

No. F.7 (200)/For/FP-2000-09/ 19,611 - 29  
GOVERNMENT OF TRIPURA  
FOREST DEPARTMENT

Dated: 20/10/2010, 2010.

**NOTIFICATION**

Whereas the Hon'ble Supreme Court of India vide order dated 12.5.2001 in Writ Petition (Civil) No. 202/ 1995 had directed, inter-alia, that guidelines/rules be framed regarding extraction of trees from non-forest areas including plantations on non-forest areas;

Whereas in pursuance of the said directives, the State Government framed the guidelines on extraction of trees from non-forest areas vide notification No.F.7 (44)/For/FP-2001/PT-11/29,042 dated 17.01.2002;

Whereas in view of certain operational difficulties in implementation of the guidelines, it was deemed necessary to revise the aforesaid guidelines and revised guidelines duly approved Council of Ministers were referred to Ministry of Environment & Forests, Govt. of India vide this office letter No.F.7 (200)/For/FP-2k-2009/1110 dated 24<sup>th</sup> March, 2010 for concurrence.

Whereas the Ministry of Environment & Forests, Govt. of India has concurred the revised guidelines vide letter F.No.8-24/2010-FP dated 23<sup>rd</sup> September, 2010 with certain modifications and same was incorporated in the draft guidelines. Now therefore in exercise of all the enabling powers the following guidelines are hereby laid down by the State Govt. of Tripura with immediate effect.

- 1.1 These guidelines shall be called the "Guidelines for extraction of trees from non-forest areas"
- 1.2 These shall extend to the whole of the State in respect of extraction of trees from non-forest 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 to the subjects or context

- (a) "Government" means Government of Tripura.
- (b) 'Forest' means (i) Reserved forest or Protected Forest or any other areas legally constituted as 'forest'; and (ii) any area recorded as 'Forest' in Government records maintained by Forest Department or other Govt. Departments and (iii) deemed forest area identified as per Supreme Court order dated 12.12.96 in Writ Petition (C) No. 202/95.
- (c) "Non-forest area" for the purpose of these guidelines means land, which is not 'Forest' as per 2 (b) above.
- (d) "Authorized officer" means the officer as prescribed by the Forest Department.
- (e) "PCCF" means Head of the Forest Department of Tripura.



- (f) "Extraction" means felling and/or transportation of trees, including timber and firewood derived there from, away from the plot of land, where the trees stand or where these were felled.
- (g) "Domestic use/purpose" means use of produce for one own use excluding sale.
- (h) "Marking Rules" means Tripura Forest (Timber Marking) Rules, 1985 and amendments made thereto from time to time.

3. **REGISTRATION OF TREES FOR PERMISSION FOR EXTRACTION:**

- 3.1 For permission of extraction of trees standing on any plot of non-forest area, the owner of the plot who wants to extract trees shall get the trees registered with authorized officer in the manner as may be prescribed in this behalf by the State Government.
- 3.2 Application for registration of trees shall be made to the concerned authorized officer through the concerned Range Officer in the prescribed application Form along with prescribed Registration fee.
- 3.3 While registering a plot with trees standing thereon, it shall be, inter-alia, ensured that the applicant is the legal titleholder; and it is a non-forest area as per Para-2 (c) above.
- 3.4 Processing of applications; enquiry in to the status of land and trees standing there upon; and felling and extraction shall be carried out in accordance with instructions issued by Forest Department from time to time.
- 3.5 Tree registration shall remain valid for 7 (seven) years. After this period, registration shall have to be done afresh.
- 3.6 No registration shall be required for cases mentioned under "Special Provisions".

4. **TREES NOT REQUIRING TREE REGISTRATION CERTIFICATES AND EXTRACTION PERMISSION**

- 4.1 No permission from Forest Department will be needed for extraction of trees from non-forest land in the following cases.
  - a) For tree species namely Aam (*Mangifera indica*), Lichi (*litchi chinensis*), Sajna (*moringa oleifera*), Guava (*psidium guajava*)The owner will, however, be required to intimate the local Range Officer at least 10 days in advance in Form prescribed by Forest Department about such intention.
- 4.2 The State Govt. shall be competent to add or delete species in Para 4.1 above.

5. **PROCEDURE FOR EXTRACTION OF RUBBER TREES**

No registration shall be required for felling of rubber trees. The procedure for extraction of rubber trees shall be separately prescribed by the Forest Department.

6. **Service Charge:**

Service charge shall be realized by the Forest Department from the owners of the trees for rendering the service on account of verification of the land, marking of trees namely stand marking, log marking and sale marking, issue of transit pass, etc. at the rates prescribed by State Government from time to time.



7. **SPECIAL PROVISIONS:**

Permission of following kinds in the context of non-forest land as per para 2(c) above may be issued by the Authorized officer on receipt of application from legal title holder. Such permissions shall not be considered repugnant to contrary provisions in para (3).

- a. Permission for extraction of such trees from non-forest land that pose danger to the human life and property may be accorded within 10 days from the date of receipt of application from the owner.
- b. Action for extraction of trees from non-forest land which is also Govt. land for construction of Govt. buildings, roads including widening of roads, bridges and railway lines, etc. shall be taken within 45 days from the date of receipt of the complete application from the user agency. Extraction and disposal of felled trees will be done by the Forest Department and revenue collected by way of sale of such timber etc. will be deposited by the Forest Department in the Government exchequer.
- c. One time permission for extraction of 5 trees for domestic use from plots of non-forest land which are not contiguous to forest land.
- d. In habitation areas, public places, roads where the trees have fallen due to natural causes like storm, decay of the tree, etc., causing severe inconvenience to people, the owner will be free to displace the same after giving intimation in writing to the Authorized officer. In other places, where trees have fallen due to such natural causes, intimation shall be given by the owner to the Authorized officer. The Authorized officer shall first causes enquiry and if he is satisfied with natural cause of the fall of tree/trees, he may allow extraction after recoding the reasons within 20 (twenty) days.

8. **CONFISCATION OF TREES FELLED IN VIOLATION OF GUIDELINES**

8.1 Timber obtained from trees felled in violation of these guidelines shall be seized by the Forest Department.

8.2 On enquiry, if the trees are found felled from:

- a. Private land, the Authorized 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 25% of the royalty payable for the tree/timber. However, such released timber shall not be eligible for purchase or use by any wood based unit, traders or registered timber transporters.
- b. Govt. land/ Forest land, these shall be deemed to have been confiscated to the State Government.

8.3 For verification and recovery of the timber mentioned in para 8.1 above the staff of the Forest Department shall have the authority to enter the plot of land where the trees were felled and the Authorized officer shall have the authority to issue search warrants to his staff to search the premises, including houses, concerned.

8.4 The seizure of timber as per 8.1 above shall be without prejudice to any other action, including legal action or prosecution in a court of law.

9. **REPEAL AND SAVINGS:**

This is issued in supersession of guidelines and executive orders issued earlier on this matter.

The registration certificates already issued regarding trees on different plots as per guidelines communicated vide no F.7 (44)/For/FP/2001/PT-II/29042, dated 17<sup>th</sup> January, 2002 will however continue to remain valid.

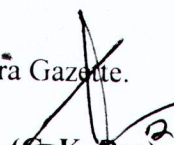
By order of the Governor.

  
Chief Secretary, 110

Government of Tripura

Copy to:

1. The Principal Secretary to the Governor, Tripura for favour of information of the Governor, Tripura.
2. The Principal Secretary to the Chief Minister, Tripura for favour of information of the Chief Minister, Tripura.
3. The P.S. to the Minister for Finance, Tripura for favour of information of the Minister for Finance, Tripura.
4. The P.S. to the Minister for Forests Tripura for favour of information of the Minister for Forests, Tripura.
5. The P.S. to the Minister for Planning, Tripura for favour of information of the Minister for Planning, Tripura.
6. The S.A. to the Chief Secretary, Tripura for favour of information of the Chief Secretary, Tripura.
7. The Principal Chief Conservator of Forests, Tripura.
8. The Principal Secretary, Planning, Tripura.
9. The Principal Secretary, Finance, Tripura.
10. The Chief Wildlife Warden, Tripura.
11. The Inspector General of Forests (Forest Conservation), Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, New Delhi.
12. The Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, North Eastern Regional office, Law-U-Sib, Lumbatngen, Near M.T.C. Workshop, Shillong 793 021.
13. The Chief Conservator of Forests (Planning & Development), Tripura.
14. The Nodal Officer, Forest (Conservation) Act, Tripura.
15. The Chief Conservator of Forests (Administration), Tripura.
16. The Additional/ Joint Secretary, Forests, Tripura.
17. The Manager, United Bank of India, Agartala.
18. The Manager, Government Press, Agartala for publishing in Tripura Gazette.

  
(E. K. Das) 20.10.10

Joint Secretary to the  
Government of Tripura