas the Government of Meghalaya is concerned about the degradation of forests and forest eco systems in the State due to unsustainable biotic pressure;

And whereas, the State Government aims to halt the degradation of forests in the State and improve these by protecting the existing forests and undertaking forest based resource development programmes and re-stocking the degraded forests;

And whereas the State Government feels that active participation and involvement of the people is essential for protection of existing forests and successful implementation of afforestation and aided regeneration schemes and forest based resource development programmes;

And whereas the management of forests and wild biodiversity areas needs to be improved;

Now, therefore, the Governor of Meghalaya, in consultation with the Jaintia Hills Autonomous District Council, Khasi Hills Autonomous District Council and Garo Hills Autonomous District Council, is pleased to announce the implementation of Joint Forest Management' (JFM) in the State as per the following directives :

1. OBJECTIVES OF JOINT FOREST MANAGEMENT (JFM) :

i. To elicit the active participation of local communities for regeneration of degraded forests in their neighbourhood by undertaking afforestation, aided natural regeneration and conservation of wild bio-diversity.

ii. To involve local, communities in improving the environment in the State and the Country.

iii. To elicit and ensure the Co-operation of local population to halt declining trend in the forest cover and degradation of eco-systems.

iv. To ensure proper synergy between the technical expertise & infrastructure of the Forest & Environment Department and traditional knowledge and untapped human resource of local tribal communities to ensure conservation of wild bio-diverse resources as well as to expand forest cover in the State by undertaking afforestation / regeneration programme on barren and degraded lands.

2 AREAS TO BE COVERED UNDER JOINT FOREST MANAGEMENT :

i. Degraded forest areas including those owned by communities, clans and individuals.

ii. Any other land which has ecological significance or which needs management intervention on ecological / environmental considerations.

3. TYPES OF WORK PROPOSED TO BE EXECUTED THROUGH JOINT FOREST MANAGEMENT :

i. Artificial regeneration to be undertaken on barren lands existing in the State.

ii Aided natural regeneration measures to be undertaken for restocking of degraded forests.

iii. Forest & wildlife protection.

iv. Various entry point activities to elicit and ensure continued co-operation between local communities and Forest & Environment Department / Autonomous District Councils. Such activities may include creation of community assets like roads and culverts, water harvesting structures, sheds for schools and community halls etc and the total expenditure on these shall not exceed the norms prescribed in the scheme / work concerned.

v. Any other work including that related to protection of environment and management of eco-systems, which may be assigned by Forest Authorities of the State Government and the Autonomous District Councils.

4. CONSTITUTION OF JOINT FOREST MANAGEMENT COMMITTEES (JFMC) :

i. A Joint Forest Management Committee (JFMC) shall be constituted in a village or group of villages where a JFM Project or Scheme is to be undertaken, by the Divisional Forest Officer / Autonomous District Council concerned.

ii. The JFMC shall consist of the following:-

(a) General Body (GB): Consisting of one adult member from each household The GB shall elect a Chairman and a Vice-Chairman from amongst its members.

(b) Executive Committee (EC): The Executive Committee shall consist of a Chairman, a Vice Chairman and 7 (seven) other members, 5 (five) of whom shall be elected by the General Body from amongst its members. The Chairman and Vice-Chairman of the GB shall function as Chairman and Vice-Chairman of the EC also. One more member shall be nominated by the Autonomous District Council concerned who shall be the ex-officio Joint Secretary Another member to the Executive Committee shall be nominated by the State Forest Department, of a rank not below a Forester who shall act as the Member Secretary of the Executive Committee as well as the Secretary of the GB. The Member Secretary, EC shall maintain financial records of the JFMC.

Provided further that every effort shall be made to ensure adequate

representation of women in the General Body as well as the Executive committee.

iii. The term of office of the Chairman and other elected members shall be for a period of 2 (two) years subject to satisfactory performance.

Any elected member including Chairman and Vice Chairman may be removed from their office by passing a resolution by a simple majority by the members of the General Body. The vacancy so caused shall be filled up by fresh elections from the General Body.

iv The JFMC for a village shall be named after the village of its origin e.g. JFMC constituted for the village Nartiang shall be named as the JFMC - Nartiang. However, if due to small size of villages or for any other reason it is more convenient to constitute a single JFMC for two or more villages, it may be so constituted, provided there is a general consensus among the villagers concerned. In such a case its name shall bear the names of all such villages or some other suitable name, as may be decided by the General Body.

v. A savings bank account shall be opened in the name of each Committee. Such account shall be operated jointly by the Chairman and the Mernber-Secretary of the Executive Committee. All amounts provided to the JFMC shall be deposited into such account. Also other receipts in connection with JFM shall be deposited into this account.

vi. The Chairman and the Member Secretary of the Executive Committee shall be jointly responsible for disbursement of any sum drawn from the account in respect of approved projects being implemented in the Village. The Member Secretary shall maintain records of such transactions made as per standard procedures of accounts and book keeping.

5. JURISDICTION OF THE JOINT FOREST MANAGEMENT COMMITTEE :

The Territorial Jurisdiction of the Joint Forest Management Committee of a Village shall be limited to the territorial limits of the village(s) for which it has been constituted.

Once a JFMC is constituted for a particular village or a, group of villages, all subsequent Joint Forest Management work within that village or group of villages, as the case may be, shall be undertaken by that JFMC only, unless directed otherwise by the Principal Chief Conservator of Forests.

6. DUTIES AND FUNCTIONS OF THE GENERAL BODY, JOINT FOREST MANAGEMENT COMMITTEE :

i. To help select specific plot(s) / tract(s) of land for undertaking afforestation work, aided natural regeneration and biodiversity conservation activities under the JFM.

ii. To suggest appropriate entry point activities to be taken up in the area under the JFM.

iii. To suggest the kind of species to be planted in plantations proposed to be raised in forestry schemes for the village(s).

iv. To offer suggestions in preparation of the Working Plan / Working Scheme to be prepared for the JFM areas by the Forest & Environment Department or Autonomous District Councils.

v. To protect the afforestation / regeneration and conservation efforts in ecologicallly / environmentally sensitive regions in the JFM areas from fire, grazing, illegal and unauthorised exploitation etc.

vi. To fix the rate and extent of fines / punishment, which may be imposed by the Executive Committee under any law for the time being in force, on any person, who has committed any offence in the JFM areas,

vii. To elect the Chairman and the Members of the Executive Committee, JFMC.

viii. To remove the Chairman or any other elected Member of the Executive Committee whose performance is found to be unsatisfactory.

ix To discuss and approve the formula and procedure to be adopted for sharing of usufructs amongst the Members of the JFMC as authorised share from the returns from the JFM area,

x. To authorize the Chairman, Executive Committee to execute legal agreements in connection with the JFM activities,

xi. To terminate membership of any person who is found to have committed a prohibited act in connection with the JFM activities, by passing a resolution in this regard by a Simple majority of the Members present and voting,

xii. To admit new Members to the General Body to take care of the increase in the number of households in the village due to partition of joint families, migration from outside or any other reason.

7. DUTIES AND RESPONSIBILITIES OF EXECUTIVE COMMITTEE, JOINT FOREST MANAGEMENT COMMITTEE :

i. To represent the Joint Forest Management Committee and enter into agreement with the Forest & Environment Department/ Autonomous District Councils or other bodies.

ii. To ensure proper and up-to-date maintenance of various records, registers etc., as prescribed under these guidelines.

iii. To assign fire protection as well as other protection duties to the Members of the JFMC from time to time to ensure protection of the JFM area.

iv. To arrange and oversee the distribution of usufructs harvested from the JFM

area among members of the JFMC as per the usufruct sharing mechanism specified by the General Body.

v. To pass orders imposing penalty / fine on any member(s) of the JFIVIC, under any law for the time being in force, who is found to have committed a prohibited act in connection with the JFM activities.

vi. To initiate measures to terminate membership of any member of the GB, JFMC who is found to have committed a prohibited act of grave nature in connection with the JFM activities. This may be done by the Chairman, Executive Committee by moving a resolution in the General Body.

vii. To execute work / activities entrusted to the JFMC.

8. RECORDS / REGISTERS TO BE MAINTAINED :

i. Register of Membership for the General Body.

ii. Minute books, separately for the General Body and the Executive Committee.

iii. Cash Book.

iv. Register of the usufructs shared between members.

v. Register of the fine(s) / penalty imposed on the members and collected.

vi. Register of the plot(s) / tract(s)of land under the JFM..

vii. Register of other activities undertaken by / through the JFMC

viii. Any other record prescribed and relevant to the project.

Maintaining and updating of these registers and records, shall be the duty of the Member Secretary, EC, JFMC. These registers shall be kept in the custody of the Member Secretary, Executive Committee JFMC. During any meeting of the General Body or the Executive Committee these Registers / Records shall be made available to the members for inspection / scrutiny. However on other days also these Registers / Records can be inspected by any member of the Committee at the office of the Member Secretary.

9. PROCEDURE GOVERNING MEETINGS OF GENERAL BODY AND EXECUTIVE COMMITTEE JFMC :

(A) <u>Frequency of Meetings</u>

i. The General Body shall meet atleast once in a year.

ii. Extraordinary meeting(s) of the General Body may be convened if not less than 15 members or one-fourth of the members of the General Body, whichever is less, give an advance written notice of at-least 30 days to the Chairman, Executive Committee to convene such meeting to decide upon urgent matter(s).

iii. Notice to convene a meeting of the General Body, giving date and venue of the meeting shall be issued by the Secretary, GB with the prior approval of the Chairman. Such notice shall be issued at-least 15 days before the proposed date of the meeting.

iv. The Executive Committee, JFMC shall meet atieast once in every quarter.

v. Extraordinary meetlng(s) of the Executive Committee may be convened if not less than one-third of the total number of members of the Executive Committee, give an advance written notice of at-least 15 days to the Chairman, EC to convene such meeting to discuss some urgent matter(s).

vi. Notice to convene a meeting of the Executive Committee giving the date and the venue of the meeting shall be issued by the Member Secretary, EC after taking prior approval of the Chairman. Such notice shall be issued atieast 15 days before the proposed date of the meeting.

(B) Quorum for a meeting

i. The quorum for a meeting of the General Body shall be not less than one-third of the total membership.

ii. In case any meeting of the General Body cannot take place on grounds of lack of quorum a fresh meeting shall be convened within 15 days, for which there shall be a quorum of 15 (fifteen).

iii. The quorum for a meeting of the Executive Committee shall be 4 (four) including the Chairman but excluding the Member Secretary and the Joint Secretary. If both the Chairman and Vice Chairman are absent, one of the elected member would chair the meeting.

iv. In case any meeting of the Executive Committee cannot take place on grounds of lack of quorum, a fresh meeting shall be convened within 7 (seven) days. There shall be no quorum for such meeting, but shall have the presence of the Member Secretary and at least two elected members. In case both the Chairman and the Vice-Chairman are absent, one of the elected members shall chair the meeting.

(C) Minutes of the Meeting

i. Proceedings of each meeting of the General Body / Executive Committee shall be recorded in the Minutes Book and shall be signed by the person chairing the meeting and the Secretary / Member Secretary.

ii. Separate minutes books in the form of bound registers shall be maintained for the meeting of the General Body and the Executive Committee.

10. DISSOLUTION OF THE EXECUTIVE COMMITTEE, JOINT FOREST MANAGEMENT COMMITTEE (JFMC) :

i. If the Divisional Forest Officer concerned feels that the Executive Committee of a Joint Forest Management Committee, constituted within his jurisdiction, is not functioning properly and continued existence of such Committee is not in the interest of the Community, State or the Country or the concept of JFM, he may move a proposal for its dissolution, to the Principal Chief Conservator of Forests, Meghalaya, through the concerned Conservator of Forests and the Chief Conservator of Forests, giving detailed reasons for the dissolution of such Committee. The Conservator of Forests and the Chief Conservator of Forests would give their opinion on the Divisional Forest officer's comments before forwarding it to the Principal Chief Conservator of Forests.

ii. The Principal Chief Conservator of Forests shall examine the proposal moved by the Divisional Forest Officer along with the remarks of the concerned Conservator of Forests and Chief Conservator of Forests and pass an order dissolving the Executive Committee, JFMC, after giving an opportunity to the JFMC to show cause.

iii. Within a period of 1 (one) month from passing of an order dissolving an Executive Committee, JFMC, any Member of the Executive Committee may make a petition to the Principal Chief Conservator of Forests to review such order. Such petition for review should be made through the concerned Divisional Forest Officer.

iv. The Principal Chief Conservator of Forests may pass an appropriate order on the review petition within a period of 1 (one) month from the date of receipt of such petition.

11. SHARING OF USUFRUCTS :

i. The. usufructs available and allowed to be shared from a scheme under JFM as per the approved Working, Plan / Working Scheme or other Rules shall be shared between the JFMC, the Forest & Environment Department and the Autonomous District Council under whose jurisdiction the JFM area falls.

ii. The allowable usufructs shall be among other things, in accordance with the objectives of the afforestation / regeneration / conservation programme of the scheme implemented. These shall be determined by the Government in accordance with the objectives of the Scheme and shall be incorporated in a agreement to be signed by the JFM Committee in this regard. These shall be subject to the statutory payment to the District Council concerned and the State Government.

12. MISCELLANEOUS :

i. Notwithstanding anything contained elsewhere and irrespective of any usufruct sharing arrangement, any offence committed in respect of any afforestation /regeneration created or protection / conservation activity under JFM, shall be

treated as an offence committed under relevant Acts & Rules relating to Forests, Environment & Wildlife.

ii. The State Government may make rules, in consultation with the Autonomous District Councils, consistent with these directives, by notifying in the Gazette or issue directions in order to achieve the objectives of the JFM in the State.

iii. In case of any dispute as to the interpretation of these Directives, the decision of the State Government shall be final.

Commissioner & Secretary to the Govt. of Meghalaya,
Forest & Environment Department

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RULEs

NOTIFICATION OF TRANSIT FEES (2013)



GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong the 11th October, 2013

No.FOR.111/2007/170 — In exercise of the powers conferred by Section 40(1) of the Assam Forest Regulation 1891, (Assam Act Regulation, 1891, as adopted by the Government of Meghalaya), the following amendment is made to the Transit Rules enacted for the purpose of regulating transport of Forest produce by land and water.

"Substituting the existing rule No.6 with the following",

6 (i) All Trucks carrying the forest produce i.e. Broomstick from any forest area for removal outside the State shall be levied a sum of ₹ 500/- per truck, at flat rate for issuing of transit passes.

(ii) All trucks carrying the forest produce i.e. Tezpatta from any forest area for removal outside the State shall be levied a sum of ₹ 60/- per truck, at flat rate for issuing of transit passes.

(iii) All trucks carrying the forest produce i.e Dhupwood from any forest area or non-forest area for removal outside the State shall be levied a sum of ₹ 5000/- per truck, for issuing of transit passes.

(iv) All trucks carrying the forest produce i.e Bamboo cane from any forest area or non-forest area for removal outside the State shall be levied a sum of ₹ 1000/- per truck, for issuing of transit passes.

(v) All trucks carrying the forest produce viz Firewood, cane and Bark (other than Cinnamon Bark) from any forest area or non-forest area for removal outside the State shall be levied a sum of ₹ 5000/- per truck, for issuing transit passes.

(vi) All trucks carrying the forest produce i.e Cinnamon Bark from any forest area or non-forest area for removal outside the State shall be levied a sum of ₹ 300/- per truck, for issuing transit passes.

(vii) All trucks carrying minor minerals from any forest area or non forest area for removal outside the State shall be levied a sum of ₹ 1000/- per truck, for issuing of transit passes.

(viii) All trucks carrying round timber, sawn timber and timber in other forms from any source for removal outside the State shall be levied a sum of ₹ 5000/- per truck (including logs with or without bark) for issuing of transit passes provided that these trucks have not been charged for under any other regulatory Forest Act or provision made thereunder for issuing of transit passes.

The above amounts shall be realized at the State Forest Check Gates establishing along the interstate boundary.

The above provision shall come into force with immediate effect and shall supercede all previous Notifications on this matter.

sd/-
(M.N.Nampui, MCS),
Joint Secretary to the Govt. of Meghalaya.

GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

ORDER BY THE GOVERNOR

NOTIFICATION

Dated Shillong. the 16'h November, 2016.

No.FOR.135/2015/661—In pursuance of Rule 5 (2) (a) of the Meghalaya Minor Minerals Concession Rules, 2016, the Governor of Meghalaya is pleased to notify the Divisional Forest Officers (Territorial) as the Competent Authority within their respective jurisdiction to grant mining lease/quarry permit for an area upto 5 (five) hectares for the minerals specified in schedule III appended to these Rules.

Sd/-
(M.S. Rao, IAS)
Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department

Memo No.FOR.135/2015/661—A. Dated Shillong, the 16th November, 2016.

Copy forwarded to:-

1. The Hon'ble Chief Minister, Government of Meghalaya for kind information.
2. The Hon"b!e Minister, Forests & Environment Department for kind information.
3. The Chief Secretary, Government of Meghalaya for information.
4. The Addl. Chief Secretary, Mining & Geology Department for information.
5. The Addl. Chief Secretary, i/c Forests & Environment Department, Government of Meghalaya for information.
6. All Deputy Commissioners.
7. The Principal Chief Conservator of Forests & HoFF, Meghalaya. Shillong for information and necessary action with reference to your letter No.MFG. 16/18/10.134 dated 7lh October, 2016.
8 The Member Secretary, State Environment Impact Assessment Authority (SEIAA) Meghalaya for information.
9. All the Divisional Forest oflicers (Terrirorial) Meghalaya
10. The Joint Secretary Mining & Geology Department with reference to your letter No.MG.49/2011/413 dated 28th September, 2016.

11. The Law Department. Meghalaya, Shillong.
12. The Director, Printing & Stationery for favour of publication in the Meghalaya Gazette.

Joint Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT

NOTIFICATION

Dated Shillong the 9th January, 2017.

No.MG.97/2010/32— In the interest of the public service and for the purpose of expeditious scrutiny of Mining Plans for Minor Minerals under thc Meghalaya Minor Minerals Concession Rules, 2016, a Committee with the following Officers is constituted with immediate effect and until further orders :-

1.	The Director of Mineral Resources, Meghalaya, Shillong.	- Chairman
2.	The Joint Director Geology, Directorate of Mineral Resources, Meghalaya, Shillong.	- Member Secretary
3.	Representative from Forests & Environment Department.	- Member
4.	Representative from Labour Department	- Member
5.	Representative from the Meghalaya State Pollution Control Board.	- Member
6.	The Mining Engineer. Directorate of Mineral Resources.	- Member

The Committee shall scrutiny Mining Plans for Minor Minerals submited under the Meghalaya Minor Minerals concession Rules, 2016 and submit their recommendations/views/ comments/suggestions to the Director of Mineral Resources.

The Committee shall function scrutiny of Mining Plans for Minor Minerals till such time the personnel of the Directorate of Mineral Resources acquired expertise in the approval of Mining plans or till such time alternative arrangement for approval of Mining Plans are put in place which ever is earlier.

Sd/-
(C.K. Marak)
Joint Secretary to the Government of Meghalaya
Mining & Geology Department.

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 11th July, 2017

No. MG 49/2011/439 - In exercise of the powers conferred by Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Governor of Meghalaya is pleased to make the following Rules to amend the Meghalaya Minor Minerals Concession Rules, 2017 (hereinafter referred to as the principal rules) :-

Short title and commencement

1. (1) These Rules may be called the Meghalaya Minor Minerals Concession (Amendment) Rules. 2017.

(2) They shall come into force from the date of their notification in the Official Gazette,

Amendment of rule 6.

2 In rule 6 of the principal Rules, for clause (e) after tlte figure “1908”, the following words shall be added:-
“that is,

(i) Sale Deed; or

(ii) Gift Deed:; or

(iii) Declaration Deed; or

(iv) Lease Deed; or

(v) Land Holding Certificate, or

(vi) Patta duly authenticated by the concemed authority; or

(vii) Lease Agreement to be certified by a Notary Public or First Class Magistrate”.

Amendment of rule 24.

3 (1) In Rule 24 of the principal Rules, for clause (d) after the word “Department”, the following words shall be added :-

“Whenever applicable under the MeghalayaTransfer of Land (Regulation) Act, 1971”.

(2) In rule 24 of the principal rules, for clause (g) after the figure “1908”, the following words shall be added:-
“that is,

(i) Sale Deed; or

(ii) Gift Deed; or

(iii) Declaration Deed; or

(iv) Lease Deed; or

(v) Land Holding Certificate; or.

(vi) Patta duly authenticated by the concerned authority; or

(vii) LeaseAgreement to be certified by a Notary Public or First Class Magistrate'.

Amendrnent of rule 25. 4. In rule 25 of the principal rules, for the word "three" appearing in sub-rule (2),the word "five" may be subsituted.

Sd/-
(Smti. M.N. Nampui, IAS),
Secretary to the Government of Meghalaya,
Mining & Geology Department.

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 29th January, 2018

No. MG 49l2011/Pt-l/27- In erercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Minor Minerals Concession Rules, 2016 (hereinafter referred to as the principal rules):-

Short title and commencement 1. (1) These rules may be called the Meghalaya Minor Minerals Concession (Amendment) Rules, 2018.

(2) They shall come into force from the date of their notification in the Official Gazette.

Amendrnent of Ruls 2. 2. In the Meghalaya Minor Minerals Concession Rules, 2016 (hereinafter referred to as the principal rules), in rule 2, after clause(s), the following Clause(s) may be added-

"(t) "forest" as defined under the Meghalaya Forest Regulation (Amendment) Act, 2012.

(u) "incidental" in the context of extraction of

minor minerals means such unintended extraction which arises out of non-mining activities such as construction of roads or other major infrastructural projects.

Amendment of Rule 4

3. (i) In Chapter II of Grant of Mining Lease & Quarry Permit - General, "rule 3" may be read as "rule 4".

(ii) In the aforesaid "rule 4" of the principal rules, Clause (b) of sub-rule 2 of the said "rule 4", the words "as identified by Forest and Environment Department according to its dictionary meaning" shall 'be deleted and substituted by the following words,:-

"(b) falling within 'forest' as defined under the Meghalaya Forest Regulation Amendment Act, 2012 except after obtaining clearance under the Forest Conversation Act, 1980."

Amendment of Rule 39

4. In rule 39 of the principal rules, for the words appearing as "in consistent" may be substituted as "in conformity".

Sd/-
(T. Dkhar),
Commissioner & Secretary
to the Govt. of Meghalaya,
Mining & Geology Department.

GOVERNMENT OF MEGHALAYA
FORESTS AND ENVIRONMENT DEPARTMENT

No. FOR.63/2017/272 Dated Shillong, the 1st February, 2018

From: Shri L. Synrem,
Under Secretary to the Govt. of Meghalaya,
Forests and Environment Department.

To

The Principal Chief Conservator of forests & HoFF,
Meghalaya, Shillong.

Subject: Transportation of boulders extracted during construction activity.

Ref. (i) No. MFG.24/59/Pt.II/12409 dated 29th November, 2017.

(ii) No. MFG. 24/59/Pt.II/13590 dated 21st December, 2017.

Sir,

With reference to the letters on the subject cited above, I am directed to convey the approval of the Government for transportation of the marerials which are incidental in nature. strictly on a case to case basis for areas/quantum as specified in the statements submitted vide letters under reference above and in accordance with provisions under the Meghalaya Minor Minerals Concession (Amendrnent) Rules, 2018.

Yours faithfully,

Under Secretary to the Govt. of Meghalaya,
Forests and Environrnent Department.

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES
SHILLONG.

No.DMR/MM/783/2016/2132 Dated Shillong, the 11th January, 2018

Office Circular

In pursuance of Govt. letter No.MG .47/2015/132 dated 22nd December, 2017, I am to circulate that the contriburion to District Mineral Foundation (DMF) is as follow:-

1. (i) For major minerals other that coal & lignite etc. from 17th September, 2015 and the rate as notified by Central Government i.e 30% of the Royalty for Mining Lease granted before 12th January, 2015 and 10% of the Royalty for the Mining Lease granted after 12th January, 2015.

   (ii) For coal, lignite and sand for stowing from 8th December, 2017 at tlte rate as prescribed by Central Government i.e 30% of the Royalty for Mining Lease granted before 12th January, 2015 and 10% for the Mining Lease granted after 12th January. 2015.

   (iii) For minor minerals 8th December, 2017 at the rate as prescribe in Schedule I of District Mineral Foundation Rules 2017 i.e 30% of the Royalty.

2. An interest of 15% p.a would be charged from 1st January, 2018 if outstanding dues are not cleared by 31st December, 2017.

3. All contribution shall be deposited in the Director of Mineral Resouces Current Account No.37274650113 of the State Bank of India, Laitumkhrah Branch with IFSC Code SBIN0002081 and furnish the statement showing the details of the name of the mine, mineral, mine code, whether minor or major mineral, District, period and quantity for which the deposit relates etc. along with the proof of payment.

(R. P. MARAK),
Director of Mineral Resources,
Meghalaya:::Shillong

Memo.No.DMR/MM/783/2016/2132-A Dated Shillong the 11th January, 2018

Copy to:

1. The Principal Chief Conservator of Forest & Head of Forest Force Meghalaya, Shillong for information.
2. The Joint Secretary to the Govt. of Meghalaya, Mining & Geology Department for information.
3. Chairman/Member Secretary DMF of all District for information

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RULEs

SCHEDULE OF RATES OF ROYALTY FOR FOREST PRODUCE (2014)



The 19th June, 2014

No.FOR.111/2007/Pt/174.

The Governor of Meghalaya is pleased to order the revision of the Schedule of rates of royalty on all types of forest produce, the royalty of which is payable to the Government, including plantations raised through Government funding under Regulation 34 (2) (h) of the Meghalaya Forest Regulation Act (Assam Regulation No. 7 of 1891 as adopted by Meghalaya). This order supersedes all previous Government notifications issued in this regard and shall come into force with effect from the date of notification in the official Gazette.

SCHEDULE

1. Depending on their utility, durability, the different species of trees available in the State of Meghalaya are categorized into 7 (Seven) Classes, A to E, as under:

Sl. No.	Botanical Name	Trade Name	Local Name
		CLASS: A-I	
1	Acacia catechu	Khair	Dieng shinkot (K), Koir (G)
2	Carpinus viminea	Indian horn beam	Dieng sohrisang (K)
3	Tectona grand is	Teak/Segun	Dieng tik (K, J), Bolsegun (G)
		CLASS: A-II	
4	Dalbergia sissoo	Sissoo	Dieng sisu (K)
5	Gmelina arborea	Gamari	Dieng-laphiang (K); Bolgipok (G)
6	Mesua ferrea	Nahor	Dieng ngai (K); Khimdi (G)
7	Morus laevigata	Bola	Dieng bylliat (K); Bolseng (G)
8	Michelia champaca	Titachap	Diengrai (K); Deinrai (J); Bolnabot (G)
9	Phoebe goalparensis	Bonsum	Dieng ngan-blei (K);
10	Shorea robusta	Sal	Diengblei (K, J,); Bolsal (G).
		CLASS: A-III	
11	Acrocarpus fraxinifoliius	Munra	Diengtrep (K); Bolmangal(G)
12	Adina cordifolia	Haldu	Dieng Thingpholo(K);
13	Albizzia lebbeck	Koroi	Kreit iong(K);Krait iong(J);
14	Albizzia odoratissima	Kala Siris	Kreitja(K)
15	Albizzia procera	Safed siris	KreitLieh(K),DeinKreit(J);Korai,
16	Artocarpus integrifolia	Kathal	Diengsohphan(K),BolThebrong(G)
17	Canarium resiniferum	White dhup	Dieng umsiang(K).
18	Toona Ciliata	Poma	Dieng Bti (K); Dein Bti (J); Poma, Bolbret (G)
19	Cedrus deodara	Deodar	Ding Kedar (K).

20	Duabanga grandiflora	Khogon	Dieng Bai (K).
21	Mansonia dipikae	Tik Badam	Dieng tikbadam
22	Palaquim polyanthum	Kurta	Dienghorua(K); salua(G)
23	Telauama phellocarpa	Kherika sopa	Diengrai tyrneng(K)
24	Terminalia myriocarpa	Hollock	Dieng Thar(K).
CLASS: B			
25	Amoora wallichii	Amari	Dieng bta(K)
26	Artocarpus chaplasha	Sam	Dieng Sohram(K)
27	Betula alnoides	Birch	Dienglieng (K).
28	Bombax ceiba	Simul	Dieng Kya (K).
29	Callaphyllum polyanthum	Poon	Dieng lakaru (K)
30	Cassia fistula	Sonaru	Dieng snaru(K)
31	Chickrassia tabularis	Bogipoma	Diengspah, Dieng Bti tyrneng (K),
32	Cinnamomum cecisodaphne	Gonsoroi	Dieng Konburoi, Pingwait (K)
33	Cryptomeriajaponica	Suji (Dhup)	Diengkseh Bilat (K).
34	Dipterocarpus turbinatus	Gurjan	-
35	Kydia calycina	Pichola	Dieng iai-nep(K); Boldubak(G)
36	Lagerstroemia flosreginae	Jarul	Dieng Ther (K).
37	Lagerstroemia parviflora	Sida/ lendi	Ka Dieng Lyngshing (K).
38	Mangifera indica	Am	Dieng Sohpieng (K).
39	Pinus kesiya	Khasi Pine	Dieng Kseh(K); Dein Kseh (J)
40	Schima wallichii	Makri sal	Dieng Ngan (K); Dein Chyrngan (J);
CLASS: C			
41	Ailanthus grandis	Borpat	Phanniaw(K).
42	Artocarpus lakoocha	lakooch	Diengsohsyrtet(K).
43	Anthocephalus cadamba	Kadam	DiengSohklong rtang(K).
44	Albizzia lucida	karoi	Dieng Kreit(K)
45	Alstonia scholaris	chatian	Dieng Kyrteng(K).
46	Bischofia javanica	Uriam	Dieng Jamew(K).
47	Bridelia retusa	Kuhir	Dieng reitshan(K);
48	Castanopsis indica	Hingori	Dieng Sohot(K).
49	Dilllenia indica	Ou-tenga	Dieng soh kyrbam(K).
50	Dysoxylum binectiferum	Bandardima	Dieng Ori(K).
51	Garuga pinnata	garuga	Diengsoh khmut(K)
52	Machilus globosa	kaunla	Diengrailieh(K)
53	Magnolia spp.		Diengsohbar(K)
54	Podocarpus neriifolia	Jinari	DiengKseh Blei um(K).
55	Pterospermum acerifolium	Hati poila	Dieng Sla umphi(K).

56	Pterospermum lanceofolium	Bon-baguri	Diengpen swang(K);Bol-nabat(G)
57	Sapindus mukorossi	Sapindus	Diengsohpairah(K)
58	Stereospermum chelonoides	Awal	Diengsir(K).
59	Tamarindus indica	**Imli**	Diengsohkyntoi(K)
	CLASS: D		
60	Aglaia edulis	Momai leteku	Diengsoh longar(K)
61.	Alnus nepalensis	Alnus	Diengliengiong(K)
62.	Albizzia stipulata	Horish	Diengkreitlieh(K)
63.	Amoora rohituka		Diengrata(K);Bolsamphel(G)
64.	Apodite benthamina		Deinglapeidjem(K)
65.	Beilschmiedia assamica	Kanthal patia	Diengkhalang(K); Horganme(G)
66.	Carallia integerrima / lucida	Maki thekera	Diengsohsyllih(K); Bolnengrang(G).
67.	Careya arborea		Diengsohkyndur(K)
68.	Cinnamomum obtusifolium	Pati-hunda	Dienglassi(K);Sami-jang(G)
69.	Cryptocarya andersonii		Dieng sohrilong, Ka Pdem(K);
70	Dilienia pentagyna	Okshi	Diengsohbar(K)
71	Dysoxylum hamiltonii	Gendheli-poma	Dieng kyrbei(K)
72	Eleocarpus floribundus	-	Diengkhasaw (K); Sohkhyllam(K)
73	Erythrina indica.	madar	Diengsong (K)
74	Eucalyptus spp.		Diengtyrphin (K)
75	Syzigium cumini	Jamun	Dieng Sohjam (K);
76	Eugenia praecox	Bogi Jamuk	Dieng Sohum (K).
77	Ficus nervosa	Khari-pati	Ka Dieng jri.(K)
78	Lannea grandis	Jia	Diengsohlapeit shynrang (K)
79	Litsea spp.		Deing Lathyrnia(J)
80	Lophopetalum fimbriatum	Sutrong	Diengjarem(K)
81	Kayea floribunda	Karol	Bolong(G)
82	Melia azedarach	Ghora-nirn	Dienglong (K)
83	Premna bengalensis	Gohora	Dienglieh(K); Bolgoppo(G)
84	Premna milleflora	Gomari sila	Diengphonri (K);garnbharis khal(G)
85	Pyrus species		Dieng sohphoh/sohphoh khasi(K)
86	Sapium bacatum	Seleng	Diengjalong(K)
87	Spondias mangifera	Amora	Diengsoh pair(K);
88	Sterculia alata	Tahari	Dieng tluh(K).
89	Sterculia viliosa	Odal	Dieng tluh(K); Umak(G)
90	Terminalia bellerica	Bahera	Dieng Rinam, Dieng Kharu(K),
91	Terminalia chebula	Artak	Diengsoh Kyrkhah(K).
92	Tetrameles nudiflora	Maina/Bhelu	Dieng Moina(K)
93	Trewia nudiflora	Gutel	Diengsohlyndot(K); bolnokhup(G)

94	Vitex peduncularis	Ahoi	Dieng sharyntoh(K)
95	Zanthoxylum budrunga	Bajrang	Dieng Jaiur khlaw(K)

CLASS: E

All other species not mentioned in the foregoing categories.

2. RATES OF ROYALTY ON TIMBER OF THE ABOVE CATEGORIES:

Class	Rates for logs per cubic metre	
	Girth 0.45 m. to 1.20 m.	Girth 1.21 m. & above.
A-I	₹ 6750.00	₹ 8920.00
A-II	₹ 3490.00	₹ 5230.00
A-III	₹ 3000.00	₹ 4180.00
B	₹ 2280.00	₹ 3090.00
C	₹ 1350.00	₹ 1850.00
D	₹ 910.00	₹ 1240.00
E	₹ 560.00	₹ 670.00

(1) V.A.T., Income Tax etc. and other Departmental Charges as and where applicable will be treated as extra charges.

(2) The cubic content of the log will be calculated by multiplying the square of the quarter girth taken at the middle of the log by the length of the log. For logs above 3.65 meters in length, the girth will be measured at 1.83 meters from the butt end of the logs.

(3) The rates specified above are for logs of which girth are measured under- bark. For logs measured over- bark, the rates chargeable will be 10% (ten percent) less than the rates shown above.

(4) The rates for sawn timber shall be 133% (one hundred thirty three percent) of the rate mentioned under “girth 1.21m. and above” irrespective of the girth of the logs from which the sawn timber has been converted.

3. PRICE FOR SAL/NAHAR PILES:-

Sl. No.	**Dressed Sal/ Nahar Piles**		**Royalty per cubic meter**
i.	20 cm to 25 cm Mid Dia	Length:	
		a) Below 910 cm	₹ 8000.00
		b) 911 cm-1060 cm	₹ 8130.00
		c) 1061 cm- 1220cm	₹ 8270.00

ii.	25 cm to 30 cm Mid Dia	Length:	
		a) Below 910 cm	₹ 8400.00
		b) 911 cm-1060 cm	₹ 8530.00
		c)1061 cm & Up	₹ 8670.00
iii.	30 cm & Up Mid Dia	Length: a) 1220 cm & above	₹ 9350.00

4. <u>RATES OF ROYALTY ON FIREWOOD:</u>

Firewood is defined as wood under 0.60 meters in length and up to 0.45 meters in girth. Wood of higher dimension, if found unsuitable for sawing owing to hollowness, crookedness or other defects, may be removed as firewood after splitting.

Categories	Rates for fire-wood
a) For removal by head load.	₹ 25.00/head load
b) For removal by buffalo/pony cart per load	₹ 200.00/cart load
c) For removal by truck on the basis of truck capacity per cubic metre stack.	₹ 200.00/per cubic metre stack

Note:

The timber even under 1.00 meter in length and 0.60 cm in girth, belonging to the class A-I, A-II, & A-III shall not be included in the definition of firewood and shall stand excluded from this category. The rates of royalty in this case shall be the rates applicable to logs under the girth class of 0.45 m. to 1.2 m.

5. RATES OF ROYALTY FOR POLES:

Rate per piece not **exceeding 4 meters in** length

Category	**Mid girth under 0.30 meters**	Mid **girth 0.30 meters to less than 0.45 meters**
A-I	₹ 40.00	₹ 90.00
A-II & A-III	₹ 20.00	₹ 35.00
B, C, D & E	₹ 15.00	₹ 20.00

Note:- (i) The above rates are for mid-girth measurement taken over bark. For de-barked and dressed poles, the rates will be 10 percent and 33 percent respectively, higher than the rates mentioned above. Length will be measured to the nearest 5 cms. for assessment of royalty.

(ii) For longer poles up to lower girth class, length exceeding 4 cms. will be calculated as additional pieces, as the case may be.

6. RATES OF ROYALTY ON AGAR-WQOD *(Acquilaria asallocha):*

Species	Mid girth	Rate per Cum.
Acquilaria agailocha;	Below 60 cm	₹ 1000.00
	61cm to 90 cm	₹ 2000.00
	Above 90 cm	₹ 3000.00

7. RATES OF ROYALTY FOR AGRICULTURAL IMPLEMENTS:

Agricultural Implements	Rates
a) Plough per piece converted from branch-wood of felled trees	₹ 10.00 each
b) Khoir stumps	₹ 100.00 each
c) Paddle or Oar of all species up to 1.50 m in length	₹ 5.00 each
d) Paddle or Oar of all species above 1.50 m in length	₹ 10.00 each
e) Gail (a round wooden vessel for husking paddy) of all species up to 1 m in girth and 0.45 m. to 0.60 m in length	₹ 10.00 each
f) Kund (Small dug-out for watering paddyfield)	
(i) Below 3m in length	₹ 10.00 each
(ii) Above 3m in length	₹ 15.00 each.

8. **RATES OF ROYALTY FOR CHARCOAL:**

Rate for charcoal - ₹ 1000.00 per quintal

9. RATES OF ROYALTY FOR BAMBOO:

Kind of Bamboo	Rates per hundred nos.
a) Bambusa vulgaris (Bariala)	₹ 330.00
b) Bambusa tuida (Jati)	₹ 330.00
c) Bambusa pallida (Makal)	₹ 130.00
d) Bambusa balcooa (Bhaluka)	₹ 330.00
e) Dendrocalamus hamiltonii (Kako)	₹ 160.00
f) Dendracalamus strictus (Mol)	₹ 160.00
g) Pseudostachyum polymorphum (Bajal)	₹ 130.00
h) Teinostschyum dullo (Dalu)	₹ 130.00
i) Malocanna bambusoides (Muli)	₹ 130.00
j) Other Bamboos	₹ 90.00

10. RATES OF ROYALTY FOR THATCH GRASS:

Rate for thatch grass - ₹ 10 per hundred bundles.

11. RATES OF ROYALTY FOR CANE:

Kinds of Cane	Rates per Hundred Rm. Length
a) Calamus guruba, (Sond)	₹ 100.00
b) Calamus tenuls, (Jari, Jati)	₹ 100.00
c) Calamus Phlagellum	₹ 100.00
d) Calamus latifolius, (Houka, Horna)	₹ 100.00
e) Deomonrops jenkinsianus, (Raidang, Golla)	₹ 100.00
f) Calamus leptospadix, (Tita)	₹ 100.00
g) Calamus floribundus, (Lejeri, Lejai)	₹ 100.00

12. RATES OF ROYALTY FOR EKRA AND OTHER REEDS:

Girth size of the Bundle	Rate per 100 Bundles
a) Over 0.03m to 0.45m in girth	₹ 20.00
b) Over 0.45 to 1.15m in girth	₹ 40.00
c) Over 1.15m in girth	₹ 90.00

13. RATES OF ROYALTY FOR ROOFING AND FODDER :

Kinds of leaves	Rate per 1000 Leaves
a) Roofing Leaves	₹ 10.00
b) Fodder	₹ 10.00

14. RATES OF ROYALTY FOR BROOM STICK (PHULJHARU):

Broom Stick (Phuljharu) - Rate per Kg. - ₹ 20.00

15. RATES OF ROYALTY FOR DHUPWOOD/TORCHWOOD:

Dhupwood / Torchwood @ ₹ 5000.00 per Tonne of Heart wood/ Root portion of Pinus kesiya (Khasi Pine).

16. RATES OF ROYALTY FOR SAND, STONE AND CLAY (MINOR MINERALS):

Categories	Rates per Cum.
a) Sand	₹ 90.00
b) Stone, boulder, gravel, broken stone, shingle	₹ 240.00
c) Clay and earth	₹ 100.00
c) Squared Stone	₹ 280.00

17. AD-VALOREM RATES OF ROYALTY:

(i) All other non timber forest produce not listed above such as Bee-wax, Honey, Lac, all medicinal plants, Bhat- ghila (Oroxylum seeds & bark), Laham bark, and the whole or parts of all other medicinal plants, etc. will be charged at 12.50 per cent ad-valorem to be fixed by the Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong.

(ii) Ad-valorem Rates of Royalty will be notified on the 1st April of each year from the Office of the Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong.

(iii) Meghalaya Sales Tax/ M.P.T./C.S.T. and other taxes as applicable, shall be leviable on forest royalty for all kinds of forest produce/ minor minerals.

(iv) The forest produce from Government controlled land would be sold as coupes and mahals by open competitive tender or auction and the best offer obtained in such sales will be deemed to be the reasonable value of such produce offered for sale.

(v) The royalty rates fixed by the notification, which are based on the prevailing market prices *vis-a-vis* the rates obtained in the recent sale of coupes etc, are for the purpose of assessing valuation of coupes etc. offered for sale. Under special circumstances, when forest produce is disposed off under permit system under orders of the Competent Authority, royalty will be charged at the rates mentioned above.

18. LEVY OF VALUE ADDED TAX , INCOME TAX ETC:

Value Added Tax, Income Tax etc. at the rate prevalent will be leviable on royalty assessed for all kinds of forest produce.

The Forest Department, Government of Meghalaya shall have the right to modify the rates of royalty at any time or stop issue of permit without any prior information.

M. S. RAO,
Principal Secretary to the Govt. of Meghalaya,
Forest and Environment Department.

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