

(Authoritative English Text of this Department notification number FFE-B-E(3)-43/2006-Vol-I dated 2<sup>nd</sup> January, 2010 as required under clause (3) of article 348 of the constitution of India)

Government of Himachal Pradesh  
**Department of Forest.**

No. FFE-B-E(3)-43/2006-Vol-I Dated: Shimla-171002, 2<sup>nd</sup> January, 2010.

**NOTIFICATION**

Whereas, the draft Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2009 were published in the Rajpatra, Himachal Pradesh Extra Ordinary on 14.10.2009 vide Notification of even number dated 13.10.2009 for inviting objections and suggestions from persons likely to be effected thereby within a period of 21 days from the date of publication;

Now, after receipt and analyzing the objections/suggestions received from the concerned parties, in exercise of the powers conferred by clause (L) of section 32 of the Indian Forest Act, 1927 (16 of 1927), the Governor of Himachal Pradesh is pleased to make the following rules namely:-

**1.Short title.**- These rules shall be called the Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2010.

**2.Definitions.**- (1) In these rules, unless the context otherwise requires,-

- (a) 'Government' means the Government of Himachal Pradesh;
- (b) The term 'below poverty line' shall have meaning as assigned to it by the Department of Panchayati Raj, Himachal Pradesh;
- (c) 'Right Holder' means a person entitled to exercise rights recorded in the 'record of rights' as per the Forest Settlement Report of the area concerned;
- (d) 'Record of rights' means, rights recorded in the Forest Settlement Reports;
- (e) 'Timber Distribution' means the policy of distribution of timber to the right holders as per record of rights recorded in the Forest Settlement Reports; and
- (f) 'Timber Distribution Rights' means right of a Right Holder having cultivable lands for grant of timber for construction of residential house and cow shed etc. for bonafide domestic use of the Right Holder, recorded in the Forest Settlement Report of the area concerned,;

(2) All other words and expressions used but not defined in these rules shall have the meaning assigned to them in the Indian Forest Act, 1927.

**3. Entitlement.**-Timber shall be granted to the Right Holders who have their recorded rights in the concerned Forest Settlement Reports for grant of Timber Distribution for construction/maintenance of residential house, cow sheds etc. for bonafide domestic use:

Provided that:-

- (i) no Timber Distribution shall be granted in urban area;
- (ii) no Timber Distribution shall be granted if trees to meet the requirement of timber for construction of residential house, cowshed etc. are available on the land holdings of the Right Holder concerned. However, he shall have the right to fell trees from his own land as per the provisions of the Himachal Pradesh Land Preservation Act, 1978 and rules made there under;
- (iii) no Timber Distribution shall be granted for 10 years if the right holder has sold trees yielding timber for construction of houses from his private land holding;
- (iv) in case right holder has land holding at more than one place, he shall have option of getting Timber Distribution at one place only. For this purpose a Right Holder shall submit an affidavit clarifying therein his rights of Timber Distribution at different places and his place of option for getting Timber Distribution. Option once exercised shall not be allowed to be changed;
- (v) With effect from the date of notification of these Rules, no Timber Distribution shall be granted to a land owner who has purchased land after obtaining the permission of the Government under section 118 of the Tenancy and Land Reforms Act, 1972, irrespective of the date of purchase of such land.
- (vi) Timber Distribution shall be granted only to the head of the family as per the revenue records;
- (vii) Timber Distribution shall not be granted for the construction/ maintenance of buildings to be used for commercial and hiring purposes;
- (viii) Timber Distribution shall not be granted to the Right Holders, if trees for the purpose are not available silviculturally in the forest where concerned right holders have Timber Distribution right;
- (ix) Timber Distribution Rights shall be subject to cooperation and participation of Right Holders in forest conservancy. In case any Right Holder fails to perform his duties for apprehending offenders, extinguishing fire or commits any forest offence as contained in the Forest Settlement Report, his right of Timber Distribution shall be suspended upto 10 years; and
- (x) Timber Distribution Right of a Right Holder shall be suspended upto 10 years if he is found to have mis-utilized the Timber

Distribution grant or committed any forest offence until he is eligible again for Timber Distribution.

**4. Quantity.**-(1) Timber Distribution shall be granted in converted form from the depots to be specified separately as per scale fixed below:-

- (i) for construction of new house = 3 cubic meters; and
- (ii) for maintenance = 1 cubic meter.

(2) Timber Distribution shall be given from salvage (fallen, dry standing), silviculturally available green trees in the order of preference.

**5. Periodicity.** - The periodicity for grant of Timber Distribution to the Right Holders will be as under:-

- (i) for new construction once in life time or 30 years whichever is later;
- (ii) for additions/alterations – once in 15 years; and
- (iii) sufferers of natural calamities/fire sufferers: as per actual requirement as recommended by the Sub Divisional Officer (Civil) and after personal verification by the ACF/DFO concerned subject to the grant not exceeding the maximum limit prescribed under rule-4.

**6. Rates.** - The rates to be charged from the different types of Right Holders for grant of Timber Distribution will be as under:-

- (i) Right Holders above poverty line- 30% of the rates at which timber is sold by the Himachal Pradesh State Forest Development Corporation Ltd. commercially;
- (ii) Right Holders below poverty line- 10% of the rates at which timber is sold by the Himachal Pradesh State Forest Development Corporation Ltd. Commercially; and
- (iii) Right Holders suffering from natural calamities- Free of cost.

**7. Priority for grant of Timber Distribution.**- Priority for grant of Timber Distribution shall be given to the Right Holders belonging to Below Poverty Line. Right Holders above poverty line shall be granted Timber Distribution on first come first served basis.

**8. Procedure for grant of Timber Distribution.**-Application for grant of Timber Distribution, on the form appended to these rules as 'Annexure-I' shall be submitted by Right Holder (s) to the Panchayat concerned after getting necessary remarks from the patwari concerned. The Panchayat after ascertaining genuineness of the requirement of the Right Holders shall pass resolution in the Gram Sabha of the Panchayat indicating actual quantity of requirement of Timber Distribution of the individual (s) concerned. After resolution recommending grant of Timber Distribution is passed by the concerned panchayat, right holders shall submit his Timber

Distribution application to the Forest Guard of the area who shall enter the same in the register maintained for the purpose and issue receipt of the application to the Right Holder. He shall send his recommendations to the Block Officer after ascertaining the genuineness of demand, who in turn shall submit his recommendations to the Range Officer. After receipt of Timber Distribution application from the Range Officer, the Divisional Forest Officer shall take action for sanction of the Timber Distribution after satisfying himself about the genuineness of the requirement and silvicultural availability of trees/timber in the concerned forest and intimate his decision/ Timber Distribution grant to the Right Holder concerned on the proforma appended to these rules as 'Annexure II'. A schedule for grant of Timber Distribution shall be framed and notified for publicity to all panchayats and other functionaries in the Forest Division by the Divisional Forest Officer.

**9. Time schedule for grant of Timber Distribution.**-The right holders shall apply for grant of Timber Distribution through concerned Panchayat to the concerned forest guard by 31<sup>st</sup> March of each year. The application shall be processed and Timber Distribution shall be given to eligible right holders between September to December of the year as per procedure under rule -8 and no Timber Distribution shall be granted thereafter for that year.

**10. Jurisdiction of the use of Timber:-** Timber granted under these rules shall be allowed to be carried within revenue estate without obtaining any permission after affixing of Timber Distribution hammer and if the timber is to be carried out from one estate to another, the Right Holder shall have to obtain a permission from the Range Officer concerned for this purpose. Timber granted shall be utilized by the Right Holder within a period of maximum one year. In case, Timber Distribution grant could not be utilized within the specified period, concerned Divisional Forest Officer shall grant extension for its use based on the genuineness of the case. The Divisional Forest Officer shall ensure through his staff that the Timber Distribution grant is used for the purpose for which it was sanctioned. In case Timber Distribution grant is not utilized during the permissible period, the same may be seized by the Forest Department and the decision taken by the Divisional Forest Officer relating to grant of Timber Distribution shall be final.

**11. Depot.**- The depots from where Timber Distribution in converted form shall be supplied to the right holders shall be notified by the Divisional Forest Officer every year. Any change during the next year in the place of these depots shall also be notified. These notifications shall be widely circulated up to the Panchayat level by the Divisional Forest Officer.

**12. Size and dimensions of Timber Distribution timber.**- The Timber Distribution timber shall be converted and sold in different sizes other than standard sizes made by Himachal Pradesh State Forest Development Corporation Ltd. for commercial purpose.

**13. Monitoring of data base and checking.**- The data regarding details of right holders, options exercised by the right holders, Timber Distribution granted, utilized, etc. shall be maintained and monitored panchayat and range wise by the Divisional

Forest Officer concerned. This data shall further be monitored and evaluated by Chief Conservator of Forests (Monitoring and Evaluation) at Sundernagar and annual report sent to Principal Chief Conservator of Forests, Himachal Pradesh.

**14. Penalty and Punishment.-** The right holders who,-

- (i) misuse of Timber Distribution for commercial purpose;
  - (ii) sells Timber Distribution;
  - (iii) transports timber outside the jurisdiction of Revenue estate without permission;
  - (iv) utilizes Timber Distribution after the time schedule given in permit has expired; and
  - (v) do not participate in the duties enshrined in the Forest Settlement Report alongwith rights,
- shall be penalized as per relevant provisions of Indian Forest Act, 1927, in addition to suspension of their rights for such period as may be determined by the concerned Divisional Forest Officer.

**15. Repeals and savings.-** (1) The existing rules, notifications, directions and instructions framed and issued by the Government or Himachal Pradesh Forest Department concerning the Timber Distribution to the Right Holders are hereby repealed and rescinded.

(2) Notwithstanding such repeal or recession any action taken or anything done under the rules so repealed and notifications, directions and instructions framed and issued so rescinded shall be deemed to have been taken or done under the corresponding provisions of these rules.

Form  
(See rule-8)

**Annexure-I**

**PROFORMA FOR APPLICATION FOR GRANT OF TIMBER DISTRIBUTION**

- |     |   |  |
|-----|---|--|
| 1.  | Name of Applicant.  |  |
| 2.  | Occupation  |  |
| 3.  | Father's Name   |  |
| 4.  | No. of family members   |  |
| 5.  | Is the applicant head of family   |  |
| 6.  | Village.  |  |
| 7.  | Post Office   |  |
| 8.  | Tehsil  |  |
| 9.  | District  |  |
| 10. | Panchayat   |  |
| 11. | Whether the applicant belongs to 'below poverty line' family. If yes, enclose attested copy of certificate issued by the competent Authority. |  |
| 12. | Year in which Timber Distribution was earlier granted and quantity/ No. of trees granted.   |  |
| 13. | Purpose for which Timber Distribution required  |  |

(whether for new construction of residential house/cowshed or for maintenance)

14. Details of Timber Distribution required :

Specie	Volume in Cubic metre	Name of forest where right exists

15. I, hereby declare that,-

- (i) Timber Distribution requirement is not for construction/maintenance of house located in urban area;
- (ii) trees to meet the requirement for construction/maintenance of house/cowshed are not available on my land;
- (iii) I have not sold any trees from my land under the 10 year felling programme during the last 10 years;
- (iv) I have land holding at only one place/more than one place i.e. at \_\_\_\_\_.  
An affidavit regarding my option for getting Timber Distribution at \_\_\_\_\_ has been submitted to the Divisional Forest Officer, \_\_\_\_\_/enclosed herewith;
- (v) I am the original right holder and also the head of the family;
- (vi) I have not purchased land after obtaining the permission of the Government under Section 118 of the Tenancy and Land Reforms Act, 1972;
- (vii) I shall not use timber granted to me for the purpose of construction/maintenance of house to be used for commercial/hiring purposes;
- (viii) I understand that rights and concessions including Timber Distribution rights are subject to cooperation and participation of right holders in forest conservancy and I shall perform my duties for apprehending forest offenders, extinguishing fire etc. and
- xi) I shall not misuse the Timber Distribution grant and abide by the rules/instructions of the Forest Department in this regard.

Dated \_\_\_\_\_ (Signature of applicant )  
Name in block letters \_\_\_\_\_

**Verification/report of Panchayat**

It is certified that Sh. \_\_\_\_\_ S/o  
Sh. \_\_\_\_\_ is a permanent resident of village  
\_\_\_\_\_ Mauza \_\_\_\_\_ and is head of the family. The requirement of timber of the applicant is genuine and he requires \_\_\_\_\_ Cum of timber for construction/maintenance of his house/cowshed. A copy of resolution passed by the Panchayat in this regard is enclosed.

Dated  
**Report of Patwari**

Seal & Signature of  
Pradhan Gram Panchayat

Certified that Sh. \_\_\_\_\_ S/o  
Sh. \_\_\_\_\_ is a permanent resident of \_\_\_\_\_  
Mauza \_\_\_\_\_. Applicant is owner of the cultivable land comprising  
Khasra number \_\_\_\_\_ measuring \_\_\_\_\_ and pays \_\_\_\_\_ amount of  
Rs. \_\_\_\_\_ per annum as land Revenue and has a right to obtain trees in  
T.D. He is the head of the family.

Dated

Signature Halqua Patwari

**Report of Forest Guard:**

- (i) The applicant has not obtained timber under Timber Distribution for construction of new residential house/cowshed during his life time/for the last 30 years/the applicant has not obtained timber under Timber Distribution for maintenance of residential house/cow shed for the last 15 years.
- (ii) Applicant has not sold any trees from his land during the last ten years under 10 years felling programme.
- (iii) Applicant does not have trees standing on his own private land.
- (iv) The applicant has not caused any loss/damage to forest wealth/encroached forest land and no damage report/FIR/court case relating to any forest offence is pending against him.
- (v) The requirement of timber is on account of \_\_\_\_\_.
- (vi) The applicant extends full cooperation in protection of the forest.
- (vii) The applicant may be sanctioned \_\_\_\_\_ cum converted timber of \_\_\_\_\_ species from \_\_\_\_\_ depot.
- (viii) Timber recommended for grant in Timber Distribution are silviculturally available in the forest where right of the right holder exists.

Signature  
Forest Guard

\_\_\_\_\_ Beat

**Report of Block Officer (Deputy Ranger):**

- (i) Certified that the contents of the application and the certificates given by the beat Guard are correct.
- (ii) I have visited and inspected the site of construction of new residential house/cow shed/maintenance of residential house/cow shed, where Timber Distribution grant is proposed to be utilized and also the forest on spot and the applicant may be granted \_\_\_\_\_ Cum of timber of \_\_\_\_\_ species in converted form which is silviculturally available from \_\_\_\_\_ forest.

Signature

Block Officer, \_\_\_\_\_ Block

**Report of Range Officer:**

The requirement of the applicant is genuine and he may be granted \_\_\_\_\_ Cum timber of \_\_\_\_\_ species from the \_\_\_\_\_ Depot for which trees are silviculturally available.

Signature \_\_\_\_\_  
Forest Range Officer \_\_\_\_\_

**Sanction by DFO**

\_\_\_\_\_ Cum of timber of \_\_\_\_\_ species from \_\_\_\_\_ Depot is hereby granted to the applicant.

Signature  
Divisional Forest Officer,  
\_\_\_\_\_ Forest Division.

Form  
(See rule-8)

**Annexure-II**

From No.  
Himachal Pradesh Forest Department  
Divisional Forest Officer,  
\_\_\_\_\_ Forest Division,

To \_\_\_\_\_  
Sh/Smt \_\_\_\_\_  
Village \_\_\_\_\_ Post Office \_\_\_\_\_  
Tehsil \_\_\_\_\_ Distt. \_\_\_\_\_

Dated \_\_\_\_\_  
Subject: **Grant of Timber Distribution**

Sir,  
Please refer to your application dated \_\_\_\_\_.

2. Your application for grant of \_\_\_\_\_ cum timber of \_\_\_\_\_ species for construction/maintenance of house/cowshed has been considered by the undersigned and it is decided

to sanction TD measuring \_\_\_\_\_(cum) of \_\_\_\_\_ species from \_\_\_\_\_ Depot for the construction/maintenance of house/cowshed.

The timber shall be lifted from the depot within \_\_\_\_\_ months from the date of sanction and shall be utilized within \_\_\_\_\_ months or within the extension granted, if any, otherwise the timber obtained by you in T.D. is liable to be seized.

OR

that your TD application has been considered and rejected on the following grounds:-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yours faithfully,  
Divisional Forest Officer,  
\_\_\_\_\_ Forest Division,

Endst. No.                      Dated

Copy forwarded to Range Officer \_\_\_\_\_ for information and necessary action.

Divisional Forest Officer,  
\_\_\_\_\_ Forest Division,

By Order,

Addl. Chief Secretary (Forests) to the  
Government of Himachal Pradesh

**Endst. No. FFE-B-E(3)-43/2006-Vol-I Dated: Shimla-171002, 2<sup>nd</sup> January, 2010.**

Copy forwarded for information and necessary action to:

1. All Administrative Secretaries to the Govt. of H.P.
2. The Principal Chief Conservator of Forests, H.P. Shimla-1.
3. The Principal Chief Conservator of Forests, Wildlife, HP/ MD HPSFDC Ltd. Shimla-9
4. All the Addl.Principal CCFs/CCFs and Conservators of Forests/Divisional Forests officers in Himachal Pradesh.
5. All Heads of the Departments in Himachal Pradesh.
6. The Controller, H.P. Printing & Stationery Department Ghora Chowki. Shimla-5 for publication in Rajpatra(Extra ordinary). Five copies of the same be sent to this Department.
7. All the Deputy Commissioners in Himachal Pradesh.
8. The Under Secretary (Finance) to the Govt. of Himachal Pradesh, Shimla-2.
9. The DLR-cum-Deputy Secretary (Law) to the Govt. of H.P. Shimla-171002.
10. Guard file.
11. Spare copies (50).

Sd/-  
Deputy Secretary (Forests) to the  
Government of Himachal Pradesh