

Government of Manipur
Secretariat: Forest & Environment Department
Imphal: Manipur

N O T I F I C A T I O N
Imphal, the 26th July, 2003.

No.57/27/2001-For(Pt): Whereas the Hon'ble Supreme Court of India have issued directions to the State Governments for issuing guidelines/rules to regularize felling of trees from Non-Forests areas including plantations vide order dated 15-01-2001 passed in W.P.(C) No.202 of 1995 and whereas the Ministry of Environment & Forests have accorded concurrence vide letter No.2-6-1998/RO-NE-MN/512 dt. 23.06.2003.

Therefore, in pursuance of the directions of the Hon'ble Supreme Court referred to in the above and order dated 12-05-2001 and in exercise of all enabling powers vested in the state, the Governor of Manipur hereby issues the following guidelines.

- 1.1. These guidelines shall be called the "Guideline for felling of trees from Non-Forests areas, 2002".
- 1.2. These shall extend to the whole of the State in respect of felling trees from Non-Forests areas including trees plantations on Non-Forests areas.
- 1.3. These shall come into effect from the date of their notification in the Official Gazette.

DEFINITION:

2. In these guidelines unless there is anything repugnant in the subject or context,
 - (a) "Government" means Government of Manipur.
 - (b) "Forests" means (i) Reserved Forests or Protected Forests or any other areas legally constituted as "Forests", and (ii) any area recorded as "Forests" in Government records maintained by Forests Department or other Government Department and (iii) deemed Forests areas identified as per Supreme Court order dated 12.12.1996 in Writ Petition (C) No.202 of 1995.
 - (c) "Non-Forests land" for the purpose for these guidelines means areas which are not "Forests" as per 2(b) above.
 - (d) "Un-classed Forests" means a "Forests land owned by the Government or such land whose ownership is vested with Village Community/Chief, the boundary of which is demarcated by the Government but not constituted into Reserved or Protected Forests".

REGISTRATION OF TREE PLANTATION:

1. The plantations raised in Non-Forests areas by an individual or community or institution or Non-Government Organizations or any other agency may be registered with

the Divisional Forest Officer in the manner as may be prescribed in this behalf by the Principal Chief Conservator of Forests, Manipur.

2. While registering a plantation it shall be inter-alia be ensured that the applicant is the legal title holder and it is a Non-Forests land as per 2(c) above

3.3. The Divisional Forest Officer shall prepare and make available a Certificate of such registration, which shall inter-alia include a local map/sketch of the plantations, to the registered owner with copies to the Village Level Body, the Dy. Commissioner/Collector, Conservator of Forests, Chief Conservator of Forests/Territorial & Protection and the Principal Chief Conservator of Forests.

3.4. The Registration Certificates shall normally be issued within 90 days of the receipt of complete application by the Divisional Forest Officer.

TREE SPECIES NOT REQUIRING FELLING PERMISSION AND PROTECTED TREES.

4.1. For felling and conversion of trees of following species from Non-Forests areas including plantation of such species no felling permission from Forest Department under these guidelines are needed: Yongchak (*Parkya roxburghii*) and Theibong (*Artocarpus integrifolia*).

4.2. The felling and transportation of bamboo shall be as per provisions of Manipur Forests Rules, 1971.

4.3 The State Government shall be competent to add or delete species in 4.1 above with prior concurrence of the Ministry of Environment & Forests, Government of India.

4.4 The State Government may notify certain species as Protected Trees.

PERMISSION FOR FELLING OF TREES FOR NON - COMMERCIAL PURPOSES.

5.1 Application for permission for felling for non-commercial purposes including in respect of registered plantations shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests,. The Divisional Forest Officer shall ensure that the marking is not extended to Un-classed Forests.

5.2 Application shall be submitted along with (I) the marking lists containing details of species, number of trees to be felled, tree-wise measurements of trees proposed to be felled, (ii) a copy of the Registration Certificate, if applicable and (iii) any other details prescribed by the Principal Chief Conservator of Forests,.

5.3. The Divisional Forest Officer shall, as soon as possible, and not later than 60 days from the date of receipt of the application complete in all respect, shall take necessary decision in the matter, failing which, approval shall be deemed to have been conveyed.

PERMISSION FOR FELLING OF TREES FROM REGISTERED PLANTATION.

6.1 Application for permission for felling of trees shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests.

6.2 Application shall be submitted along with (i) the marking list containing details of species, number of trees to be felled, tree-wise measurements proposed to be felled: (ii) a copy of the registration certificate and (iii) any other details prescribed by the Principal Chief Conservator of Forests.

6.3 The Divisional Forest Officer shall as soon as possible, and not later than 60 days from the date of receipt of the application complete in all respect, shall accord permission for felling of such trees, failing which the approval shall be deemed to have been accorded. Such permission shall be refused only if the applicant is found not to have rightful title to the plantation or the area is not a Non-Forests area or the plantation were not found to be registered plantation.

6.4 In respect of Plantations registered for more than three years, the felling permission shall be accorded within 30 days after receipt of application complete in all respect, failing which, the approval shall be deemed to have been accorded.

PERMISSION FOR FELLING OF TREES FOR COMMERCIAL PURPOSES :

7.1 Application for felling of trees from Non-Forests areas for commercial purposes, other than in respect of registered plantations shall be made by the person having title over such trees in the proforma prescribed by the Principal Chief Conservator of Forests to the Divisional Forest Officer.

The application shall be submitted along with marking list containing species-wise details of trees to be felled map of the Non-Forest area from which trees are proposed to be felled, land ownership certificate issued by the competent authority and other details prescribed by the Principal Chief Conservator of Forests.

The Divisional Forest Officer after verifying the ownership of land, marking list of the trees to be felled , and other detailed and after physical verification of the area shall forward the application to the concerned Conservator of Forest along with his recommendations about silvicultural maturity , trees that may be allowed to be felled and, other relevant details .While recommending the application , he shall also certify that the land is NOT a Forest as per 2(b) above and that the physical verification of the trees/areas proposed to be felled has been got done from the field staff not below the rank of Assistant Conservator of Forests.

7.4 The Conservator of Forests may, after satisfying himself that the conditions laid herein before have been complied with fully, accord approval for felling of trees under intimation to the Chief Conservator of Forests/Territorial & Protection and the Principal Chief Conservator of Forests.

7.5 After felling of trees transportation of such timber shall be done under valid transit pass unless and until exempted under relevant acts/rules/ regulations.

TRANSIT OF TIMBER

8.1 The transit of timber from Non-Forest land shall be regulated as per provisions of relevant acts/rules/regulations/guidelines regarding movement of timber or timber products.

CONFISCATION OF TREES FELLED IN VIOLATION OF RULES/GUIDELINES.

9.1 Timber obtained from trees felled in violation of these instructions shall be deemed to have been confiscated to the State Government. However, the Divisional Forest Officer shall be at liberty to release the timber obtained from such trees to the legal title holder(s) after recovery of an amount equal to 50% of the royalty payable for the tree/timber. However, such released timber shall not be eligible for purchase or use by any Wood Based Units, trader or registered timber transporters.

9.1 The confiscation of timber as per 9.1 above is without prejudice to any action or penalty leviable under relevant acts or rules.

Sd/-(Saichhuana)
Addl, Chief Secretary(Forests & Environment)
Government of Manipur.

Copy to:-

1. The Secretary to His Excellency, the Governor of Manipur.
2. The Secretary to Hon'ble Chief Minister, Manipur.
3. P.S. to Hon'ble Minister (Forests & Env't.), Manipur.
4. P.S. to Hon'ble Chairman, (HAC), Manipur.
5. P.S. to Chief Secretary, Government of Manipur.
6. The Director General of Forests & Special Secretary to the Government of India, MOEF, Paryavaran Bhawan, CGO-Complex, Lodhi Road, New Delhi-11003.
7. The Pr. Chief Conservator of Forests, Government of Manipur. This Notification supersedes the earlier Notification dated 1st April, 2002.
8. The Chief Conservator of Forests(Central), MOEF, Govt. of India, Upland Road, Shillong-793 003. This has reference to his letter No.2-6-1/98/RO-NE-MN/512 dt. 23.06.2003.
9. The Addl. Principal Chief Conservator of Forests, Government of Manipur.
10. All Chief Conservator of Forests, Government of Manipur.
11. All Conservator of Forests, Government of Manipur.
12. The Director of Printing & Stationery , Government of Manipur for kind publication of the notification in the Extra-Ordinary Gazette of Manipur and to furnish 50 copies to this Government.
13. All DFOs/Dy.CFs Government of Manipur.
14. Guard file.